



DEVELOPMENT:

Permission was sought for the demolition of the existing building (1,417sq.m.) and the construction of a 22 storey (88m) over three level basement, office and hotel development with a rooftop restaurant. The development also includes an upgrade of the public concourse to Tara Street rail station and a new public thoroughfare linking the two uses. The protected structure Kennedy's Pub is not part of the scheme.

Location

Tara House, 2-16 Tara Street,
Dublin 2

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2856/17

Applicant(s)

Tanat Ltd.

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Tanat Ltd

Observer(s)

Transport Infrastructure Ireland
Kennedy Tavern Ltd., & C. Kennedy

	Irish Georgian Society
	Alstead Securities Ltd.
Date of Site Inspection	17/10/2017 and 23/10/2017
Date of Oral Hearing	26 th and 27 th October 2017
Inspector	Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site is located at the junction of George's Quay and Tara Street, to the south of Butt Bridge as it crosses over the River Liffey. The 0.2ha site is an irregular shape, with fragmented frontage on to George's Quay as the northern boundary – the protected structure Kennedy's Public House is a cut-out of the site's application boundary. To the immediate east is Tara Street rail station with an open concourse. The Concourse has two ticket machines, a food outlet and the front of house for Irish Rail Offices. Access to retail units under the Loop Line bridge is off the concourse. The exposed eastern gable of Kennedy's rises three storeys above the Irish Rail offices.
- 1.1.2. The western boundary of the site faces Tara Street. The exposed western boundary of Kennedy's is covered in a three storey art piece. The ground level of the gable is behind hoarding that surrounds an area of waste / scrub land. To the south of the hoarding is a 1970's office block Tara House: two storeys over an extended ground floor. The office block appears to have been vacant for some time and is in a state of disrepair. The southern gable of Tara House forms part of the southern boundary of the site, with access to the rear of the office block via Poolbeg Street. This section of Poolbeg Street also provides access to Ashford House – a 6 storey office block to the immediate south of the site and to a public house under the rail bridge. Further east is Luke Street. Luke Street provides vehicular access to the Ulster Bank George's Quay development and stopping points for a number of Dublin Bus routes.
- 1.1.3. Photographs from the site visits are appended to this report.

2.0 Proposed Development

- 2.1.1. Permission was sought for the demolition of the existing building (1,417sq.m.) and the construction of a 22 storey (88m) over three level basement, office and hotel development with a rooftop restaurant. The development also includes an upgrade of the public concourse to Tara Street rail station and a new public thoroughfare linking the two uses. The protected structure Kennedy's Pub is not part of the scheme.
- 2.1.2. The proposed Tower development comprises three levels of basement parking (36 no. car spaces and 117 cycle spaces) and plant, a five level podium hotel of 110 bedrooms (4,455sq.m.), an outdoor terrace at the 5th floor (225sq.m.) office

accommodation (10,361sq.m.) up to the 20th floor and a restaurant with two public terraces on the 21st floor. Two stand-alone 'wing' structures of three storeys in height are proposed on either side of Kennedy's' Public House (a Protected Structure) which will provide café / retail / restaurant use (66sq.m.). Total café / retail / restaurant floor area including the 21st floor is (580sq.m.).

2.1.3. Examining the main building of the proposed development on a floor by floor basis, the following is proposed:

- Basement -3: 18 no. car parking spaces (2 x mobility impaired), 2 no. vehicle lifts, 2 no. stair cores, 6 no. lifts, disabled access WC.
- Basement -2: 18 no. car parking spaces (2 x mobility impaired), 2 no. vehicle lifts, 2 no. stair cores, 6 no. lifts, disabled access WC.
- Basement -1: plant area, 117 no. cycle spaces, shower & changing facilities including disabled access facilities, 2 no. bicycle lifts, 2 no. vehicle lifts, 2 no. stair cores, 6 no. lifts, disabled access WC.
- GF: Hotel foyer with restaurant (113sq.m.), Office entrance foyer (160sq.m.), LV switch room, ESB substation, deliveries area, ancillary hotel accommodation, cycle lift lobby, vehicle access & lifts
- Floors 1: 23 no. hotel beds, 2 no. stair cores, 6 no. lifts, disabled access WC, hotel storage, void over concourse below
- Floors 2, 3 and 4: 29 no. hotel bedroom accommodation, 2 no. stair cores, 8 no. lifts, disabled access WC, hotel storage,
- Floor 5: office floor space (319sq.m.), terrace access lobby (72sq.m.), outdoor terrace with disabled access WC and 2 no. lifts, 2 no. stair cores, 6 no. lifts, 2 no. toilet areas, plant enclosure
- Floors 6 – 20: office floor space (460sq.m.) 2 no. stair cores, 6 no. lifts, 2 no. toilet areas, disabled access WC
- Floor 21: Restaurant (409sq.m.) bar area, food preparation area, 2 no. outdoor terraces, 2 no. stair cores, 6 no. lifts, 2 no. toilet areas, disabled access WC
- Roof: window cleaning cradle, swift nesting box, peregrine falcon nesting box,

2.1.4. Details provided in the application form include the following:

- total site area 2,013sq.m.
- Floor area of buildings to be demolished: 1,417sq.m.

- floor area of proposed buildings: 18,451sq.m.
- total gross floor area: 18,451sq.m.
- proposed plot ratio 9.44 and proposed site coverage 41.23%

2.2. The application was accompanied by the following:

- Cover letter
- Planning Report
- Environmental Impact Statement and Non-Technical Summary
- Letter of consent from CIE
- Letter of consent from DCC
- Letter from the Irish Aviation Authority
- Planning Report
- Architectural and Urban Design Rationale
- Engineering Services Report
- Flood Risk Assessment
- Traffic Report
- Mobility Management Plan
- Demolition Method Statement
- Construction Management Report
- Waste Management Statement
- Sustainability and Energy Efficiency Report
- Screening for Appropriate Assessment
- Socio-Economic Impact Assessment Report
- Assessment of Requirement for Office & Hotel Development
- Letters of support from Irish Hotels Federation, Irish Tourism Industry Confederation, Convention Centre, Prof. Constantin Gurdgiev, and CIE
- and 2no. models (third model submitted at Oral Hearing).

2.2.1. Drawing no. 2042 P1 Proposed Extensions to Pub Building East and South Elevations was submitted to the Planning Authority as unsolicited addition information on the 12th May 2017.

3.0 Reports on file following submission of Application

3.1. Third Party Observations

3.1.1. A large number of submissions, both in support and in objection to the proposed development were submitted to the Planning Authority. A number of the issues have been raised at appeal stage and will be addressed below. Issues raised at application stage which did not form part of the appeal can be summarised as follows:

- No social housing in the scheme,
- Precedent for high rise development in the city
- Construction period will affect local businesses
- Technical inaccuracies in the submitted drawings.

3.2. Planning Authority Reports

3.2.1. **Drainage Department:** No objection subject to conditions.

3.2.2. **Roads Traffic Department:** Serious concerns over proposal to provide 36 no. spaces. Recommends 10 no. spaces as a maximum. Clarification needed over proposed loading bay at Poolbeg Street and drawings required showing delivery of a 3m wide street along Poolbeg Street. Request additional information

3.2.3. **City Archaeology:** Development is in the Zone of Archaeological constraint for the recorded monument DU018-020 (Dublin City) and within the Zone of Archaeological Interest. Recommendation that during construction all excavations be subject to monitoring by a suitably qualified archaeologist. This will allow for the exposure and recording of the previously identified post medieval cobbled surfaces on site as well as the further characterisation of the dark grey silty layer identified at 3.2m- 3.7m on the southern portion of the site. Condition recommended.

3.2.4. **Waste Management:** Conditions recommended.

3.2.5. **Environmental Health Officer:** Notes that the EIS does not make reference to potential noise from patrons and music on the rooftop terrace, recommends AI be sought.

3.2.6. **City Architect:** Examines the proposal under the following headings: Public Realm and Streetscape, Architectural Assessment, Context and Summary & Conclusion. In

the summary and conclusion, the City Architect states that greater clarity is required regarding materials and the cleaning and maintenance of the proposed building, that there are several concerns regarding functionality with unresolved issues relating to access, circulation, servicing, maintenance, use and crossover of use, that details regarding operational management are outstanding and that the proposed development does not deliver the aspirational claims of the application. The City Architect states that the commitment of the developer to deliver a landmark building is less than convincing. The report states that the future status of Georgian Dublin to be considered for World Heritage Cultural Site Status will be compromised by the proposed development, that the setting and context of the Custom House will be compromised and that the North façade of the proposed tower is underplayed. The report states that the matrix of significance provided by the applicant devalues historically important areas of the city and dramatically understates the significance of the approach from the West along the River Liffey. The proposed development will have an unacceptably negative impact on the skyline of Trinity. She recommends that permission be refused for reasons of scale and proportion, architectural quality, impact on the immediate and city wide context and visual impact on historic views.

3.2.7. **Planning Report:** States that the proposed demolition of the existing building on site is acceptable, that the proposed podium element of the proposed tower is acceptable and that the proposed wings on either side of Kennedy's are acceptable. In relation to public realm, the planner welcomes the proposals for widened footpaths, pedestrian linkages and the new public concourse. He notes some reservations regarding the lack of street frontage onto Poolbeg Street but states that as the least used street it is the appropriate location for access and service arrangements. The increase in economic development from the proposed development is also welcomed and stated to be in accordance with development plan policies. In relation to height and visual impact, the planner notes that the George's Quay LAP provides for a 22 storey (88m) building on the subject site, it must be subject to design standards and the assessment criteria for higher buildings. The planner states that the photomontages submitted with the applicant show the proposed tower having a significantly detrimental impact (due to its massing and design) on townscape views. Views from Dublin's historic core are said to be unacceptably negative. The profile, context and setting of the Custom House is stated to be completely altered by a 'dramatic and unacceptably conspicuous affect'.

The visual impact from Trinity is stated to be “dramatic and piercing”. With respect to the bulk and massing, the planner states that the tower will be read as one volume, notwithstanding design features to depict two elements. The planner states that this could not be overcome by way of condition or further information request. The shadows cast on the Custom House are described as regrettable. The conclusion of the planning report is that the location is highly sensitive and that while the proposed development has many positives, the scale height and massing of the proposed development cannot be supported. Recommendation to refuse permission.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. On the 29th June 2017 the Planning Authority issued a notification of intention to **refuse** permission for the following reason:

1. Having regard to the prominent and sensitive location of the subject site by reason of its important location within the historic city core, its relationship to the River Liffey, and its proximity to the Custom House and having regard to Policy SC7 & SC17 of the Dublin City Development Plan 2016-2022 which seeks to protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the inner city, the proposed development due to its scale, bulk and height would seriously detract from the setting and character of the Custom House, one of the city’s most important architectural set pieces, and would also have an adverse and detrimental impact on the River Liffey Conservation Area and the O’Connell Street and Environs Architectural Conservation Area. Furthermore, the proposal would by reason of visual intrusion, have a significant and detrimental visual impact on a number of important views and vistas in the city including from College Green and the Trinity College Campus, as well as Lord Edward Street, the Five Lamps, Granby Row, Fredrick St North, Parnell St North, Henrietta St, Kildare St and Harcourt St. The proposed development would therefore seriously injure the urban character and visual amenities of the historic city core and would be contrary to the proper planning and sustainable development of the area.

5.0 Planning History

5.1.1. Relevant planning history for the subject site is as follows:

5.1.2. **PL29S.128164:** In 2002 permission was granted to Iarnród Éireann for the redevelopment of Tara Street Station consisting of a new station concourse with a 10 storey office development with a public restaurant and retail unit. The site excluded Kennedy's Public House. The development was amended during the course of the application to provide for: an overall reduction in the floor areas of the office development onto Poolbeg Street; the height of the development onto Tara Street reduced by 7.8m; the overall height of the development onto Poolbeg Street and Tara Street was reduced to 44.9m. The overall height of the curvilinear part of the development remained at 60.8m at the north apex and 57m at south apex. A four-storey projecting glass element was incorporated into the corner treatment at Poolbeg Street and Tara Street. Other redesigned elements resulted in the overall area of the building above the station concourse being reduced from a gross area of 17,605sq.m. to a gross area of 16,248sq.m.

5.1.3. **PL29S.PA0012:** In 2010 under s37B of the Planning and Development Act 2000-2006 permission was granted to Iarnród Éireann for a development described in the public notices as a 15 storey development comprising an increased station concourse, station accommodation, retail and offices over ten levels.

5.2. During the period of the application, the Board advised the applicant that they considered that a building of the scale, height, outline and siting proposed would be visually obtrusive in the streetscapes and riverscape, adversely affect the setting of the Custom House, a protected structure of primary national importance, and by itself and by precedent unduly detract from the visual character and amenities of the city centre. The Board considered that the layout as designed at ground floor level, in particular the office lobby, unduly restricted accessibility and circulation between the station concourse and the public realm. The Board advised the applicant that they would consider granting permission following the submission of revised particulars, plans and drawings to address their concerns.

5.3. The Applicant was advised that the height of the building (while maintaining its current profile) should be reduced as follows: the main part of the building currently indicated at an apex height of 60.8 meters at George's Quay should be reduced to an

apex height of 49.1m, the circular core element should be reduced to 42.825m, the rectangular office element on Tara Street should be reduced in height from 11 stories down to 31.95m (8 stories), the plant area indicated at roof level over the entire top floor should be restricted to the rear part of the building not north of grid 'k' and the uppermost floors of the building forward of this gridline should contain accommodation with similar glazed façade treatment to the lower office floors and finally that the lobby linking the office core to the street should be relocated from the Tara street/ Poolbeg street corner to Poolbeg Street and all of the ground floor area currently indicated as 'waiting area' and 'office lobby;' should be incorporated into an enlarged station concourse including additional entrances onto Tara Street and at the Tara Street/Poolbeg Street corner. Revised plans reflecting these requirements were submitted to the Board.

5.3.1. Permission was granted for a ten-year period from 1/01/2010.

5.4. **Planning History for the wider area**

5.4.1. A number of applications for development in the wider area are of relevance to the subject development. These are as follows:

5.4.2. **PL29S.245492:** on the 16th of March 2016, the Board granted permission for a mixed use office, café, retail/restaurant scheme on site of 0.24 hectares at numbers 13-18 City Quay, Dublin. The development of a building from five to nine storeys over basement level will accommodate office, café, two retail or restaurant units. The development will also consist of: a new civic space to the north of the site at City Quay.

5.4.3. **PL29S.247907:** On the 14th of June 2017, the Board granted permission for the demolition of Apollo House and the Long Stone Pub on Townsend Street and the construction of a commercial office building ranging in height from five storeys to 11 storeys (removal of tenth floor upon FI). Development of c.16,205sq.m. to also include two café/restaurant/retail units, one bar/café/restaurant, roof terraces at tenth, eighth sixth and fifth floor levels, and new civic space onto Poolbeg adjoining Hawkins House.

5.4.4. **PL29S.247912:** Also on the 14th June 2017, the Board granted permission for the demolition of Hawkins House and construction of a commercial office building ranging in height from six storeys to 10 storeys. The total gross floor area above

ground of this building of 18,861sq.m. includes one cafe/restaurant/retail unit, one cafe/restaurant/retail unit (with the potential for sub-division to two units), an entrance foyer and public reception onto Hawkins Street and a public office entrance onto a new civic space. Roof terraces are provided on the sixth seventh and eighth floor levels. The development will also consist of a new civic space between Poolbeg Street and Hawkins Street adjoining Screen Cinema/College House site.

6.0 Policy Context

6.1. Dublin City Development Plan 2016-2022

- 6.1.1. Under the 2016 plan, the subject site is zoned **Z5 City Centre**, which has the stated objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.
- 6.1.2. **Section 14.8.5** of the development plan states that the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. Permissible uses within the mixed use Z5 zone include Hotel, Office, Restaurant, Public House and Shop (Major Comparison), Shop (district), Shop (neighbourhood).
- 6.1.3. **Development management standards** for Z5 zones include an indicative plot ratio of 2.5-3.0 and indicative site coverage of 90%.
- 6.1.4. Section 2.2.4 of the plan refers to the Council's employment and enterprise strategy, stating that the city centre zoned area (Z5) is the key employment location. Policies to in relation to employment include Policy **CEE5** and Policy **CEE11**
- 6.1.5. Policy **CHC4** and **section 11.1.5.6** refer to Conservation Areas.
- 6.1.6. **Section 4.5.4.1 Approach to Taller Buildings** states that Dublin City Council acknowledges the intrinsic quality of Dublin as a low-rise city and considers that it should remain predominantly so. The policy notes that taller buildings can also play an important visual role and can make a positive contribution to the skyline of a city and it recognises the merit of taller buildings, including landmark buildings, in a very limited number of locations at a scale appropriate for Dublin. Taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs.

- 6.1.7. Figure 19 of the Development plan sets out locations for buildings over 50m. George's Quay is included as a "high rise" site. **Policy SC16** states that the provision of higher buildings at those locations shall be subject to the provisions of the relevant LAP, SDZ or SDRA.
- 6.1.8. Policies of note include: **SC7**: To protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence. **SC16**: To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA). **SC17**: To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in Chapter 15 (Guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.
- 6.1.9. **Section 16.7.2** of the development plan sets out the Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development. This section also sets out the **Assessment Criteria for Higher Buildings** stating that all proposals for mid-rise and taller buildings must have regard to the assessment criteria for high buildings, as follows:
- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas
 - Effect on the historic environment at a city-wide and local level
 - Relationship to transport infrastructure, particularly public transport provision
 - Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for
 - Contribution to public spaces and facilities, including the mix of uses

- Effect on the local environment, including micro-climate and general amenity considerations
- Contribution to permeability and legibility of the site and wider area
- Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360-degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies
- Adoption of best practice guidance related to the sustainable design and construction of tall buildings
- Evaluation of providing a similar level of density in an alternative urban form

6.1.10. Kennedy's Public House is a **protected structure** and is listed as no. 3101 on the RPS (volume 4 of the development plan). **Appendix 24** of the development plan refers to Protected Structures and Buildings in Conservation Areas.

6.1.11. In terms of **car parking provision**, the development plan requires: 1 space per 400sq.m. gross floor area of office space is required, 1 space per 4 hotel rooms. Cycle spaces are 1 space per 150sq.m. office space, 1 space for every 10 hotel bedrooms, 1 space per 150sq.m. of restaurant / café use

6.2. **George's Quay LAP 2012**

6.2.1. The 2012 LAP was extended to 2022 following a resolution of DCC in June 2017. The plan identifies four character areas within the LAP boundary. The subject site is located in the 'Office zone' – a key location for commercial development due to the proximity to the city centre and significant public transport services. The Chief Executive's Report on the extension of the LAP states that only 15% of the 'key sites' are under construction and there are objectives that remain to be achieved.

6.2.2. The LAP is updated to May 2017. The subject site is shown as Key Site 'C'. Section 3.2.1.3 of the updated LAP refers to "Tara Street Station". A summary of the key objectives is listed as

- The LAP seeks a new public plaza to the station concourse which in turn responds to new pedestrian route through the Hawkins House site
- Provide a tall landmark building with large commercial space, with potential of up to 22 storeys (22m), subject to design and visual assessment

- Widen footpath to Tara Street and Poolbeg Street to improve public realm.
- Integrate Kennedy's pub (a protected structure)
- New rail station and plaza to include bike parking station.

7.0 The Appeal

7.1. First Party Appeal

7.1.1. A first party appeal against the decision to refuse permission was received by the Board on the 25th July 2017. The appeal included a request for the Board to hold an Oral Hearing. The appeal was accompanied by the following documentation:

- Townscape, Landscape, Heritage and Visual Impact Response to Refusal
- Architectural Appeal Information
- Daylight / Sunlight Analysis
- Traffic and Transport Report
- Letter of Support from JLL
- DCC Chief Executive Report Council Meeting 12/06/17 re George's Quay LAP
- Structural Integrity Report Kennedy's Pub

7.1.2. In terms of **policy framework**, the appeal states that the proposed development complies with the approach of the Development plan in terms of national and regional economic policies and section 4.5.4.1 which refers to the Council's policy on buildings over 50m at George's Quay. The appellant submits that the proposed development is compliant with the George's Quay LAP 2012 which was extended to 2022 by a Council decision on the 12th June 2017. The LAP identifies the Tara Street Station site for an 88m / 22 storey landmark building, terminating the view along the River Liffey and announcing the presence of a major railway station. According to the appellant the proposed development complies with the 'key objectives' of the LAP for the delivery of the landmark building, in that the contemporary design adds to the cityscape and presents an interesting feature in the sky line. It is submitted that there is a strong planning case for this 'plan-led' development.

7.1.3. The appeal presents the **planning history of the site**, noting that an extant permission (PL29S.PA0012) will be implemented if permission is not received for an alternative design. The appeal notes that the Chief Executive's Report on the

extension of the George's Quay LAP is incorrect in stating that the extant permission is not viable due to a sale of part of the site.

- 7.1.4. The appeal provides a **description of the site and the proposed development**. The detail is similar to that presented in the application to the Council and shall not be repeated or summarised in this section suffice to note that it encompasses an introduction, an architectural rationale, a section on retail and commercial uses, details of the proposed public realm, finishes and materials, access and car parking, and details of the design review panel.
- 7.1.5. The appeal provides details of how the proposed development complies with National and Regional planning policy. In terms of the **City Development Plan 2016-2022**, the appeal states that the proposed development complies with the site's Z5 zoning objective, with the policies on economy & enterprise, on offices / commercial / employment spaces, on tourism, urban density and the plans approach to taller buildings. The appeal states that with regard to taller buildings, policies SC7, SC16 and SC17 are of relevance, as are the policies SC19 and SC20 relating to public realm. Policy SC26 relating to urban form and architecture is also noted. The case being made that the proposed development complies with all of these development plan policies.
- 7.1.6. Still referring to policies of the development plan, a further argument is set out in relation to Building Height in a Sustainable City. The appeal notes Fig 19 which sets out the locations the CDP has identified for high rise buildings (high rise being noted in Fig 19 as being over 50m). A table on page 303 of the development plan identifies the location of the subject site as one of the High Rise Locations. The appeal lists the assessment criteria for mid-rise and taller buildings: relationship to context, relationship to transport infrastructures, architectural excellence (slenderness ratio), contribution to public spaces, effect on the local environment, contribution to permeability and legibility, material necessary to conduct an assessment, best practice guidance and evaluation of alternatives. The appellant submits that the proposed development is consistent with all of this guidance.
- 7.1.7. The final section of this part of the appeal refers to compliance with the development plan policies on energy efficiency, archaeology, conservation areas and parking.

7.1.8. The appeal proceeds to assess the proposed development against the policies of the **George's Quay LAP**, noting the policy objective to provide a building of 88m on the subject site, the objective to facilitate significant new employment (office and commercial) spaces, the objective that Tara Street be a primary gateway to the City Centre, economic policies of the plan, promotion of active streets, and public realm objectives. The case is made that the proposed development complies with all of these objectives of the LAP. The appeal refers to Fig 32 of the LAP and states that the existing concourse from George's Quay will be upgraded and a major new public concourse will be provided through the site from Tara Street. This along with 9m wide footpaths will achieve the objective of Fig 32 of the LAP.

7.1.9. The appeal notes the position of **Kennedy's pub** (a protected structure) in relation to the site, stating that the proposed development integrates the pub without compromising its setting

7.1.10. The response to the reason for refusal can be summarised as follows:

- The Council's reason for refusal is a direct contradiction of the Council's decision to extend the life of the George's Quay LAP which explicitly provides for a tall landmark building up to 88m on the subject site. The reason for refusal also contradicts the Council's adoption of the 2016-2022 development plan, which provides for a high building at George's Quay
- The planning report is generally supportive of the proposed development and the design. The planner noted that the vertical fins would reduce the overall massing and scale of the building, yet this was included in the reason for refusal, rather than its proposed design quality. The planning report concluded that the proposed development achieved many of the aspirations of both the development plan and the LAP for the area.
- The effect of the planner's report and the reason for refusal is that a landmark building of 88m is not appropriate at the subject location. This is a direct contradiction of the development plan and the LAP. In arriving at those policy documents the City Council would have considered the visual impact of such a building from a wide range of locations within the City Centre.
- It is acknowledged that the proposed development creates a juxtaposition between the historic low rise character of the existing historic city, however it

must be noted that this is not necessarily a negative impact on the existing character and historic core of the surrounding area. The difference in scale, height and massing is representative of modern design, creating a new landmark view. It is submitted that this will work well as a new city skyline.

- The opinions of a review panel comprising a number of highly respected architects formed a pivotal part of the design process. This was not acknowledged by the Council. The review panel were supportive of the podium design, public realm improvements, materials & finishes and mix of uses. Amendments made to the proposed building based on the panel's findings are an increase in the verticality of the building, lowering the height of the podium level and emphasis on the 'slip' between the two buildings. The proposed development is of high architectural quality which is responsive to its surrounding built form.
- A visual impact assessment submitted with the application. It finds that the proposed development is a clear contradiction between old and new additions to the city skyline and therefore adds a positive addition to the urban character and regeneration of the city.

Daylight / Sunlight

- The Council's Planning report noted that overshadowing and loss of light could occur in the immediate block around the site. The applicant's Daylight / Sunlight Assessment found that the impact would be "imperceptible", "moderate" or "slight" at various points. In an urban area some overshadowing is unavoidable but the proposed development will not cause any significant adverse impact. Responding to the Council' assessment of material impact on the Custom House, the Assessment found that the impact will be imperceptible as it is already in shadow from other buildings.

Materials & Finishes

- Appendix 3 of the appeal documentation provides details of the façade, materiality and detailing of the proposed development and sets out a strategy for the maintenance of the tower building.

Traffic and Transport

- Appendix 5 of the appeal documentation provides a justification for the proposed 36 no. car parking spaces on site.

Operational Management

- In response to the City Architect's concerns regarding operational requirements (BoH servicing and circulation, deliveries, car parking drop offs etc.), an Operational Management Plan has been submitted with the appeal. This best practice strategy complies with all legal requirements regarding waste.

Landmark Building

- The proposed development which will be a high quality scheme will achieve landmark status and will rejuvenate the immediate area through economic, tourism and commercial activity. This is acknowledged in the City Planner's report.
- The JLL report submitted with the application justifies the need for hotel accommodation at this location.

Response to Other DCC Departmental Reports

- **City Architect:** The City Architects statement that the public realm will be neither attractive nor safe is in direct contradiction of the City Planners report. The proposed public realm will significantly regenerate the surrounding area, improve pedestrian connectivity and provide a new station concourse. Appendix 3 of the Appeal documentation outlines the detail of the design and its functionality.
- **City Archaeologist:** Agreed with the Archaeology chapter of the EIS.
- **Engineering Department Drainage Division** had no objection to the proposal.
- **Environmental Health Officer:** The applicant is willing to accept a condition to address the EHO's concerns about rooftop noise.
- **Roads and Traffic Planning:** Appendix 5 of the appeal documentation address the RTP department's concerns in relation to traffic impact, car lift, access, servicing and car parking.

- **Waste Management:** The applicant is willing to accept the requirements of the Waste Management Division by way of condition.

7.1.11. The appeal also responded to the **Third Party Observations** submitted at application stage. The responses can be summarised as follows:

- **Kennedy's Pub:** the proposed 'extensions' to the pub are functionally and physically independent of the pub which is outside the application site. The proposed extensions will restore street frontage along the Quays. Access to Tara Street from the unit on the east of the pub is via an unframed glass door. The structural integrity of Kennedy's pub is ensured through the complete separation of the super structure and the foundation.
- **ACA:** the subject site is not located within an ACA
- **Red Line Boundary:** Regulations do not require distance to boundaries to be noted on plans. The submitted drawings are fully compliant.

7.1.12. **Appendix 2** of the appeal is a report by Richard Coleman, City Designer. This report titled "**Townscape, Landscape, Heritage and Visual Impact Response to Refusal**" assesses the impact of the proposed development. The report refers to the Planning Authority's reason for refusal addressing a number of the City Development Plan policies referred to in the Council's decision. The conclusion being that the proposed development complies with the policies. The assertion of the City Council's planning report that the proposed development will be 'dramatic, piercing, intrusive, unacceptably conspicuous' is refuted. The author states that the proposed landmark building will be a 'visual delight', achieving the highest levels of architectural quality. The author disagrees with the City planner's analysis of the visual analysis of the building, stating that the proposed building is not symmetrical, and is in compliance with the required slenderness ratio.

7.1.13. The report refers to the 47 no. views assessed as part of the Townscape, Landscape, Heritage and Visual Impact Assessment (TLHVIA) which found that the development would have major, beneficial effects on three views, moderate and beneficial effects on 20 no. views, minor and beneficial or neutral effects on 15 no.

views and no effect or a negligible effect on the remaining nine views. The TLHVI response repeats a number of these view assessments.

- 7.1.14. **Appendix 3** of the appeal is an 'Architectural Appeal' document prepared by the development's architect. This document provides an executive summary, planning context, exemplar design analysis, comparison with Irish and European Cities, exemplar Architectural comparative, design rationale and excellence, slenderness ratio assessment, details of the façade materiality and detailing, response to Kennedy's and operation, management & maintenance details.
- 7.1.15. **Appendix 4** of the appeal is a Daylight Sunlight Assessment of the proposed development.
- 7.1.16. **Appendix 5** of the appeal is a Traffic and Transport Report. The report states that the proposed development complies with the CDP in terms of car parking and cycle parking provision, will have minimal impact on the traffic network and provides sufficient serving arrangements.
- 7.1.17. **Appendix 6** of the appeal is a letter from a property company stating that more hotel accommodation is needed in the city centre and that the proposed development is an acceptable location to respond to that need.
- 7.1.18. **Appendix 7** of the appeal is a copy of the Chief Executives Report on the extension of the **George's Quay LAP** and minutes from the City Council meeting of 12th June 2017. Item no. 14 of the meeting minutes refers to the carrying of a motion that 2012 LAP be extended for a further period of 5 years (from 2017 to 2022).
- 7.1.19. **Appendix 8** is a Structural Integrity Report. The report provides details of the proposed three level basement adjacent to Kennedy's Pub and the proposed single level structure on either side of the pub.
- 7.1.20. The appeal concludes by requesting that the Board grant permission for the proposed development.

7.2. **Planning Authority Response**

- 7.2.1. The Planning Authority indicated that they had no further comment to make, directing the Board to the planner's report on file.

7.3. Observations

- 7.3.1. **Transport Infrastructure Ireland (TII):** The proposed development falls within the area set out in the Luas Red Line Docklands Extension Section 49 Levy Scheme. If the proposed development is not exempt, the Board is requested to include a S49 levy.
- 7.3.2. **Irish Georgian Society:** The IGS notes the provisions of the development plan permitting structures in excess of 50m in height on George's Quay. It is submitted that assessing the proposed development in terms of scale, bulk, height, massing and design, the proposed development would have a detrimental impact on the character and setting of protected structures, conservation areas and ACA's. The IGS states that the photomontages show that the proposed development would dramatically impact the Custom House context and setting, disrupting the roofline and horizontal setting and diminishing the prominence of the dome.

The observation states that the EIS shows that the proposed development would feature prominently in the vista from Frederick Street to Parnell Square and when viewed from Granby Row. It is submitted that the photomontages show that the proposed development would significantly intrude on the most architecturally sensitive parts of Trinity College, would loom large in the streetscape of College Green and that the prominence of the building from Harcourt Street is indicative of its citywide impact. It is concluded that the proposed development would have a material, adverse and detrimental effect on the character, setting and integrity of key buildings and architecturally sensitive locations in the city and is therefore contrary to the Planning Authority's policy to protect the city's built heritage.

- 7.3.3. **Kennedy Taverns and Ciaran Kennedy:** The Board is requested to acknowledge the unacceptable impact of the proposed development on the Observer's premises. The Observer states that they are agreeable to a suitable design and would like to be part of the re-development of the site. The grounds of the Observation can be summarised as follows:
- The Observer is not happy with the attempts made to integrate Kennedy's pub into the proposed development. There is potential to demolish the unprotected structures to the rear of the public house in order to further integrate the two sites. The proposed wings on either side of Kennedy's are limited in functionality.

The introduction of upper floors and their integration with the pub would resolve this issue.

- The proposed development is excessive in terms of scale, height, bulk and mass. It will have a detrimental impact on a number of important views and vistas in the city.
- The proposed plaza will become a location for antisocial behaviour and will not meet the objectives of the development plan. The pinch point to the rear of the pub could be alleviated with the removal of the rear boundary wall of Kennedy's pub.
- The structural report submitted by the applicant does not address the Observer's concerns – the site is on reclaimed land with a high moisture content. Insufficient details have been submitted.
- The proposed 36 no. car parking spaces exceeds the development plan maximum of 26 no. spaces.
- The Board is requested to refuse permission.

7.3.4. **Alstead Securities Ltd:** The Board is requested to uphold the decision of the Planning Authority to refuse permission as the proposed development will result in significant adverse impacts on the city's historic character and the Observer's premises at Ashford House (6 storeys). The grounds of the Observation can be summarised as follows:

- The proposed development does not comply with development plan or local area plan policy. The scale, bulk and mass of the proposed building is inappropriate, will be read as one volume and will have a negative visual impact.
- The proposed building does not respond to the surrounding context and will have a significantly negative visual impact on the historic core of the City.
- The proposed development does not comply with the design framework for the George's Quay LAP which requires a stepped height approach to the Tara Street and Poolbeg Street with 8 storeys rising to 14 with a 22 storey element centrally sited.
- The proximity of the proposed 22 storey tower to the Observer's premises will result in unacceptable overshadowing and loss of daylight / sunlight.

- The servicing of the proposed building from Poolbeg street which will remain an unsupervised and unattractive street, will cause traffic hazard. This area is constrained by a Dublin Bus Stop, the overbridge for the Dart, double yellow lines and access to Ashford House.
- Views along Poolbeg Street should have been submitted with the application.

8.0 Oral Hearing

- 8.1.1. An oral hearing was held in relation to the proposed development over a period of two days: the 26th and 27th October 2017. The oral hearing schedule is contained in Appendix 1. Those present at the hearing are listed in Appendix 2 and the documents presented during the course of the hearing are included in Appendix 3. Issues discussed during the oral hearing are considered in the planning assessment below. Reference is made to Observer's who made submissions to the hearing and to the individuals representing the applicant.
- 8.1.2. The Board retained the services of Mr Pierce Regan, Artane Recording Studio, to record the proceedings. This recording constitutes the official record of the proceedings.

9.0 Assessment

- 9.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant, the planning authority, the prescribed bodies and the Observer's. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:
- Principle of development
 - Height
 - Architectural Design
 - Visual Impact
 - Kennedy's Public House
 - Tara Street Station and Public Realm

- Poolbeg Street

9.2. Principle of Development

- 9.2.1. The local policy framework for the subject site is found in the Dublin City Development Plan 2016-2022 and the George's Quay LAP which as noted above has been extended to 2022.
- 9.2.2. Within the City development plan the site is zoned Z5. The proposed uses of hotel, office and restaurant are all permitted in principle in Z5 zones. Within the George's Quay LAP the site is identified as a vacant / misc. site (figure 4) with the 'Office Zone'. The site is identified as a "location suitable for height" (Chapter 5 – Key Sites). The objectives for the Tara Street Station site changed slightly in the 2017 updated document. The 2017 updated key objectives are listed in section 6.2.2 above and discussed in greater detail below.
- 9.2.3. The Applicant submits that the proposed development is supported by national and regional policy in terms of the Draft National Planning Framework 2040 and the Greater Dublin Transport Strategy 2016-2035. The local policy framework for the subject site clearly supports the proposed development in principle. This is acknowledged by both parties to the appeal. Compliance with the specific planning policies of the local documents is dealt with further in the sections below.
- 9.2.4. That the George's Quay area is a transitional zone was raised by the Planning Authority during the oral hearing. Following clarifying questions, the Deputy City Planner for the City stated that she considered "transitional zone areas" as per section 14.7 of the development plan to refer to the wider area and not necessarily those sites immediately adjacent to the subject site. The first party objected to the introduction of what they considered a new issue, stating that the transitional nature of the area was not mentioned in the City Council's assessment of the application or in the reason for refusal. Given the clear policy framework for the proposed development, I am satisfied that with the exception of the Conservation Area objective the zoning objectives in the wider area are not germane to the subject appeal.
- 9.2.5. The Planning Authority's policy in building height (section 4.5.4.1.), in acknowledging the mostly low-rise nature of the City, states that the Council is committed "to the

need to protect conservation areas...”. The subject site and the wider area is part of the Liffey Conservation Area. Chapter 11 of the development plan which deals with Built Heritage and Culture recognises that a key challenge for the Council is ensuring that new investment, regeneration and intervention both acknowledges and respects the significant archaeological and architectural heritage of the city. The plan states that such a challenge can be pursued through appropriate objectives for the protection, enhancement and management of the built heritage, while encouraging regeneration and change. This is built on with **Policy CHC4** which seeks to protect the special interest and character of all Dublin’s Conservation Areas stating that 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. The contribution of the proposed development to the character of the wider area is discussed in greater detail in section 9.5 below.

- 9.2.6. I am satisfied that subject to the assessment of other planning considerations below, the proposed development is acceptable in principle.

9.3. Height

- 9.3.1. As noted in section 6.0 above, the subject site is identified in the DCC development plan and the George’s Quay LAP as being one which is suitable for a “tall building. There is a clear evolution of that policy framework, starting with the DEGW study of 2000 – Managing Intensification and Change: A Strategy for Dublin Building Height. The study identified locations suitable for individual high buildings. Two of which apply to the subject site: namely ‘primary public transport nodes which act as gateway for arrival into the city’, and ‘locations which capture continuous long views across city wide corridors e.g. the Liffey.’ The study was referenced in section 15.6.0 of the then Dublin City Development Plan (2005- 2011) as being the assessment criteria for high buildings. In 2007 a document titled ‘Maximising the City’s Potential’ identified George’s Quay as being suitable for clusters of high buildings.
- 9.3.2. In the 2011-2017 Dublin city development plan, the subject site was identified as an area appropriate for a building of over 50m (section 17.6.1 refers). The 2012 George’s Quay LAP mirrored this policy. The policy was unchanged in the extension of the LAP in 2017.

9.3.3. In terms of the current 2017-2022 Dublin City Development Plan, section 4.5.4.1 states that the Council acknowledge that while the City should remain predominantly low-rise, there is merit in taller buildings in some locations. Four such locations are listed as the Docklands Cluster, Connolly, Heuston and George's Quay. Policy SC16 states that the provision of higher buildings at those locations shall be subject to the provisions of the relevant LAP, SDZ or SDRA.

9.3.4. The LAP that delivers those provisions for the George's Quay site is the George's Quay LAP. The Height Strategy is set out in chapter 4 Urban Form, Design and Public Realm and chapter 5 which identifies key sites (of which the subject site is one). Section 2 of Chapter 4 states out "A Strategy for appropriate scale and height". Section (iii) of that chapter states that the design of taller buildings should seek to:

- Allow for permeability of views within the area,
- Minimise the effect of overshadowing into adjacent sites,
- Enable attraction of and potential for diversity of occupiers,
- Assist in breaking up of the mass of the building to relieve bulkiness of design,
- Provide additional height in relation to are along the rail line,
- Ensure that all facades are subjected to sunlight at some time during the day,
- Provide variety in built form and height,
- Incorporate atriums where practical to allow natural lighting into indoor spaces.

9.3.5. Chapter 5.3 of the LAP refers specifically to the Tara Street site. It states that the site presents the opportunity to provide a positive visual focus in a quality landmark building which would express the city's commitment to public transport and provide a centre of civic life at the station. The LAP outlines its rationale for a taller building as being:

- To serve as a distinctive landmark building providing identity for a key public transport node within the wider city landscape
- To act as a visual counterpoint to Liberty Hall
- To serve as a twin urban landmark or gateway in tandem with Liberty Hall, marking the transition between the traditional city core and the docklands to the east

- To act as a termination of long distance views on a pivotal turning point on the River Liffey by the Loop Line Bridge
- To provide a more generous public realm that incorporates an accessible passenger concourse to accommodate increased passenger numbers.

9.3.6. Figure 32 of the LAP provides a design framework for the site, showing a six storey section on either side of Kennedy's pub, rising to an eight storey building towards the southern end of the site, rising to a 22 storey element in the centre and descending back down to a 14 storey element in the south-eastern corner. The LAP states that while the indicative proposal is the preferred design option, other approaches of merit which meet the objectives will be fully considered. The 5 no. objectives from the May 2017 updated LAP are as follows:

- 1 The LAP seeks a new public plaza to the station concourse which in turn responds to new pedestrian route through the Hawkins House site
- 2 Provide a tall landmark building with large commercial space, with potential of up to 22 storeys (88m), subject to design and visual assessment
- 3 Widen footpath to Tara Street and Poolbeg Street to improve public realm.
- 4 Integrate Kennedy's pub (a protected structure)
- 5 New rail station and plaza to include bike parking station.

9.3.7. Each of these are discussed as they arise in the sections below.

9.3.8. The Board has addressed the issue of height on the subject site. As noted above, there are two decisions on the subject site (PL29S.128164 and PL29S.PA.0012), the second of which is extant. The first application PL29S.128164 was for a development of 15 storeys in height. In their direction, the Board stated that the proposed development would provide a landmark, would form a high building cluster and would not detrimentally affect the historic precincts in the wider area. The second application was made under the Strategic Infrastructure provisions of the Planning and Development Acts. During the course of that application the Board advised the applicant (Iarnród Éireann) that the Board considered that *"a building of the scale, height, outline and siting proposed would be visually obtrusive in the streetscapes and riverscape, adversely affect the setting of the Custom House, a protected structure of primary national importance, and by itself and by precedent unduly detract from the visual character and amenities of the city centre"*. The

applicant was invited to maintain the profile of the proposed building but reduce the height of the main part of the building to 49.1m, reduce the height of the circular core to 42.825m and the rectangular office element on Tara Street to 31.95m / 8 storeys. Following the suggested changes, permission was granted by the Board as they considered that the reduced in scale proposed building would not “adversely impact on the setting of the Custom House, would not detract from the visual character and amenity of the city centre, would be acceptable in terms of its height, outline and siting and would be in accordance with the proper planning and sustainable development of the area”.

- 9.3.9. The extant application on the site PL29S.PA.0012 also required a reduction in the height of the development as originally applied for. The applicant was advised that should they address the concerns of the Board in relation to height (amongst other things), that the Board would consider granting permission. The requested design changes resulted in permission being granted for a 15 storey building.
- 9.3.10. If one stretches the net wider, the Board has recently granted permission for two of the three key sites identified in the George’s Quay LAP – Apollo House, a 12-storey development (PL29S.247907) and Hawkins House a 10-storey development. (PL29S.247912). Both direction decisions referred to the ‘key site’ identification in the George’s Quay LAP and that the Board had regard to the height of the proposed building.
- 9.3.11. The issue of height arose during the proposed redevelopment of Liberty Hall (PL29N.240350). In the application for the demolition of the building and the construction of a 22-storey building, the Planning Authority granted permission. The Board subsequently refused permission on the grounds that the scale and “*in particular*” the height of the proposed development would be unacceptably dominant in the city, would be visually intrusive in the street and river space and would seriously injure the visual amenities of the city and its skyline.
- 9.3.12. In summary, it is clear that the subject site has long been identified as a location suitable for a tall building. The transport node that is Tara Street station, the location of the site at a wide elbow of the Liffey, the demarcation of the area as leaving the older and entering the new parts of the city, the cluster of high buildings along both the north and south quays and the recent permissions for high buildings in the area.

All of these factors point to a robust evidence based conclusion that the subject site is suitable for a tall building.

- 9.3.13. It is my reading of the decision of the City Council that the height of the proposed development – in itself – did not form the basis for the reason for refusal. At all points through the City Architect's report, the planning report and the subsequent reason for refusal, the issue of height is linked to bulk, scale and mass. During the oral hearing the Deputy City Planner Mary Conway stated that the height objective in the LAP and the development plan was not a target or a minimum, it was merely one of a number of considerations that would come into play when assessing a development proposal on the subject site. At no point in the planning report or the subsequent decision is the height of the building alone quoted as being problematic. The planning report refers to an 'infiltration of the skyline', 'unacceptable visual impacts from College Green' and an 'overly assertive building' amongst other assessments.
- 9.3.14. The First party raised the issue of height on a number of occasions, at one point suggesting that the refusal of the proposed development was a surprise, given the clear policy support for an 88m / 22 storey tower. In response, the Planning Authority stated that the high building assessment criteria of the development plan and the LAP were only one of many policies considered before arriving at the decision to refuse. During questioning, the First Party raised the planning history of Liberty Hall. Senior Counsel for the applicant stated that the height of Liberty Hall at 100m was acceptable to the City Architect and yet on a site where the LAP specifically called for an 88m storey building, she recommended refusal on grounds of height. Mr Galligan, SC for the Applicant noted that while the Board had ultimately refused permission on the grounds of height (amongst other things), the Applicant found the City's approach in relation to height inconsistent. I informed Mr Galligan that previous decisions of the Planning Authority and the Board are not binding and that the Board will assess the subject application before it de novo.
- 9.3.15. I am satisfied that the principal of a taller building on the subject site has been robustly assessed and can be solidly defended. The site sits at a strategic location, adjoining a busy public transport node, at a key entrance point to the docklands, at a key visual marker on the River Liffey and directly opposite Liberty Hall. The time and place for debating the appropriateness of the site as a suitable site for an 88m building has passed. I am satisfied that the height of the proposed development is

not only acceptable but is to be welcomed as a definitive realisation and implementation of a long held City Council policy.

9.3.16. How the proposed development fares against the assessment criteria for higher buildings as outlined in the development plan is discussed in greater detail below.

9.4. **Architectural Design**

9.4.1. The Design Team submission to the Board in response to the appeal describes the development as a “carefully considered building form that responds to the local streetscape character and public realm, whilst on a wider scale making a valuable contribution to the City skyline”.

9.4.2. The rationale behind the “landmark nature” of the proposed building was explained at length during the oral hearing. Paul O’Brien for HJL representing the design team quoted Kevin Lynch and Eamon Galligan SC quoted the Oxford dictionary definition of the word. The place marking element and the recognition of the legibility of the proposed building were emphasised. What makes the proposed building a ‘true landmark’ however, according to Paul O’Brien is “its exceptional timeless design and quality detailing”.

9.4.3. Mr O’Brien stated that their brief was to create a timeless, elegant building. They sought to avoid iconic or flashy concepts with the intent to create a landmark building. Mr O’Brien stated that the building went through a series of design iterations, each version being critiqued by the Design Review panel. As the design process evolved, there was an emphasis on creating a building of elegance, design purity and timeless quality. A study of relevant precedent buildings including global exemplar designs considered classic works of C20th architecture was undertaken as part of the design process. The final design solution according to the Team “exhibits an architectural order and proportionality in the overall building form and elevation composition which informs the clear distinction between the tower and the podium elements”. The plan form of two interlocking elements is intended to create a slender elevational profile from key view locations and a defining element is found in the glass walled top-floor restaurant / viewing area.

9.4.4. The building is composed of two elements – a 5 storey podium accommodating the hotel and office foyer and a 17 storey tower comprising office accommodation. The tower comprises two equal interconnected volumes overlain and offset (by 4.7m).

The two uses of hotel and office are expressed externally not only through a plan form but also subtle differences in the materials and finishes. On the office podium element, vertical masonry fin elements in a Jura sand blasted sandstone are proposed, while on the tower element the fin elements are off-white coloured aluminium extrusions. Samples of both and the glazing panels were submitted at the oral hearing. The top floor restaurant on level 21 is proposed to be entirely glass-walled. Details of the proposed twin-skin façade were outlined at the hearing including details of how maintenance would be facilitated.

- 9.4.5. The development plan recommends a slenderness ratio of 3:1 or more to achieve a tall building of architectural excellence on the subject site. The Applicant in their submission stated that the ratio of the proposal is 3.79:1 and 3.03:1. This was disputed by the City Architect and the City Planning report who referred to ratios of 3.83:1 and 2.6:1 (City Architect) and 3.03:1 and 3.82:1 (Planning Report). During the course of the hearing it transpired that the applicant availed of the offset in the two forms of the tower in arriving at their ratio - using only the narrower volume when calculating the wider elevation (north/ south) and using the full width in the second calculation (east west).
- 9.4.6. When calculating the slenderness ratio for the north & south elevations, each of the three reports used the full width of the tower and arrived at a ratio of 3.7:1 or 3.8:1. For the east / west elevations the Applicant used the 29m width of the off-set rectangle rather than the full width (34m). Their argument is that as the two rectangles are off set, only the narrower form is seen and therefore the slenderness is created by the narrower element. The City Architect disagreed and stated that as the offset between the two forms was so minimal, the tower would be viewed and read as one volume. Ms. Grehan therefore used the full 34m width in her calculation and arrived at a slenderness ratio of 1.26:1 for the east and west elevations. This significantly exceeds the recommendation of the development plan.
- 9.4.7. All three calculations used the full height of 88m as their starting point in the equation. One could argue however, that as the width of only the tower was used, the height of the tower only should also be used in the calculation. Including the base podium structure in the height calculation but not the width is starting with an uneven methodology.

- 9.4.8. Section 16.7.2 of the development plan provides that “architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for”. There is little guidance on how to calculate the slenderness ratio of a tall building – either in the development plan or further afield. The formula is more commonly used as an engineering assessment of a column and the maximum stress it can endure without buckling. There is no definitive answer on what is the correct methodology for using the formula in assessing architectural design therefore. It is my contention that it would be inappropriate to make the issue the crux of the decision before the Board. From the discussion during the hearing it is clear that two respected architects have a difference in opinion on the matter. I consider it unnecessary for the Board to get involved in that dispute. I consider the merits of deciding one way or the other not to be the substantive issue here.
- 9.4.9. Notwithstanding this, I am minded to agree with the concluding assessment of Ms Grehan. The offset (approx. 5m) between the two rectangular forms *is* minimal and *will* result in the tower being read as one element. The result is a slightly bulky tower. However, the constraints of the site must be acknowledged in assessing the impact of a lack of slenderness on the overall building. Further, the operational functionality and the feasibility of the development must be taken into consideration. The Architect for the Design Team stated during the hearing that a balance had to be reached between design aesthetic and functionality. The iterations of the design process arrived at a point where the proportions were aesthetically pleasing and the functionality of the building was realised.
- 9.4.10. The Design group’s intention was to create a timeless building. I consider that they have proposed a very ‘safe’ building. It is exactly what they said it would not be – edgy or flashy. I consider that a somewhat unfortunate lost opportunity. The materials, finishes and attention to detail will certainly lift the proposed building above the ordinary. It is regrettable however that a more adventurous design was not explored in tandem with excellent detailing. The proposed building will, I am satisfied be beautiful, it will however rely on its height to provoke a reaction, rather than a brave new design. The proposed building will not announce Dublin in the same way its international counterparts bring recognition to their cities. It will be a “landmark” in the Collins Dictionary definition of the word in that it will be a building that is easily noticed and one that can be used to judge one’s position.

9.4.11. The constraints of the site must be acknowledged however and that the proposed design is beautifully executed. On balance, and having regard to the objectives of the LAP, I am satisfied that proposed design with its attention to detail and the palette of materials chosen are such that the building will be aesthetically very pleasing.

9.5. Visual Impact

9.5.1. The visual impact arising from the proposed development lies at the crux of the City Council's reason for refusal. The Council's single reason for refusal refers to the impact of the proposed development on the city's skyline, on the setting of the Custom House and the River Liffey Conservation area and the O'Connell Street ACA.

9.5.2. The City Council's planning report states that the significance of the visibility of the Tower cannot be understated. The planner states that a number of the photomontages "clearly show the tower having a significantly detrimental impact due to its massing and design on the townscape views". In relation to the Custom house, one of the most architecturally important buildings in Dublin, the planning report stated that "the proposed development would have a dramatic and unacceptably conspicuous effect on this historic building". He considered that the proposed development would completely alter the profile of the building from Amiens Street and Beresford Place. Negative impacts, dramatic and piercing views are assigned to Kildare Street, Harcourt Street, College Green and "as far away as Lord Edward Street [from] which the proposal appears to be overly assertive in terms of its influence."

9.5.3. The City Architect's report also addresses visual impact. The report refers to the future potential for World Heritage Cultural Site Status and states that it will be compromised by the proposed development. It states that the significance of the visibility of the proposal from Georgian Dublin is understated and that the unacceptable impact on the context and setting of the Custom House is contrary to the ICOMOS Burra Charter¹. In terms of specific views, the City Architect states that the Applicant's matrix of significance has understated and devalued historically

¹ During the second day of the oral hearing it was clarified that the correct Charter governing ICOMOS (International Council on Monuments and Sites) is the Washington Charter of 1987.

important areas of the city. She states that the disputed design quality of the proposed landmark does not justify the unsubtle and unwarranted interruptions to views from the River Liffey. The City Architect identifies a number of views that she considers will be negatively affected by the proposal.

- 9.5.4. These two reports feed into the Council's reason for refusal which refers to a significant and detrimental visual impact on the Custom House, the River Liffey Conservation area, the O'Connell Street ACA, College Green, Trinity, Lord Edward Street, the Five Lamps, Granby Row, Frederick Street North, Parnell Street North, Henrietta Street, Kildare Street and Harcourt Street.
- 9.5.5. In terms of development plan policy, the George's Quay LAP recognises the rich architectural heritage of the area, noting the high numbers of buildings of symbolic, cultural and social significance and heritage value. Two major views that are identified in the City Plan are found within the George's Quay LAP boundary. These are from O'Connell Bridge eastwards, taking in the Custom House; and at the new Beckett Bridge looking westwards, taking in the Custom House as a centrepiece. The role of the Custom House, framed by green space, street, bridges and river is a central framing element in the urban design approach of the LAP.
- 9.5.6. Volume Two of the EIS submitted with the application is a "Townscape, Landscape, Heritage and Visual Impact Assessment (TLHVIA). As part of the Applicant's response to the appeal, a second document "1st Party Appeal – Townscape, Landscape, Heritage and Visual Impact Assessment: Response to Refusal" was submitted to the Board. The TLHVIA assess the effects on six character areas, the Liffey Conservation Area, four ACA's, 12 no. groups of protected structures, 42 no. views with night time and summer time variations and four kinetic view studies. A further 9 no. views were submitted and presented during the course of the hearing.
- 9.5.7. The author of the TLHVIA states that they considered the use of a ZVI (zone of visual influence) and ZTV (zone of theoretical visibility) but concluded that verified views would provide greater accuracy and more detail with which to determine effects. The assessment explains the distinction between townscape, landscape, heritage and visual assessment, providing a methodology for each element. In terms of the likely townscape and landscape effects, it is stated that the aim is to identify how and to what degree it would affect the elements that make up the townscape

and the landscape, its aesthetic and perceptual aspects and its distinctive character. These 'townscape and landscape receptors' are assessed in relation to character areas. Visual assessment considers the changes in visual amenity as seen from a specific viewpoint, it is concerned with the effect on the viewer and they are known as 'visual receptors'. Once the receptors are identified, the next step is assessing the significance of effects and then finally establishing the contribution of the setting to the significance. The significance of effects depends on the sensitivity of the receptor and the magnitude of change experienced.

- 9.5.8. Chapter 12 of the TLHVIA concludes that the proposed development "is likely to complement and enhance the character, legibility and connectivity of the George's Quay area and the setting of the adjacent Kennedy's Public House. It would do no harm to the settings of nearby heritage receptors likely to be affected, or to formal or incidental views. Indeed, it would add a building of interest and public value in all cases".
- 9.5.9. During the hearing, it was clear that there was a difference in opinion regarding the assessment of visual impact. Despite vigorous debate, the first party did not concede that a different conclusion could be reached upon reading the VIA. Mr Richard Coleman City Designer argued that as the methodology of the VIA was robust, the conclusion that the proposed development would not have a negative visual impact could not be disputed. The Planning Authority stated that they disagreed with the classification or weight of the significance of the Custom House and many other views and therefore they disagreed with the conclusion. What was not disputed however, was the critical views affected by the proposed development. These are as follows:

Custom House

- 9.5.10. The Custom House is on the Record of Protected Structures (ref 2096) and is recorded on the NIAH (Reg. No. 50010133) as being of international importance. The Gandon building is described as "one of Ireland's most accomplished Neo-Classical buildings. The troubled history of the structure and its current context, having substantial twentieth-century buildings to two sides, has not diminished its impact or its status as one of Dublin's key architectural set-pieces." The emphasis of design was laid on the south river front, executed entirely of Portland stone and

surmounted by an ambitious dome with a mirrored rear elevation in a slightly more restrained style. The building is located within a half-circle island of green space, with the southern façade addressing the River.

- 9.5.11. The building has a significant status in the architectural record of the City and of the Quays, one which is recognised in both the City Development Plan and the George's Quay LAP. The view from O'Connell Bridge eastwards taking in the Custom House in one of the major views identified in the plans. The role of the Custom House, framed by green space, street, bridges and river is a central framing element in the urban design approach of the LAP. It is said to shape the policy of the LAP which requires that development be cognisant and sensitive to the built heritage of the area.
- 9.5.12. The impact of the proposed development on the Custom House is firstly examined in Character Area B: Custom House and Busáras (chapter 8). In assessing the likely effect, the proposed development is described as adding an intentionally prominent object to an important group of buildings. The effects are described as moderate with a beneficial impact on the north part of the river. Chapter 9 assesses the Custom House as a built heritage receptor, acknowledging the primary importance of the building for the whole city. The key features are described as the principal civic element facing the river, its classical symmetry and commanding central dome. The northern elevation is described as "very fine" while the nonetheless having the least pleasant setting from the highly trafficked north. The author finds that the proposed development would "complement" the Custom House, providing "new and compelling" views. Any likely effects would occur from places of limited importance therefore there would be no effect on the significance of the building.
- 9.5.13. **View 11** in the VIA is Amiens Street South, the first of four views of the Custom House. The view is classified as of medium sensitivity due to the harshness of the non-riverside setting which is infrequently enjoyed by pedestrians. The proposed tower with its vertical emphasis would read as a partner to both the Custom House and Liberty Hall and would result in a major beneficial effect.
- 9.5.14. The City Architect disagreed with the rating of 'medium', stating that the VIA has dramatically and unacceptably understated the northern façade. She stated that the proposed development "will completely alter the historic buildings profile". This fed in

to the Council's reason for refusal which states that the scale, bulk and height of the proposed development would seriously detract from the setting and character of the Custom House, a building they describe as "one of the city's most important architectural set pieces".

- 9.5.15. That the Custom House is one the most important architectural set pieces in the city is not disputed. That the proposed building would alter the profile of the Custom House is also not disputed. That is the inevitable result of introducing a new tall element along the southern quays. What can be debated however is the sensitivity of the northern façade to change and whether the profile of the Custom House is changed adversely. I am minded to agree with the VIA's author, that the northern elevation of the Custom House is the least appreciated. The area is heavily trafficked with few pedestrians. The profile of the Custom House is somewhat obscured by the railings of Busáras and the tree line around the semi-circular island. The proposed vertical tower is sufficiently removed from the Dome and is so significantly contrasting in terms of architectural treatment that it is absorbed successfully. The horizontality of the Custom House as one of its constituent elements is not challenged by the proposed building. The proposed building with its bright white vertical lines reads as an entirely new entry into the architectural record of this part of the city. The glass topped box as a 'cap' on the proposed building is a nod to the copper dome 'cap' on the Custom House and the wave 'cap' on Liberty Hall. I am satisfied that the visual impact at Amiens Street south is positive.
- 9.5.16. **View 12**, also from Amiens Street is less successful, as at this point, the proposed tower directly challenges the dome of the Custom House. This view would be less significant however due to its short duration. **View 13**, from Beresford Place is described as having a "moderate and neutral view" due to the fact that it sits outside the sensitive central zone. I do not agree that the view would be neutral – one cannot ignore the introduction of a striking new element between the dome and Liberty Hall – but I do agree that it is moderate. At this location – again a point at which the view would be of short duration – the outstanding feature remains the four-columned portico of the Custom House.
- 9.5.17. **View 14** is from Gardiner Street Lower, a clear view of the northern facade of the Custom House with Liberty Hall and the Loop line bridge to the west. The VIA describes this viewpoint of not being of great value to the pedestrian and not a place

to pause. As it has no townscape value, it has medium sensitivity to change. The effect of the proposed building is described as moderate and beneficial, appearing as a slender tower well away from the dome but compatible in height to the sculpture on the dome. This assessment is considered reasonable. I consider that the smaller, more fragmented intrusion of the pyramids of the Ulster Bank development have a greater impact on the profile of the Custom House.

9.5.18. In summary, I am satisfied that the ratings applied to the sensitivity of the Custom House are appropriate. The fact that it is development plan policy to provide a tall slender building on the Tara Street site means that there will be a visual impact on the Custom House and its profile will be altered. I am satisfied however, that the proposed development, with its strong vertical emphasis and architectural treatment, protects the setting and the context of the Custom House. The southern elevation, that of greatest significance will remain unchanged, while the northern elevation which is already somewhat compromised is successfully addressed without being challenged.

Trinity College Campus

9.5.19. The VIA finds that the development would be visible from, but not dominant over, parts of the college. Visibility would be largely restricted to the “expressive top floor” which would represent the upper expression of a significant new landmark” glimpsed through certain gaps from within the campus. The campus comprises a number of contemporary buildings and given the architectural quality of the new building, the VIA finds that no harm would be done to the character of Trinity, in fact it would result in a beneficial effect. The City Architect disagrees. She states in her report that the massing and design quality of the proposed building will have an “unacceptably negative impact on the skyline of the most historic spaces in Dublin. This comprises the tranquil, historically significant collegiate environment by having an unwelcome external voyeur impacting on the sense of place”.

9.5.20. Views **15 to 22** and view no. **30** assessed in the VIA. The views of Trinity are as follows:

- 15 - east of Regent House. No change as proposed building would not be visible.

- 16 and 17 – Parliament Square and Theatre. A section of the proposed building would appear in the gap between the Dining Hall and the Tercentenary Memorial Building. Moderate effect of a beneficial nature.
- 18 – Reading Room. Top three floors visible between the chimneys of the Tercentenary Memorial Building. Minor effect of a neutral nature.
- 19 and 19S – Old Library. 8 floors of the proposed building visible over the roofline of the Botany Bay building. Minor effect of a beneficial nature.
- 20 – Berkeley Library. Proposed building shrouded by existing trees. Negligible effect.
- 21 – Towards Museum Building from the Playing Fields / Car Park. Location not general enjoyed by the public. Proposed building would rise 4 storeys above the roofline of the Museum Building but would diminish as one crossed the lower level playing fields. Minor effect of beneficial nature.
- 22 – College Park. Proposed building ‘profoundly’ visible with 13 no. storeys appearing in place of the existing glimpse of Liberty Hall. Moderate effect of a beneficial nature.
- 30 - Kildare Street. High quality addition to an already diverse open view. Proposed building somewhat obscured by Trinity Campus railings. Important place marking, affording good urban legibility. Moderate intervention of a beneficial nature.

9.5.21. I agree with the ratings and evaluations of all of the Trinity College views with the exception of **view no. 22** from College Park. I consider the effect of this visual impact to be major. The proposed building would introduce a significant vertical element to a predominantly horizontal foreground. The pyramids of the Ulster Bank development protrude slightly over the tree line but do not dominate or affect the context. The Tara Street Tower appears at its widest expression at this location notwithstanding that the ‘slip’ in the rectangular form is readily apparent. I have no disagreement with the assessment that the nature of the effect will be beneficial. I consider the residual effect to be major with a beneficial nature.

9.5.22. I do not agree with the City Council’s assessment that the proposed development will introduce an unacceptable negative impact on the skyline of the most historic space

in Dublin. With the exception of view no. 22, the visual impacts are largely moderate. I concur with that evaluation. The Trinity College Campus has shown itself to readily and successfully absorb bold new design without challenge or detriment to the setting and context of the older profile. The sense of place established by the campus is largely from within. It is capable of maintaining its sense of place and character within a changing urban environment.

College Green

- 9.5.23. College Green as a 'character area' was assessed in chapter 8 of the TLHVIA. It states that the sensitivity of the area to change is high due to the significant buildings and the axial relationship with Trinity. The likely effect of the proposed development on the area is described as moderate and beneficial, as it would not interfere with the spatial quality of College Green. The proposed developments at Hawkins and Apollo House will reduce the visibility of the subject development at Tara Street. Views 24 and 25 examine the visual impact on a more detailed level. The proposed building will appear within the space between the BOI and Trinity College main façade. Apollo House and Hawkins House both sit within the same space. The proposed building with its strong vertical emphasis would provide a landmark of meaningful legibility. The author states that the redevelopment of Apollo and Hawkins House will hide two further floors from the public view. Overall, the residual effect is classified as moderate and beneficial.
- 9.5.24. The proposal to make College Green a pedestrianised space (PL29S.JA0039 refers) was raised during the Oral Hearing submission of Richard Coleman, the author of the TLHVIA. He stated that the kinetic experience of moving through College Green would allow the building to appear smaller as the view widens. The Deputy City Planner Ms Mary Conway in her oral submission, did not agree. She spoke of the historical importance of the area: "Hoggen Green - a place of Viking Ceremonial" which could not be under estimated. She stated that the Planning Authority considered the proposal to be highly visible with intrusive and negative impacts.
- 9.5.25. It must be stated again that it is development plan policy to provide a tall building at this location, so the fact that it would be visible cannot be a surprise. I do not agree that that visibility would be negative or highly intrusive. Despite their greatly different

architectural representation there is a degree of similarity between all three buildings at this focal point of College Green. Each has a strong vertical emphasis- the columned curved promenade of the Bank of Ireland, the pavilion of Trinity with its pilasters on the corner, and the deliberate vertical treatment of the proposed building. The skyline of this part of the city centre is constantly changing and the built environment is a record of that change. The proposed tower which mirrors the height of Trinity at this location reads as a fresh new element in the skyline, one which complements the wider diversity of architecture in the wider built environment of College Green.

Conservation Areas and ACA's

- 9.5.26. The visual impact of the proposed development on the historic areas of North Dublin was examined in Character Area E, and individually as Mountjoy Square ACA, O'Connell Street ACA, the Grafton Street ACA, in 12 no. listed groups of protected structures and then in views 34, and 38 to 41. With the exception of Kennedy's for which the significance will be enhanced, there will be no effect on the significance of the other buildings/ areas (Custom House, Busáras, Beresford Place, Gardiner Street, Custom House Quay Bridge, CHQ Building, Eden Quay and O'Connell Street Lower, City Quay, Burgh Quay and Poolbeg Street, Aston Quay, D'Olier Street & Pearse Street, College Street, Bank of Ireland, College Green, Trinity College Campus).
- 9.5.27. The TLHVIA finds that Character Area E, the Georgian Clusters would be minor and beneficial as the proposed development would not be visible from much of the area. The effect on the George's Quay LAP would be major and beneficial as the proposed development would result in a rejuvenation of the wider area. The Planning Authority considered the impact on these areas to be "substantial and unacceptable" stating during the oral hearing that the "massing and design quality of the proposed building results in an unacceptably negative impact on the skyline including one of Dublin's oldest and finest Georgian Squares – Parnell Square".
- 9.5.28. In terms of the River Liffey Conservation area, Richard Coleman City Designer author of the TLHVIA stated during the hearing that the site is a point where the river widens and changes - the transition from the ancient quays to the modern docks. A point where the tight urban grain of the Quays is replaced by larger scale buildings.

He stated that it was entirely appropriate to mark this spot on the southern quays as the Custom House does on the northern quays. The Deputy City planner Ms. Mary Conway stated during her submission that Mr Coleman's classification of the view along the Liffey (1,2 and 4) as moderate understates and devalues these historic areas of the city. She stated that she considered the proposed development to be "very invasive" and therefore the effect on the view would be very significant and unacceptable. Ms. Conway repeated the submission that the impact on the Georgian and Historic Core would impact on the city's application for World Heritage Cultural Site Status.

9.5.29. I concur with the finding of 'no effect' on the Mountjoy Square, O'Connell Street, Grafton Street and South City Retail Quarter ACA's as visibility of the proposed of the proposed building is none or negligible. In terms of **view 34** – Five Lamps, I disagree with the classification of the residual effect as 'minor. The proposed development will introduce a new element in the low profile landscape of this part of town, one that breaks the skyline with a considerable height differential. I am satisfied that the effect is beneficial however due to the architectural design quality of the proposed tower.

9.5.30. **View 39** examines the impact of the proposed development on Parnell Square. There is a strong symmetry in the rooflines of this view. The proposed building can be readily absorbed in my opinion, as its rectangular form is sufficiently taller than the roofline profile to allow it to be read as a completely separate entity. A similar effect will be produced on Granby Row (**view 40**). I concur with the classification of beneficial in both these instances.

Eden Quay junction with Beresford Place

9.5.31. A view that was not raised as one of concern by either the City Architect or the Deputy Planning Officer is view no. 6. The VIA describes it as a "chaotic viewing position, dominated by both road traffic and the railway bridge" with a low sensitivity to change. When assessing the qualitative change, the VIA states that the development would display a particularly slender aspect with an inviting personality.

9.5.32. I consider that a large volume of people would interact with the proposed development on a daily basis from Eden Quay and from Beresford Place. Those travelling from the north side to access Tara Street station would face this view daily.

Likewise, the large number of Dart passengers crossing the Loop Line Bridge and the significant volume of bus passengers congregating at the multiple bus stops outside Liberty Hall and along this section of the Quays would also have view 6 as their most frequent interaction with the proposed building. It is this view I have the greatest concern over. I consider that Kennedy's Public House sits uncomfortably within this elevation. I agree with Mr Kennedy's agent that there is an element of 'sore tooth' about its presentation in the scheme. The height differential between the public house and the 5 storey northern elevation of the office block is compounded by the use of a solid wall on the eastern half of the elevation.

9.5.33. During the oral hearing I questioned the design team Architect about the use of two treatments on the lower northern elevation. Mr Paul O'Brien for the Applicant stated that this was to protect the residential amenity and privacy of the Public House. I do not consider that the use of solid wall on half of the northern elevation would offer any comfort or real benefit to the residents and users of Kennedy's however. The open space used by the residents of Kennedy's lies approximate to the northern elevation indentation (see drawing no. 1002P1). The western half of the northern elevation, which is fin-clad, overlooks this open space as much as the solid eastern half. Overlooking and privacy impacts will occur as often from the western half of the elevation as it would from the eastern half. I am not convinced of the privacy benefits of this dual elevation to Kennedy's. Further, I consider the use of a solid wall treatment on this section of the northern elevation to compound the mass and bulk of the proposed office block. The fin and glass finish on the remaining elevations serves to lighten the mass and bulk of the building, appearing more transparent, more vertical and more delicate. This issue is addressed in greater detail in section 9.6 below.

Conclusion

9.5.34. I consider views no. **48 & 49** (Tara Street North and South) show that the proposed streetscape elevations along Tara Street will successfully animate this street and the corner junction. The double height colonnade with visibility to the office foyer is a welcome improvement to Tara Street. Likewise views 46 & 47 show a new

streetscape introduced along Poolbeg Street, an area that is currently underused and unwelcome to pedestrians.

- 9.5.35. That the proposed development, particularly the landscaping at ground level was inspired by, and evokes, the 'Hill of Tara' is raised throughout the VIA and all other application documentation. The VIA states that it would give meaning and celebration to the building, linking it in public consciousness. I am not convinced by this argument. While the interlocking circles at ground level are certainly pleasing, they do not immediately suggest the Hill of Tara. Without some accompanying explanation it is unlikely the connection will be made by the public.
- 9.5.36. Addressing the impact on the skyline first, I have stated above that the height of the proposed building is acceptable. There is a clear policy framework, one which I find reasonable and appropriate – for an 88m building at this location. That there would be an impact on the city skyline therefore, is inevitable. As noted by the Appellant, the Council must have considered the visual impact of a landmark building at this location when adopting both the development plan and the LAP. I note the statement of the development plan on the prerequisite for a taller building at this location is “minimal visual impact on the wider environment including surrounding historic quarters”. I disagree with the proviso of “minimal visual impact”, given that the very provision of any built form at the subject site creates a visual impact. During the hearing, the author of the TLHVIA and member of the design team Mr Richard Coleman stated that the project “was designed to be seen”. On this point I agree. A landmark building by definition must be ‘seen’. The intent of the policy framework surely is to prevent a negative visual impact. I shall proceed on that presumption.
- 9.5.37. Having closely examined each of the views examined and having carried out a comprehensive and wide-scale site inspection of my own, I am of the view that, on balance, the visual impact of the proposed development will be positive. Noting my concerns with regard to Kennedy’s Public House expressed in section 9.5.27 above which is addressed further in section 9.6 below, I am satisfied that the proposed development will have a positive impact on the city skyline and will not harm the setting or the context of the sensitive historic areas to the north and south.

9.6. Kennedy's Public House

- 9.6.1. In their Observation to the Board and during the course of the oral hearing, the agent for Kennedy Taverns and Mr. Ciarán Kennedy stated that it was their preference that Kennedy's would be part of the overall scheme for the redevelopment of the subject site. The integration of this protected structure into the development of the Tara Street 'key site' is an objective of the LAP. It is regrettable that this has not occurred although the commercial sensitivities of such an agreement are both understood and outside the remit of the Board.
- 9.6.2. It does result however, in a somewhat disjointed approach to the redevelopment of this corner city block. During the hearing the agent for Kennedy's described the stand alone nature of Kennedy's as a 'sore tooth'. I note that the City Architect and the City Planning Report were complimentary of the treatment of the public house and the two stand-alone wings on either side. I do not share this view.
- 9.6.3. It is considered that the two extensions appear as an afterthought. The streetscape has been addressed superficially. While the materials and the detailing is undoubtedly considered, the functionality of the triple height spaces is questioned. Constrained by shape and size, they are unlikely to operate successfully. This would leave the public house estranged from the wider development and leaving the corner unused or underused.
- 9.6.4. The planning consultant for the Kennedy's raised the impact of vibration, excavation and construction work on ground that is reclaimed and with a high moisture content. Supplementary information on the structural integrity of Kennedy's pub was submitted with the appeal (CS Consulting Group, dated 21-Jul-17). The report gives details of the proposed basement adjacent to Kennedy's and stated that results of vibration monitoring will be provided to the Kennedy's and any other neighbouring parties. In terms of site investigations, the report states that ground water is expected to be encountered within the over burden during the basement construction. The continuous secant pile wall around the full perimeter of the site will protect the excavation from ground water and also protect the ground water regime outside the site. Standard rock breaking equipment will not be used, rock drilling and splitting of rock will be from 'modern rock removal technologies' which can control vibration limits to a minimum acceptable level. The super structure and foundations

of the proposed three storey wings will be completely separated and will cause no vertical or horizontal load on Kennedy's.

- 9.6.5. A concern I raised at the oral hearing was insufficient consideration of rear of Kennedy's. With some exceptions, the EIS makes no acknowledgement of the residential unit at the upper floors. The planning consultant John Downey on behalf of the Kennedy's in their objection to Council noted that the structure has been in residential use since 1922. I questioned the design team if they made each consultant undertaking a section of the EIS aware of the residential element the upper floors of Kennedy's. The design team Architect Paul O'Brien stated that all consultants were made aware of that fact.
- 9.6.6. I questioned the expert for Noise & Vibration Ronan Murphy of AWN Consultants why a noise monitor was not placed at Kennedy's – it being the nearest noise sensitive location. The EIS refers to monitors at Exchange Court Apartments, George's Quay and South Gate Apartments. Mr Murphy stated that the EIS started from a point of acknowledging that there would be elevated noise levels at Kennedy's and that mitigation measures proposed in the EIS included screening in the form of hoarding level around the perimeter around the site and additional localised screening where required. He stated that the laser cut screening to the rear of Kennedy's would also act as a sound mitigation measure. I address this matter further in section 10.9.2. below.
- 9.6.7. As noted above, I consider the treatment of the northern elevation of the office section of the proposed development to be unsatisfactory. The suspended solid wall (it does not extend to ground level, as can be seen in drawing no. 3010P1) lacks the lightness and transparency of the fin-clad elevation, introducing a perception of opacity and solidity when viewed from George's Quay. However, the dual elevational treatment is successful from the eastern elevation as it breaks the monotony of the fins and introduces an interesting new element when viewed from Custom House Quay. The Board may wish to request further information on this issue, address by way of condition or tie in to a new planning application for the integration of Kennedy's.
- 9.6.8. It is recommended that should the Board decide to grant permission for the proposed development, that a condition be added which omits the proposed three storey

stand-alone wings to the east and west of Kennedy's Public House. The applicant should be advised to make a new planning application to the Planning Authority with a new proposal for the integration of Kennedy's into the overall development of the subject site. Alternatively, the Board could request the Applicant to submit such a re-design directly to the Board as a request for further information.

9.7. Tara Street Station and Public Realm

- 9.7.1. The George's Quay LAP outlines that one of the arguments for providing a taller building at the Tara Street Station key site is to "provide a more generous public realm that incorporate an accessible passenger concourse to accommodate increased passenger numbers". The LAP recognises that Tara Street is a key public transport hub, functioning as an important gateway and destination point for pedestrians. Development proposals for the site are required to provide a highly accessible public transport node that provides for a new urban meeting place and improved public realm within and beyond. The LAP notes that pedestrian accessibility and movement between the station and the surrounding area is poor.
- 9.7.2. This is caused by heavy vehicular traffic, poor streetscape, narrow pedestrian facilities and difficult crossing points. Improvements should facilitate an increase in numbers at the station. In terms of integration with the surrounding area, the LAP states that it is essential that the design of the ground floor responds to the proposed pedestrian route through the Hawkins House block and through the station from Tara Street and Poolbeg Street. Of the 5 no. objectives for the redevelopment of the Tara Street key site, objective no. 3 requires minimum footpath width of 5.5m to Tara Street and 3m to Poolbeg Street to provide for an improved public realm and enhanced pedestrian circulation at the station.
- 9.7.3. The Applicant states that these objectives are not only achieved, they are exceeded. The footpaths along Tara Street are 9m in width, the concourse leads from the station through the development and on to Tara Street and towards Hawkins House, and the streetscape along George's Quay, Tara Street and Poolbeg Street is improved for pedestrians.
- 9.7.4. As noted above, the City Council were complementary of the George's Quay and the Tara Street frontages. The City Architect described the pedestrian colonnade as well-proportioned and a significant improvement in the overall public realm. The

planning report considers that the proposed development represents significant planning gain. He states that the proposal will provide high levels of passive surveillance due to the multiple integrated uses at ground level. He further states that the new concourse will create high quality streets and public spaces which are accessible and inclusive.

9.7.5. I tend to agree with this assessment of the station upgrade proposals. I concur with the Planning Reports statement that the proposed development will be a welcome improvement on the existing underused and underwhelming concourse. Drawing no. 1000P1 (Level 00 Proposed) and C0046L100 (Colour Masterplan) show a new surface to the concourse (see section 9.6 Architectural Design Report for details), the removal of the existing ticket office, back of house offices and food outlet and the opening of the area into the pedestrian concourse under the overhang of the proposed building. A similar finish is shown on Tara Street and George's Quay, unifying the wider area. Irish Rail controlled gates are shown at the entrance to the rail station from George's Quay and between the station concourse and the pedestrian concourse. At the oral hearing when questioned about how and when the gates will be operated, the Applicant's Architect stated that it would be under Irish Rail Control. A natural pedestrian route will be created from the station concourse through to Tara Street which will animate the currently unwelcome and underused Tara Street area, realising the objective of the George's Quay LAP.

9.7.6. The pedestrian concourse to the rear of Kennedy's and to the fore of the proposed hotel and office foyers was raised as an area of concern by the City Architect. She stated that the 7m pinch point between the rear of the public house and the northern elevation of the proposed building, combined with the limited day light in the 10m undercroft would contribute to a dark unwelcoming space that would be neither attractive nor safe. This area is referred to as the "internal street, Zone B" in the spatial composition, section 9.2 of the Architectural Design Report. The Observer raised a somewhat similar issue, stating that the modern extensions to the rear of Kennedy's could be demolished, opening up the area.

9.7.7. At the oral hearing, I questioned the Design Team Architect whether consideration been given to switching the hotel and office foyer positions within the ground floor. Peak hour movements into and out of the office block will likely correspond to those at the station. Whereas the hotel and restaurant foyer is more likely to generate

movement later in the evening. Such movements are generally more appropriate along streets, with a natural surveillance created by evening and night time uses. Niall Barrett Lead traffic engineer for Cronin & Sutton Consulting stated that a set-down on Tara Street was not recommended by the Traffic department in DCC during pre-planning. Paul O'Brien Design Team Architect stated that this then became a factor in the location of the hotel within the Concourse as opposed to Tara Street.

- 9.7.8. I agree that the arrangement of this internal street is not ideal. The projection of the Kennedy's into the internal street and its covering with laser cut metal screens will make the open space a dark and unwelcome space. It will become entirely unusable. I have raised my concerns about the suspended solid wall on the northern elevation of the proposed building on Kennedy's Public House in section 9.5.31 and 9.6.7 above. I draw the Board's attention to figure 9.5 Design Proposal and 9.6 Materials and Detailing of the Architectural Design Report which shows a likely representation of the new internal street and its integration with the rear of Kennedy's.
- 9.7.9. If the suspended wall is omitted or re-designed and a redesign of the 'wings' to Kennedy's is put forward as recommended above, I am satisfied that this would address the concerns in relation to this undercroft area however.

9.8. **Poolbeg Street**

- 9.8.1. The elevation along Poolbeg Street reflects the largely back of house (BoH) operations located along the southern section of the proposed building (see drawing no. 1000P1). Despite being an obvious short cut to Tara Street station, Poolbeg street is currently infrequently used by pedestrians due to the large stretches of blank facades and unwelcoming environment, particularly after dark. The proposed development will increase vehicular traffic on the street – guests of the hotel and parking for the office block accessing the basement car park, and deliveries to and from the building. It is unlikely to generate much pedestrian traffic however, with the exception of cyclists dismounting to access the bicycle lift.
- 9.8.2. Ann McElligott, Downey Planning for Alstead Securities of Ashford House stated that the Poolbeg Street was incapable of accommodating the level of traffic that would be generated by the proposal and would affect her clients access to their underground car park. She noted the location of a Dublin Bus Stop adjoining the proposed loading

bay (see photos in Oral Hearing submission) and the proposed loading bay in front of the emergency exit door for Ashford House

- 9.8.3. The Transportation Report submitted with the application does not refer to the existence of the Dublin bus stops or the proposal for a loading bay on Poolbeg street. The Roads, Streets & Traffic Department of DCC report of 26/06/17 states that the proposed loading bay is not included in drawing no.s R023-019 and R023-020. The report recommended further information be sought with regard to the loading bay and also a reduction in the proposed car parking spaces. Should the Board decide to grant permission, I recommend this be addressed by way of condition.

9.9. **Summary and Conclusion**

- 9.9.1. The proposed building achieves many of the objectives of this key site of the George's Quay LAP. The proposal involves significant improvements to Tara Street Station, to George's Quay and Tara Street streetscape, provides an improved pedestrian experience from George's Quay south towards the Hawkins House and Apollo house re-development areas and provides much needed animation on this long neglected corner site. The treatment of Kennedy's Public House and its integration into the overall development is not as successful however. The proposed three storey wings either side of the public house and the proximity of the five storey podium building to the rear of Kennedy's are inappropriate and would seriously affect the amenity of users and residents of the public house. Further, the corner of Tara Street and George's Quay which will be opened up to a large new audience will be under-used. These issues are not material however. The Board may wish to address these matters by way of further information or by way of submission of a new planning application. I recommend the latter to facilitate full cooperation by third parties.
- 9.9.2. The design of the proposed tower is considered. The attention to detail and the palette of materials is simple and elegant. The overall effect is a building of high architectural quality. The visual impact of the proposed building will be positive and will not affect the setting, context or character of the wider architecturally sensitive area.

9.9.3. The functionality of the hotel in terms of allocation of spaces for users, hospitality functions, office functions etc. were raised by the City Architect as an area of concern. I am satisfied that these matters, which can be resolved entirely within the development envelope are not material, and can be addressed by the service users. I note the level of detail provided with regard to the hotel and office operation in the 'Points of Clarification' submission of Paul O'Brien, Design Team Architect at the oral hearing.

10.0 Environmental Impact Assessment

10.1. Statutory Provisions

10.1.1. The Environmental Impact Assessment (EIA) Directive (2014/52/EU) entered into force on 15 May 2014, with a requirement that it be transposed into national legislation by 16 May 2017. This application was submitted to the Board prior to 16 May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. Under the transitional provisions of the 2014 Directive, the 2011 Directive (Directive 2011/92/EU) as transposed into Irish legislation will apply to the application.

10.1.2. The proposed development is sub-threshold (project class 10(b)(iv) Urban Development) but the applicant in agreement with the Planning Authority at pre-application stage, considered that significant environmental effects were likely. Therefore, the application was accompanied by an EIS which is laid out as follows:

- Volume 1 – Environmental Impact Statement
- Volume 2- Townscape, Landscape, Heritage and Visual Impact Assessment (TLHVIA)
- Non-Technical Summary

10.1.3. As per the requirements of the EIA Directive, the EIS is required to:

- Describe the project and provides information on the site, the design of the proposed development and size of the project,
- Describe the measures envisaged to avoid, reduce, and if possible, remedy significant adverse effects,
- Provide sufficient data to identify and assess the main effects which the project is likely to have on the environment,

- Provide a description of the main alternatives studied by the developer an indication of the main reasons for the choice of alternative put forward, taking into account environmental effects, and
- Include a non-technical summary of the above information.

10.1.4. I am satisfied that the information contained in the EIS complies with article 94 of the Planning and Development Regulations 2000.

10.1.5. This EIA has had regard to the application documentation, including the EIS, the observations received, the oral hearing proceedings and the Planning Assessment completed in Section 9 above.

10.2. **Alternatives**

10.2.1. The applicant is required, by the EIA Directive which correlates to Schedule 6 of the Planning and Development Regulations 2001, as amended, to provide an outline of the main alternatives studied by the developer and an indication of the main reasons for their choice, taking into account the environmental effects. The applicant sets out the project and site description and a brief introduction into the architectural rational behind the chosen design. In terms of alternatives considered, chapter 2 refers to alternative locations, stating that as policy supports a 22 storey building on the subject site, the question of examining other sites does not arise. In terms of alternative designs, section 2.6.3 states that detailed design considerations were undertaken over a 24-month period and discussion were held with the Planning Authority. The scheme was assessed by an external panel of advisors who informed the ultimate design. While the objectives and criteria of the LAP limited the scope for radically different alternatives, 27 no. different design options were considered. To achieve the applicant's desire for a timeless landmark building a disaggregated tower of 88m was chosen. The proposed high quality tower would clearly identify the adjoining transport hub, would provide an improved ground level public realm and streetscape. This was chosen as the 'best option' to achieve the optimum development of the site and the applicant's requirements. The details provided regarding the design evolution of the subject proposal leads me to state that the examination of alternatives has been satisfactorily assessed.

Likely Significant Direct and Indirect Effects

10.3. Human Beings

- 10.3.1. The likely significant direct and indirect effects on human beings are considered in respect of economic activity, social patterns, land use and settlement patterns, employment and health & safety in chapter 3. In terms of significant effects, chapter 3 states that there will be a net positive improvement in economic activity – construction activity of 30 months with approx. 313no. to 375no. full time employees during construction 844 – 891 office workers at operational stage and a range of spin-off impacts. Longer term benefits will accrue from addressing the identified shortfall in hotel and office accommodation. I note range of supporting documentation submitted with the application: Socio-Economic Impact Assessment, Demolition Method Statement, Construction Management Plan, Waste Management Statement and Sustainability Report which provide best practice guidance on the construction and operational phase of the proposed development. Given the city centre location of the site, the proposed uses and their compliance with the policy framework for the area, the lack of a large residential population in the wider area, it is considered the assessment of the likely significant impacts is reasonable. No mitigation or monitoring is proposed.
- 10.3.2. I have considered all of the written submissions made in relation to human beings, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.4. Archaeology

- 10.4.1. According to Chapter 4 of the EIS there are no recorded archaeological sites within the application site. The subject site is located within the zone of archaeological potential for Dublin City (RMP DU018-020). Eight recorded sub-constraints are identified within 200m of the site and the C18th quay wall at George's Quay. A C17th wooden reclamation quay was discovered 80m south of the site, at Poolbeg Street. Details are provided about the evolution of the wider area from the prehistoric period up to the post medieval period. Details of cartographic analysis are also provided. A field inspection was undertaken in May 2016. It notes that the site has been subject

to large scale disturbance already. Impacts identified by chapter 4 include further disturbance below 3.5m from basement excavation. Mitigation measures proposed include archaeological monitoring of all excavations. I note that the report of the DCC archaeologist states that such monitoring would “allow for the exposure and recording of the previously identified post medieval cobbled surfaces on site as well as the further characterisation of the dark grey silty layer identified at 3.2m- 3.7m on the southern portion of the site”. I note the absence of archaeological monitoring in the Demolition Management Plan and / or the Construction Management Report. This should be conditioned should the Board decide to grant permission.

10.4.2. I have considered all of the written submissions made in relation to archaeology, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.5. **Flora and Fauna**

10.5.1. Chapter 5 of the EIS addresses the issue of Flora & Fauna. It states that while the subject site is not in or adjacent to any designated areas, within the guideline 2km radius of the subject site there are three sites of ecological interest: the Royal and Grand Canal pNHA, South Dublin Bay SAC and South Dublin Bay and Tolka Estuary SPA. The AA screening report submitted with the application refers to these sites in greater detail. A site survey was undertaken in May 2016 which found low value habitats, no evidence of bats and no nests of breeding birds. The DAU responding to a request from the applicant requesting the installation of nesting boxes for peregrine falcons (which are known to use Liberty Hall as a perching site) and swifts. I note drawing no. 1022P1 of roof level shows the location of the two nesting boxes.

10.5.2. Pollution of watercourses through the ingress of contaminants is stated not to be likely due to the buffer between potential pollution sources and the sensitive receptor of the River Liffey. There is no pathway for contaminants to reach either of the canals. The fact that the Ringsend WWT Plant is designated as unpolluted means that cumulative loading at the plant is unlikely. Therefore, no likely significant effects on flora and fauna are predicted. In conjunction with the AA screening report and the construction management plan it is considered that the matter of flora and fauna

has been adequately addressed in the EIS. The AA screening report is discussed in greater detail in section 11 below.

10.5.3. I have considered all of the written submissions made in relation to flora and fauna, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.6. **Soils, Geology and Hydrogeology**

10.6.1. Soils, Geology and Hydrogeology are discussed in chapter 6 of the EIS. The proposed development includes a three storey basement (12m below ground level). The existing receiving environment is described as made ground, a thin layer of glacial till (Dublin boulder clay), all overlying a Carboniferous-aged limestone bedrock - 'Calp' limestone - between 7.9m and 10.5m below ground. The area is described as an historically stable geological environment. The chapter includes a copy of the Site Investigation report undertaken in June 2016.

10.6.2. Potential impacts of the proposed development arise from accidental contamination and excavation instability. Dewatering of the site will require the pumping of a large volume of water which increases the risk of contamination. Seven mitigation measures are proposed, all of which are repeated in the Demolition Plan and the Construction Management Plan. Moderate negative impacts during the construction phase are stated to be short term.

10.6.3. The nature of the soil underlying the subject and adjoining site (Kennedy's public house) was raised in the submission on behalf of the owner of Kennedy's. Mr Kennedy states that the site is on reclaimed land with a high moisture content. This was addressed during the oral hearing when I requested the observer to elaborate on his concerns about ground stability. Mr John Downey of Downey Planning stated that no structural survey had been undertaken of his client's property which is a Protected Structure.

10.6.4. I have considered all of the written submissions made in relation to soils, geology and hydrogeology, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the

application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.7. **Water**

10.7.1. Chapter 7 of the EIS addresses water, hydrology, water supply, surface and foul water drainage. It refers to the Flood Report undertaken and submitted with the application. Chapter 7 states that no water bodies cross the site and that no negative implications are predicted for the current hydrological regime on site. In terms of the proposed development, a new connection to the water supply mains on Tara Street will be required and a storm attenuation tank will be required. In terms of flood risk the site is located in a Flood Zone B which has a moderate probability of flooding. Section 7.5.1 of the EIS identifies a number of potential impacts which may arise during the construction and the operational phase, such as contaminated urban runoff and accidental spillage entering the watercourse and possible flooding of the basements from both surface and ground water. Nine mitigation measures for the construction phase and 4 measures for the operational phase are outlined. No negative residual impacts to water quality are predicted. These measures are repeated in the Construction Management Plan.

10.7.2. I have considered all of the written submissions made in relation to water, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.8. **Air Quality and Climate**

10.8.1. Chapter 8 of the EIS addresses the matter of air quality and climate. It provides details on the legislative background for monitoring air quality and describes the existing receiving environment. Levels of nitrogen dioxide, carbon monoxide, particulate matter and benzene are stated to be well below the National and European ambient air quality standards. Identified likely significant impacts are stated to arise both in the construction phase from demolition and construction and then the operational phase from traffic. No road links are classified as affected, given that the proposed development will largely be dependent on public transport. Dust nuisance from the demolition and construction phase will cause local impacts but these will be temporary in nature. The chapter states that where best practice dust

mitigation measures are implemented, the impact will be insignificant and will pose no nuisance. Appendix 8.2 of the EIS is a dust minimisation plan.

10.8.2. I note that the dust sensitive receptors are listed (no map or diagram provided, just a reference to “within 20m”) as the office buildings on George’s Quay and Tara street but not the private and public open space associated with Kennedy’s – the closest structure to the subject site. I also query the classification of the proposed earthworks as “very little” (page 14/ Chapter 8) given that a three storey basement will be excavated to a depth of 12m BGL. Should the Board decide to grant permission, it is recommended that dust deposition monitoring as outlined in the Dust Minimisation Plan (chapter 8/ page23) be placed in the two areas of outdoor space at Kennedy’s – the smoking area on the ground floor and the private terrace on the first floor.

10.8.3. I have considered all of the written submissions made in relation to air quality and climate, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.9. Noise & Vibration

10.9.1. The issue of noise and vibration is addressed in chapter 9 of the EIS. An environmental noise survey was undertaken (9th to 13th May 2016) with two noise sensitive locations chosen – the western and eastern façades of Tara House. Noise levels were found to be typical of such an urban setting (average 57 to 61dB L_{Aeq} daytime and 51 to 58dB L_{Aeq} evening and night). Section 9.5.1 states that the closest noise sensitive properties are at Exchange Court Apartments, George’s Quay and South Gate Apartments. Significant noise impacts are not expected at Exchange Court Apartments during the construction or the operational phase of the proposed development. Regarding possible impacts during the operational phase, details of a traffic analysis for Tara Street. Total traffic increases were found to be inaudible and therefore the impact is defined as imperceptible. Vehicular movements associated with the underground car park are not considered to be significant.

10.9.2. In relation to vibration, this section of the EIS states that as Kennedy’s is a protected structure, lower limits were applied. It is stated that construction activities undertaken

on site will be required to operate below the recommended vibration criteria set out in Tables 9.5 and 9.6 of the chapter. Remedial and mitigation measures are proposed in section 9.7. Section 9.9 states that both noise and vibration monitoring will be undertaken during 'intrusive works' to ensure compliance with noise limits. Should the Board decide to grant permission, it is recommended that a noise and a vibration monitor be placed within the Kennedy's property or as close to as practicable.

10.9.3. Notwithstanding the omission of a noise and or vibration monitoring station at Kennedy's, it is considered that the issue of Noise & Vibration has been satisfactorily assessed. Should the Board decide to grant permission, noise and vibration monitoring stations should be erected at the boundary with Kennedy's.

10.9.4. I have considered all of the written submissions made in relation to noise and vibration, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.10. Microclimate

10.10.1. Chapter 10 of the EIS describes the issue of microclimate, with a wind microclimate study attached in Appendix 10.1. A scale building of the proposed development was placed in a wind tunnel with mean and gust wind speed appropriately simulated. The assessment notes that wind speeds do not alone determine wind speeds, that the activity of a person experiencing will alter their perception of wind (see Table 10.2, page 5 of Chapter 10). Wind impact during the construction phase is found to be negligible. For the operational phase, chapter 10 states that four ground level test locations are not suitable for intended pedestrian activities. It is stated that the four locations are sited "either on roadways or pedestrian thoroughfares" (points, 11,12,19 and 94 as shown in figures 3 and 4 of the appendix 10.1). It states that in summary, all of the ground level intended uses are within acceptable limits and therefore no remedial or mitigation measures are proposed. The low level podium terrace is suitable for amenity usage and the proposed roof top terraces are suitable for their intended use throughout the year. All

predicted impacts are classified as negligible, therefore no avoidance, remedial or mitigation measures are proposed.

10.10.2. I have considered all of the written submissions made in relation to microclimate, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.11. Sunlight & Daylight

10.11.1. Chapter 11 of the EIS addresses sunlight and daylight. A 3D model of the proposed development was used to assess the likely shadows that will result from the proposed development. The assessment acknowledges that there will be a material change given that the subject site currently has low rise structures.

10.11.2. The potential impact on daylight access on those existing buildings outside the development site is described as a “moderate” reduction to the north, “slight” or “imperceptible” to the west and south-west and “imperceptible” to “moderate” to the south. These impacts are described as a worst-case scenario with the proposed development unlikely to have a material impact on daylight access in the wider area. Details of the predicted change on sample rooms in 11-15 Tara Street, Ashford House, George’s Quay Plaza, the Ulster Bank development, Apollo House and the Workshop Gastropub (Kennedy’s) are provided in Table 11.1.

10.11.3. The shadow cast by the proposed building is predicted to extend to across the Liffey (Eden Quay, Butt Bridge and Custom House Quay) throughout the day during the Spring, summer and autumn. This will be short lived. From November to January the shadow will extend to buildings on the northern side of the Quays, also for a short time. The front façade of the Custom House will be in shadow for a short time in the afternoon in the months November to January. It is stated that this is not likely to be noticed as the building is already in shadow from the Ulster Bank development on George’s Quay during this period.

10.11.4. I have considered all of the written submissions made in relation to sunlight and daylight, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application

and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.12. Material Assets

10.12.1. The chapter on material assets examines economic assets of a natural origin and of a human origin. In terms of sustainability, the chapter notes the submission of a Construction Management plan and a separate Engineering Services Report with the application. Potential impacts resulting from the proposed development are identified as short term impacts on the surrounding urban developments such as disturbances from construction work. Positive impacts are expected from increased employment. Other predicted impacts are a neutral impact on ownership and access, an insignificant impact on transport infrastructure, no significant impact on foul or surface water drainage, water supply, service providers (gas, electricity and telecommunications) and municipal waste. Proposed mitigation measures correlate to those in the Construction Management plan and the Waste Management Plan. I have considered all of the written submissions made in relation to material assets, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

10.13. Interactions between the Foregoing

10.13.1. Impact interactions are addressed as they arise within each chapter of the EIS. I have also considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. In conclusion, I am satisfied that there are no such effects. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects

10.14. Volume Two Architectural Heritage and Landscape and Visual Impact

10.14.1. The second volume of the EIS is an architectural, heritage, landscape and visual impact assessment (referred to as 'TLHVIA' throughout the application and appeal documentation). This topic is addressed in 9.5 above.

10.14.2. The TLHVIA states that the criteria for the selection of built heritage, townscape and landscape receptors were agreed with the Planning Authority. Table 2.1 (page 6) summarises how judgements about receptor sensitivity and magnitude of change are combined to establish the significance of visual effects. Once the significance of an effect has been established, the qualitative nature of the effects must be addressed.

10.14.3. Volume Two provides an historical and an architectural record of the site and the wider area, a description of the site and the proposed development and a breakdown the area into character areas as follows (see Figure 8.1 on page 32 of volume 2). Each character area is described in detail and an assessment of the likely effect of the proposed development in isolation and the cumulative effect

10.14.4. **A: River Liffey and the Quays:** proposed development would be an elegant singular structure perceived together with Liberty Hall, it would act as a visual marker for the city. No impact on Custom House. Development of Hawkins House, Apollo House and City Quay with proposed development would be a welcome re- invigoration of this part of the city. Overall effect would be moderate and beneficial.

10.14.5. **B: Custom House and Busáras:** area of high quality architecture. Proposed development will have a limited effect on views of the Custom House from the north (views 11 to 14). Custom House is already surrounded by large scale modern

structures. Development will have a moderate and beneficial effect on the area with no appreciable cumulative effect.

- 10.14.6. **C: Trinity College Campus:** proposed development will be visible from but not dominant over part of the college. The top floor will be glimpsed through certain gaps in the buildings. Minor visibility possible from the main axial route. Effect will be moderate and beneficial in nature with no appreciable cumulative effect.
- 10.14.7. **D: College Green:** Area includes a number of protected structures, a central and important tourist area. Sensitivity of the area is high. There will be views from the Green, between the Bank of Ireland and College's Regent House. Proposed development will not interfere with the spatial quality of the Green (planned to be pedestrianised). Overall effect will be moderate and beneficial. Cumulatively with the redeveloped Apollo House and Hawkins House, the effect will be moderate and beneficial.
- 10.14.8. **E: Georgian Clusters:** The proposed development will not be visible from most of Georgian Dublin. Visibility will be restricted to the Custom House, Trinity College, College Green and very distant views from Henrietta Street, Frederick Street North, Parnell Square and Granby Row. Minor and beneficial effect as in principle the visibility of well-conceived, high quality, modern designs in relation to heritage elements is not harmful.
- 10.14.9. **F: George's Quay LAP western section:** Poor environment of mostly C20th developments, predominantly recognised as a commercial area. Effect would be majorly positively and beneficial with a high quality architectural development that would regenerate the wider area.
- 10.14.10. **Chapter 9** of the TLVHIA assesses the impact of the proposed development on built heritage receptors. It finds that there will be no effect on the significance of any of the studied conservations areas, namely: River Liffey Conservation Area (views 1 – 10), Mountjoy Square ACA (views 35&36), O'Connell Street ACA (views 3-5), Grafton Street ACA and the South City Retail Quarter (views 28,29, A3, A4, B1, B2, B3, C1, C2, C3 and C4). Twelve protected structures (listed in section 9.41, page 52 of the TLHVIA) were assessed. With the exception of Kennedy's for which the significance will be enhanced, there will be no effect on the significance of the other buildings/ areas (Custom House, Busáras, Beresford Place, Gardiner Street,

Custom House Quay Bridge, CHQ Building, Eden Quay and O'Connell Street Lower, City Quay, Burgh Quay and Poolbeg Street, Aston Quay, D'Olier Street & Pearse Street, College Street, Bank of Ireland, College Green, Trinity College Campus)

10.14.11. **Chapter 10** of the TLHVIA is a visual impact assessment of 47 no. views chosen on consultation with DCC (fig 10.1, page 79, chapter 10 of Volume Two). The proposed development is stated to have major and beneficial effects on three views: (from the Rosie Hackett Bridge and from 11 Amiens Street South) moderate and beneficial effects on 20 no. views, minor and beneficial or neutral effects on 15 no. views and no change to the remaining nine views. At the oral hearing I requested the applicant to explain the reference to three of the views in section 10 being of major and beneficial effect – whereas section 10 actually only provides two views with major and beneficial effects. Richard Coleman CityDesigner, Author of the TLHVIA stated that they counted the night-time view 5N from the Rosie Hackett Bridge in this conclusion.

10.14.12. Visibility from Georgian Dublin is limited to glimpses of the rooftop. The effect of such glimpses is stated to be of a far higher quality than those which exist, thereby safeguarding the potential for Dublin to be included as a World Heritage Site.

10.14.13. In terms of built heritage, that the proposed development is improving an existing vacant lot is seen as a positive impact. The improvement to the public realm and quality of architecture in the area will enhance the character of the area without causing harm to the special interest of conservation areas and ACA's.

10.14.14. The summary of the TLHVIA is that the proposed high quality landmark building will be a distinctive new element in the skyline. It will complement and enhance the character, legibility and connectivity in the immediate area. No harm will be caused to the setting of the adjoining protected structure (Kennedy's) or nearby heritage receptors or to formal or incidental views.

10.14.15. **Appendix I** of volume Two provides details of the methodology for carrying out the VIA. **Appendix II** is a Zone of Visual Influence from Trinity College. **Appendix III** is a Conservation Report on Kennedy's Public House.

10.15. Cumulative Impacts

10.15.1. I am also satisfied that while some cumulative effects may arise from the proposed development together with existing and permitted developments, these

would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

10.16. Summary and Conclusion

10.16.1. Having regard to the above, it is my view that the environmental effects arising as a consequence of the proposed development have been satisfactorily identified and assessed. I consider that the EIS is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

11.0 Appropriate Assessment

- 11.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites. The network includes sites designated as Special Areas of Conservation (SAC) under the EU Habitats Directive and Special Protection Areas (SPA) designated under the EU Birds Directive. In general terms, they are considered to be of exceptional importance for protecting rare, endangered or vulnerable habitats and species within the European Community.
- 11.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. A Screening Report for Appropriate Assessment has been submitted with the application to address the likely or possible significant effects, if any, arising from the proposed development on any European site.
- 11.1.3. The screening report submitted with the application states the zone of influence for the subject site are the South Dublin Bay and River Tolka Estuary SPA (site code 4024), South Dublin Bay SAC (side code 0210) and the Poulaphouca Reservoir SPA (site code 4063). The Poulaphouca reservoir is included as it is the source of drinking water for the proposed development. The North Dublin SAC and the North Bull Island SPA are screened out as there is "no pathway to these areas from the project". The 'features of interest' for the Dublin Bay SPA, the South Dublin Bay &

Tolka Estuary SPA and the Poulaphouca Reservoir SPA and the qualifying interests for the South Dublin Bay SAC and North Dublin Bay SAC are listed.

- 11.1.4. In relation to the likelihood of significant effects occurring due to the proposed development, the screening report states that due to the significant distance separating the subject site and the boundary of the South Dublin Bay and River Tolka Estuary SPA / SAC there is no pathway for loss or disturbance of habitats. The report states that there “can be no impact from this development to the quantity or quality of surface water leaving the site. New attenuation measures will result in a slight improvement in this regard”. The level of sediment that could enter water courses is not considered significant. In addressing cumulative impact, the screening report states that there are no projects which can act in combination with the development which would give rise to significant effects on Natura areas within the zone of influence. The conclusion of the screening report is that no significant effects are likely, either alone or in combination with other plans or projects.
- 11.1.5. In relation to the AA which must be undertaken by the Board, I am satisfied that the proposed development is not in or immediately adjacent to any Natura 2000 site. Therefore, the proposed development would not have the potential to have any direct effect on any Natura 2000 site.
- 11.1.6. Given the absence of any link, hydrologically or otherwise, between the application site and the Natura 2000 sites or the distance between the application site and the Natura 2000 sites, not all of the sites within a 15km radius of the subject site could potentially be affected by the proposed development. Those sites which I consider to have a potential indirect link to the site are the South Dublin Bay and Tolka River Estuary SPA (004024), the South Dublin Bay SAC (00210) and the North Bull Island SPA (0040006).
- 11.1.7. The subject site is approximately 2km from the **South Dublin Bay and Tolka River Estuary SPA** (site code 004024). The Natura 2000 Standard Data Form (2015c) states that the SPA possesses extensive intertidal flats, part of which are designated as South Dublin Bay SAC, and which supports wintering waterfowl as part of the wider Dublin Bay population. The main threat to the site is land reclamation, with other threats including oil pollution from Dublin Port, commercial bait digging and

disturbance by walkers and dogs. Conservation Objectives are available for the site (09/03/2015). Qualifying interests are the following species:

- Light-bellied Brent Goose (A046 – wintering),
- Oystercatcher (A130 - wintering),
- Ringed Plover (A137 - wintering),
- Grey Plover (A140 - wintering),
- Knot (A143 – wintering),
- Sanderling (A144 – wintering),
- Dunlin (A149 – wintering),
- Bar-tailed Godwit (A157 – wintering),
- Redshank (A162 – wintering),
- Black-headed Gull (A179 – wintering),
- Roseate Tern (A192 – passage),
- Common Tern (A193 – breeding),
- Arctic Tern (A194 – passage),
- Wetlands & Waterbirds (A999).

11.1.8. The subject site is approximately 3km from the **South Dublin Bay SAC (00210)**. Specific Conservation Objectives are available for the site (22/08/2013). The site includes Annex 1 Habitats including mudflats and sandflats not covered by seawater at low tide (1140), Annual vegetation of drift lines (1210), Salicornia and other annuals colonizing mud and sand (1310), Embryonic shifting dunes (2110). The Natura 2000 Standard Data Form (NPWS, 2015b) lists the cSAC as a fine example of extensive intertidal flats, of predominantly sand with muddy sands in more sheltered areas. It provides a supporting role to important populations of wintering bird populations of Dublin Bay. Threats to the site include land reclamation, oil pollution from Dublin Port, commercial bait digging and disturbance from walkers and dogs.

11.1.9. The subject site is approximately 5km from the **North Bull Island SPA (004006)**. detailed Conservation Objectives are available for the site (09/03/2015). The reasons for designation are the following species: Light-bellied Brent Goose (A046 – wintering), Shelduck (A048- wintering), Teal (A052- wintering), Pintail (A054 – wintering), Shoveler (A056 – Wintering), Oystercatcher (A130 - wintering), Golden

Plover (A140 -wintering), Grey Plover (A140 - wintering), Knot (A143 – wintering), Sanderling (A144 – wintering), Dunlin (A149 – wintering), Black-tailed Godwit (A156 – wintering), Bar-tailed Godwit (A157 – wintering), Curlew (A160 – wintering), Redshank (A162 – wintering), Turnstone (A169 – wintering), Black-headed Gull (A179 – wintering), Wetlands & Waterbirds (A999). The Natura 2000 Standard Data Form (NPWS, 2015d) lists the SPA as one of the top ten sites in the country for wintering waterfowl. The quality of the estuarine habitats in the SPA are considered to be very good, part of which are designated as North Dublin Bay cSAC. There are no serious imminent threats to the wintering birds. Threats to the site include oil pollution from Dublin Port along with localised commercial bait digging, disturbance from activities such as sailing, walkers and dogs.

11.1.10. The source – pathway – receptor that can be identified is that of surface and / or foul water from the development site entering the River Liffey and ultimately into Dublin Bay. Waters in Dublin Bay are classified as unpolluted but pollutants will be decreased in the longer term with the inclusion of SUDS systems for storm drainage in new development and upgrades to the Ringsend WWTP that will reduce pressure on habitats and species in Dublin Bay is being of “unpolluted” water quality status. I note that the Screening Report submitted with the application states there are no objectives in relation to water quality for the South Dublin Bay SAC and the North Dublin Bay SAC. In my opinion that is not an accurate assessment of the NPWS data for the sites. The North Bull island is a sand spit, an excellent example of an estuarine complex. It has two lagoons that provide the main feeding grounds for wintering waterfowl. The South Dublin Bay SAC is a coastal system and water quality is the very cornerstone of its designation.

11.1.11. During the construction period which will involve demolition, three storey excavation and construction of a 22 storey building there is the potential for surface waters carrying contaminants to enter the combined sewer network discharging to Dublin Bay via Ringsend Wastewater treatment plant or the local surface water sewer network which discharges to Dublin Bay. The potential may also arise for surface waters to be contaminated as a consequence of disposal into surface water of groundwater dewatering which may have become polluted. During the operational phase, new attenuation measures proposed as part of the development will result in a slight improvement in both the quality and quantity of surface water discharge.

Section 4.3 of the Engineering Services report outlines the proposed SuDS devices; namely green roof technology, low water usage appliances and an attenuation tank at ground floor.

11.1.12. These risks are addressed by proposed standard construction methods and measures in both the Construction Management report and the Demolition Management report submitted with the application. I am satisfied that for the purposes of AA, that these methods and measures are not mitigation measures as they are not referenced (in either plan) as a response to a possible risk to a designated site. Nor are they referred to in the Screening Report as an explanation for the screening out of likely significant effects or specific Natura 2000 sites. Rather they are proposed in the two plans as integral elements of the proposed development and as normal best practice for developments in an urban area.

11.1.13. I am satisfied that these identified risks are not significant nor are they likely. I am satisfied that the proposed development itself would not be likely to have a significant effect on any Natura 2000 site.

11.1.14. Having regard to the nature and scale of the proposed development and the nature of the receiving environment namely a fully serviced urban site, 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 European Site South Dublin Bay SAC (000210), South Dublin Bay, River Tolka Estuary SPA (004024), North Bull Island SPA (004006) 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.

12.0 Recommendation

12.1. I recommend permission be GRANTED subject to the following conditions

13.0 Reasons and Considerations

Having regard to:

- the Dublin City Development Plan, 2016-2022 (zoning objective Z5 - “to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design, character and dignity”),
- the George’s Quay LAP 2012 which was extended to 2022 in July 2017
- the site’s location within the “Tara Street key site”, which is one of three ‘key’ sites within the area of the George’s Quay Local Area Plan, 2012,
- the existing character and pattern of development in the area and the city centre location of the site together with its proximity to public transportation infrastructure,
- plans and details included with the application and submitted during the Oral Hearing,
- the layout, form, mass, height, materials, finishes, design detail, and the public realm provision and enhancements,

it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate satisfactorily with the surrounding existing development and with the established character of the sensitive historic city centre, including the Custom House and including views and prospects towards the site along the River Liffey Conservation Area, College Green, the grounds of Trinity College and the North Dublin Georgian Quarter, would not seriously injure the amenities of development in the area and the character and appearance of Protected Structures and Architectural Conservation Areas by reason of overbearing impact, overlooking or overshadowing, would be acceptable in terms of public and private transport and pedestrian safety and convenience and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 three storey stand-alone wings to the east and west of Kennedy's Public House shall be omitted. A planning application to address the integration of Kennedy's Public House with the development of the subject site, in accordance with the objectives of the George's Quay LAP may be submitted to the Planning Authority.

Reason: To ensure delivery of the key site objectives for the Tara Street Site provided for in the George's Quay Local Area Plan, 2012 and in the interest of the amenities and orderly development of the area.

3. Prior to the commencement of development on the site, the Developer shall submit revised plans providing for a re-design of the northern elevation of the office / podium element of the subject development, to allow for greater protection of the amenities of the users and residents of Kennedy's Public House.

Reason: To ensure delivery of the key site objectives for the Tara Street Site provided for in the George's Quay Local Area Plan, 2012 and in the interest of the amenities and orderly development of the area.

4. The following requirements of the planning authority shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of development.

(a) details of the proposed loading bay on Poolbeg Street shall be submitted to and agreed in writing with the planning authority. The provision of the loading bay and any other proposed alterations to the road network shall be to the planning authority requirements and at the developer's expense.

(b) details of cycle parking which shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. Key/fob access shall be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.

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

(d) Details of the materials proposed in public areas is required and shall be in accordance with the document entitled "Construction Standards for Roads and Street Works in Dublin City Council" and agreed in detail with the planning authority prior to commencement of development.

All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

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

5. Noise and Dust monitoring locations which shall include at least one station to the rear elevation of Kennedy's Public House, for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity

6. Aeronautical obstacle lighting in accordance with the specification contained in the International Civil Aviation Organisation's publication entitled Annex 14,

Volume 1, "Aerodromes", shall be erected on the structure. The light shall be erected as close as practicable to the highest point on the structure and shall be visible from 360 degrees in azimuth.

Reason: In the interest of aeronautical safety.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and,
 - (b) employ a suitably-qualified archaeologist prior to the demolition works and commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

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

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

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

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and

services. The requirements for the management of storm water shall include the incorporation of Sustainable Urban Drainage systems (SUDs) and implementation of the proposed arrangements in the Flood Risk Assessment submitted to the planning authority on the 5th of May, 2017.

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

9 (1) Public lighting shall be provided in accordance with the scheme submitted to the planning authority. All pedestrian routes shall be lit and shall be open to public access at all times. All ground floor uses within the overall development shall be open to the public and open spaces shall not be gated.

(2) Any proposals for the lighting of the building at night shall be submitted to and agreed in by the planning authority writing prior to commencement of development.

Reason: In the interests of amenity and public safety.

10. 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, other than that shown on drawing no. 1002P1 as submitted to the Planning Authority on the 5th May 2017.

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

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

Reason: In the interest of residential amenity and clarity.

12. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

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

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

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

14. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Docklands Line C1 Scheme, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the

time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

Gillian Kane

Senior Planning Inspector

12 December 2017

Appendix 1 Oral Hearing Agenda and List of Attendees

ORAL HEARING AGENDA

Thursday 26 th October 2017		10.00 AM
Time	Module	
AM	<ul style="list-style-type: none"> • Opening of oral hearing 	
	<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 Observations and other specific issues to be addressed as set out above. 	
13:00 – 14:00	Break	
PM	<ul style="list-style-type: none"> • First Party continued • Planning Authority 	
Friday 27 th October 2017		10.00 AM
AM	<ul style="list-style-type: none"> • Observer's' submissions in the following order: <ol style="list-style-type: none"> 1. Kennedy's Tavern & Ciaran Kennedy 2. Alstead Securities. • Transport Infrastructure Ireland • Questioning between the parties 	
PM	<ul style="list-style-type: none"> • Questioning between parties (<i>cont.</i>) • Closing comments in the following order: <ul style="list-style-type: none"> ○ Applicant ○ Planning Authority ○ Observer's. 	
	<ul style="list-style-type: none"> • Closing of oral hearing 	

Appendix 2 Summary Report of Oral Hearing

Attendees:

Eamon Galligan	Tanat Ltd.,
Suzanne Murray	Tanat Ltd.,
John Spain	Tanat Ltd.,
Paul O'Brien	Tanat Ltd.,
Eoín Flanagan	Tanat Ltd.,
Bill Hastings	Tanat Ltd.,
Stephanie Byrne	Tanat Ltd.,
Richard Coleman	Tanat Ltd.,
Simon Lancaster	Tanat Ltd.,
Des McMahon	Tanat Ltd.,
Robert Park	Cameo Partners
Niall Barrett	Cronin & Sutton Consulting
Pearse Sutton	Cronin & Sutton Consulting
Mark McEate	Cronin & Sutton Consulting
Ronan Murphy	AWN Consulting
Edward Patton	AWN Consulting
Elaine Neary	AWN Consulting
Dan O'Connor	JLL Hotels
Gordon Breeze	BRE
Paul Finch	Chair Design Panel
Martin Donlon	DCC
Garrett Hughes	DCC
Ali Grehan	DCC
Mary Conway	DCC
Lenzie O'Sullivan	DCC
John Downey	Kennedy's Taverns Ltd and Ciaran Kennedy
Anne McElligot	Alstead Securities
Cian Dowling	Axiseng

Thursday 26th October Morning Session

1. Introduction by Inspector Gillian Kane
2. Opening Statement by SC Eamon Galligan for Applicant
3. Paul O'Brien HJL – overview of proposed development
4. John Spain Planning Consultant - Proposed Development
5. Paul O'Brien HJL – City Skyline, Design Excellence and Landmark Creation
6. Richard Coleman, City Designer – Visual Impact Assessment,
7. John Spain – Land Ownership

Thursday 26th October Afternoon Session

1. Paul O'Brien HJL – Integration and Connectivity, Kennedy's Public House, Concourse
2. Robert Park Cameo Partners – Landscape
3. Gordon Breeze – Wind Impact Assessment
4. Bill Hastings ARC – Sunlight, Daylight and Shadowing
5. Paul Finch – Design Review Panel
6. Mary Conway, Deputy City Planner DCC – Planning Authority Submission
7. Ali Grehan, City Architect – Design and Key Function

Friday 27th October Morning Session

1. John Downey – Observation Kennedy Taverns and Ciaran Kennedy
2. Anne McElligot – Observation Alstead Securities
3. Cross Questioning
 - a. Inspector of Observer's
 - b. Inspector of Planning Authority
 - c. Inspector of First Party
 - d. Planning Authority of Applicant
 - e. First Party of Observer
 - f. First Party of Planning Authority

Friday 27th October Morning Session

1. Continuation of Cross Questioning
 - a. First Party of Planning Authority
2. Closing Statement of First Party
3. Closing Statement of Planning Authority
4. Inspector Closing Statement

Appendix 2 Submissions received during Oral Hearing

Paul O'Brien HJL – Proposed Development x 2

Paul O'Brien HJL – Points of Clarification

John Spain, John Spain & Associates – Proposed Development and Draft George's Quay LAP 2008

Richard Coleman City Designer – Heritage and Townscape & Appendices

Bill Hastings ARC – Sunlight and Daylight Access Analysis

Mary Conway, Deputy City Planner DCC – Submission

Ali Grehan, City Architect DCC -Observations on Key Functional Aspects

John Downey, John Downey Planning – Oral Hearing Submission on behalf of Kennedy's

Anne McElligott, John Downey Planning – Oral Hearing Submission on behalf of Alstead Securities