



Development

1. Change of use of part of the existing basement -2 and -1 to incorporate 2 no. café/restaurant units, 1 no. retail with ancillary café unit and new hospitality entrance to serve the new proposed roof top destination. The new units at basement level will be accessed from a new sunken landscaped courtyard from the south-west of the building accessed via a new staircase from the existing plaza and secondary staircase and lifts on the western side of the building. Demolition of the existing western staircase to first floor level to plaza.
2. 4 Café/Restaurant Units at ground floor level to include two external Terraces fronting onto Fownes Street and Cope Street.
3. Minor Extension to the existing office/reception lobby at 1st floor level to provide additional reception and meeting rooms.

4. The redevelopment of 9th and 10th floors from roof and plant areas to new hospitality suite to include new restaurant and bar on two levels and the replacement of the metal clad roof with a new glazed roof incorporating external fixed shading panels. Perimeter terrace on 10th floor with glazed balustrade. The hospitality area is to have a dedicated access from upper basement level (-1).
5. Upgrades to the existing plaza area and public realm including hard and soft landscaping.
6. Signage and ancillary works.

Location	Former Central Bank Building, Dame Street, Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3620/17.
Applicant	Dame Plaza Property Trading Designated Activity Company.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	Vincent Howard.
Observers	None.
Date of Site Inspection	10 th February, 2018.
Inspector	Paul Caprani.

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1.0 Introduction

ABP300063-17 concerns a third party appeal against the decision of Dublin City Council to issue notification to grant planning permission for a change of use from car parking, storage and plant room at basement level to restaurant, café units and hospitality areas together with a new lower level plaza area at the former Central Bank Building in Dame Street, Dublin 2. Permission is also sought for a change of use of the top two floors from office, storage, roof and plant areas to hospitality suites at the same building. The grounds of appeal argue that the proposed development will have an unacceptable impact on residential amenity primarily through increased overlooking of a private roof terrace/garden.

2.0 Site Location and Description

- 2.1. The former Central Bank including the central plaza area fronts onto Dame Street and backs onto Temple Bar in Dublin City Centre. The building is flanked to the immediate west by Fownes Street comprising primarily of four-storey structures (most of which are listed as protected structures in the development plan) which face eastwards towards the former Central Bank. A group of reconstructed 19th century buildings incorporating a more formal classical design, known generally as the commercial buildings, face westwards onto the Central Bank Plaza. These buildings are three storeys in height. The former Central Bank backs onto Cope Street and the wider Temple Bar area. The temple bar area comprises primarily of three/four storey 18th century and early 19th century buildings on narrow plot widths.
- 2.2. The former Central bank structure dominates the surrounding area and rises to a height of over 40 metres. The Central Bank has recently been relocated (moving to the Docklands area) and the extant building on site is currently vacant. The existing building originally comprising of a large eight storey structure with two levels of underground car parking was constructed in the early to mid-1970s. It was designated by Stephenson Gibney Architects and it replaced a group of three and four storey 18th and 19th century houses/commercial buildings which previously fronted onto Dame Street and Cope Street.

- 2.3. The erection of the new Central Bank building was delayed due to controversy over the building height and the roof structure. While a substantial portion of the building was completed and occupied by the mid-1970s the roof structure was only completed in the early to mid-1990s. Originally the Central Bank building comprises of 8 floors however, this was increased to 10 floors with the completion of the roof profile in the mid-1990s.
- 2.4. The building is somewhat unusual in terms of construction in that it consists of two reinforced concrete cores supporting double cantilevered trusses from which the floors are “hung”. This is an unusual construction technique and is somewhat unique in Dublin City. In terms of overall design, the building can be described as somewhat “top heavy” with the upper floors accommodating a greater floor area/footprint than the lower ground floor. Notwithstanding the fact that the building only accommodates 10 storeys it rises to a height of over 45 metres and as a result dominates the skyline of the city centre.
- 2.5. The building can be described as a large “modernist” office block. Two flights of granite steps lead from the plaza area to the main building. The main structure comprises of 8 horizontal bands of granite cladding with recessed glazing separating the granite panels. Two rows of steel “hangers” clasp onto the outside of the building on the front and rear elevation. The first floor formerly accommodated the reception area and main foyer into the building. A mezzanine floor is located between the first and second floors. The upper floors were previously exclusively used for office accommodation. Ancillary storage and plant areas were contained within the more recently added mansard roof type structure. Two levels of car parking are located in the basement area and are accessed from Cope Street to the rear of the bank.

3.0 Proposed Development

Planning permission is sought for a change of use at basement level and ground floor level as well as the 9th and 10th floor level of the existing buildings. Permission is sought for a restaurant/café and retail use at lower levels and the creation of hospitality suites with bar and restaurant facilities on the two top floors of the building. The proposed changes are set out in more detail below.

- Planning permission is sought for a change of use of the existing lower basement level (level -2) from car parking, storage and plant area to use as a car park with new car lift, new internal courtyard and a new retail unit with a mezzanine floor. The number of car parking space over two levels will be reduced from 120 to 20. The retail unit is to be located beneath the existing plaza area and is to accommodate a double floor to ceiling height (5.7 metres) with a mezzanine inset incorporating a gross floor area of 875 square metres.
- The upper basement (level B1) is linked from the lower basement via a number of escalators and stairs. The upper basement will provide access to the upper mezzanine floor under the existing plaza and will also incorporate a lower plaza area which will provide an outdoor seating area and entrances to two additional café/restaurant areas which face onto the lower plaza area. This lower plaza area will also be linked to the main plaza at the forecourt of the building. The eastern side of the lower plaza area will also provide an entrance to a hospitality reception area which will provide access to the proposed rooftop hospitality destinations.
- At ground floor level/plaza level it is proposed to provide two additional bars and restaurant units with large kitchen areas to the rear of the restaurant/café units. A new stairwell will be provided to an outdoor and indoor seating area at first floor level which will face out onto the eastern and northern side of the building looking onto Fownes Street and Cope Street respectively. The applicant also proposes to upgrade the existing office/reception area at first floor level to provide additional meeting rooms etc.
- No changes are proposed in the case of the 7 floors above the ground floor.
- The 9th and 10th floors currently accommodate roof and plant areas. At these levels it is proposed to provide two additional hospitality suites comprising of bars and restaurants. The 10th floor is to comprise of a large balcony area surrounding a double floor to ceiling height at 9th floor level. This will create an atrium type effect between the 9th and 10th floors. A viewing terrace will also be provided at the upper level around the perimeter of the building providing panoramic views of the city centre. The works at roof level will also involve the replacement of the existing clad roof with a fully glazed roof. The upper portion of

the roof will incorporate glass-type panels with different levels of opaqueness. Plant areas and service ducting will be relocated to an area subjacent to the floor level on the 9th floor.

- It is also proposed to revamp the ground floor plaza area with hard and soft landscaping creating a new public realm with new public lighting.

4.0 **Planning Authority Decision**

4.1. **Decision**

- 4.1.1. Dublin City Council issued notification to grant planning permission subject to 18 conditions. The decision was dated 4th October, 2017.

4.2. **Documentation Submitted with the Application**

- 4.2.1. A total of 19 separate documents were submitted with the application and these documents are briefly referred to below.

Planning Report by Brady Shipman and Martin

- This report set out the site location description and planning history. It describes the development and sets out the planning framework as it relates to the development. It evaluates the development in terms of land-use compliance, compliance with the development standards, conservation and architectural assessment, visual impact wind study, façade design and signage and public realm. An Appropriate Assessment Screening is also included in the report. It concludes that the proposal fully complies with the development plan and will result in a world class environment in the heart of Dublin City Centre.

Report on the architectural/historic significance of Central Plaza (formerly Central Bank), Tower and Plaza,

- This report was prepared by David Slattery Architect and Historic Buildings Consultant. This report sets out the history of the site and the development of the Central Bank building on site. It also describes the buildings and the modification

to the roof which was undertaken in the 1990s. It describes the construction method involved in the building and details of the existing layout of the building.

- In terms of its architectural significance it notes that the tower is unique in Ireland one of the very few examples of buildings anywhere where construction methods have involved the “hanging of floors” from a central core. The tower is also of architectural significance as an innovative and unusual modern design creating a striking contrast of scale in a very sensitive urban setting. In terms of historic significance, the building is considered to be of some historic interest as a powerful architectural statement. The report goes on to describe the proposed development in detail.
- The report goes on to outline the architectural impact arising from the proposed works to be undertaken and this impact is described as being entirely appropriate having regard to the existing land uses in the area and the aesthetic and sensitive way in which the proposed architectural intervention is to take place. While views from various public vantage points throughout the city centre will be affected by the proposal it is considered that the replacement of a cladded roof with a glazed roof of similar profile and form will significantly enhance views in the wider city area. The removal of the “ugly metallised seamed roof” and its replacement with a glazed roof is classed as positive. The report is accompanied by a series of appendices.

Architectural Conception Report prepared by TESS

This report analyses in a conceptual fashion, details of the materials and architectural approach involved in creating the original modernist building. It also details and assesses sunlight penetration and solar shading with the use of opaque panels. An assessment of the roof geometry and structure is also set out.

Architectural Design Statement by Henry J. Lyons Architects

This report sets out details of the site context, the proposed design strategy. The report concludes that the new elements proposed will enhance the architectural quality of the city urban block and the creation of additional uses will serve to enhance the central area of the city. The incorporation of a rooftop destination

will enhance the experience of the city and will add to the redevelopment and rejuvenation of this important city centre development.

Access and Service Strategy Report – DBFL Consulting Engineers

This report sets out the transport access requirements associated with the proposed development. It is noted that the number of car parking spaces at basement level will be reduced from 120 to 20 spaces as well as one mobility impaired space. The proposed basement parking will be accessible via a new car lift replacing the existing ramps with access onto Cope Street. Cycle parking will be increased to 120 spaces (an increase in 30) all located at basement level. Cycle parking will be accessed via cycle basement lifts adjacent to the vehicle lifts. Pedestrian access will be via the various new entrances proposed as part of the overall scheme while details of lift arrangements for mobility impaired pedestrian access are also set out.

The final section of the report sets out details in relation to vehicle servicing requirements associated with the development. The new uses proposed on site is expected to result in a modest increase in the number of servicing vehicles associated with the development (5 to 6 additional vehicle trips per week).

Operational Waste Management Plan prepared by AWN Consulting

This report sets out an overview of waste management in Ireland and details the description of the project. It is estimated that the new uses will generate approximately 25 cubic metres of waste per week. All waste will be segregated at source. The waste will be conveyed via waste bins to a dedicated temporary waste collection point on Cope Street and will be returned immediately after emptying. It is stated that the proposal will comply with all legal requirements in respect of waste. The proposal will ensure a high level of recycling, reuse and recovery.

Wind Study prepared by Integrated Environmental Solutions

This study investigates the potential impact on wind movements on pedestrian comfort around the podium area of the central plaza. The analysis shows no concern to the safety of pedestrians throughout the site. It also shows no area of concern for pedestrians using the site for walking or standing. The corners of the podium zone where seating activities are expected may receive a sustained

hourly wind speed in excess of 4 metres per second for more than 5 to 10% of the year which is within the limits set out in Guidelines.

Landscape and Public Realm Design and Access Statement – Cameo Partners

This report sets out details of the design and landscape proposals for the plaza area. It is argued that the proposed design rationale will maximise the site's potential and create a unique designation which will enhance, regenerate and revitalise this section of the city. The report also sets out details of the paving and planting proposed within the plaza area.

Landscape and Visual Impact Assessment – Tower Building Report – Kennett Consulting

This report sets out details of vantage points within the city centre area where views from the tower building will be available. Separate maps are provided for in the Temple Bar and Dame Street area, the south-west quarter, the south-east quarter, the north-east quarter, the north-west quarter and the north city.

A separate booklet is submitted showing photomontages from various points throughout the city. A total of 48 vantage points have been chosen.

Client's Vision prepared by Dame Plaza Property Trading Designated Activity Company

This report provides a brief overview of the overall vision for the scheme with the focus on the rooftop destination along with an indicative operational plan for this space. The document also outlines a number of "Best in Class International Examples of Similar Spaces and Concepts".

Ecological Impact Statement compiled by Openfield Ecological Services

It concludes that no significant negative impacts to flora and fauna are predicted to arise from this development.

Screening Report for Appropriate Assessment by Openfield Ecological Services

Details of the nearest Natura 2000 sites are set out and it is noted that the proposed development is not located within or adjacent to any SAC or SPA. The screening undertaken concludes that significant effects are not likely to arise either alone or in combination with other plans or projects to the Natura 2000 network.

Façade Element Review by Murphy Façade Studio

This report element sets out details of all the façade elements to be incorporated into the proposed development.

Outline Construction Management Plan – DCON Safety Consultants

This report sets out details of compliance requirements, traffic management, mechanical and electrical fit out, construction methodology, construction and environmental management and pollution risk and control.

An Archaeological Assessment by IAC Archaeology

This report incorporates a desktop study, details of previous archaeological fieldwork and a cartographic analysis. It notes that the proposed development is located within a zone of archaeological potential. The most significant works relating to the site incur during the 1970s with the construction of the existing structure. It is highly likely that this work would have seen the removal of any archaeological features or deposits. As such there is no predicted impact as a result of the development.

Sustainability/Energy Report by JV Tierney

It sets out details of the sustainability strategy approach in respect of the proposed development. It seeks to maximise the use of passive design parameters to the use of high performing window elements, enhanced fabric U-values etc. Details of all energy efficiency measures to be incorporated into the overall design are set out.

- **Lighting Strategy prepared by EQ2 Light**

This report sets out details of the proposed lighting arrangements and intensity for both the public realm and the former bank building.

- **Infrastructure Design Report prepared by DBFL Consulting Engineers**

This report sets out details in relation to flood risk where it is concluded that the development site is wholly located in flood risk C which is a very low risk of fluvial flooding. It is also concluded that the development will not impact on flood risk to other properties in the surrounding area and therefore a more detailed site specific flood risk assessment is not required.

Details in relation to the existing drainage serving the building is also set out. As are details of existing drainage, surface water drainage foul drainage and water supply and distribution. It is stated that no extra capacity is required in respect of water supply to service the development.

4.3. **Observations to Dublin City Council**

- 4.3.1. A number of observations were submitted in respect of the proposed development including observations from the Temple Bar Residents Association. Some of the observations are generally supportive of the proposed development although suggest a number of improvements to the overall design approach. Some concerns are also expressed in the observations to the planning authority in relation to the intensification of late night activity and its resultant impact on residential amenity in the area. Concerns are also expressed in respect of light pollution and overlooking.
- 4.3.2. An observation from **Transport Infrastructure Ireland** requests that where Dublin City Council grant planning permission, a supplementary contribution under section 49 (Luas Cross City) should be applied in this instance.

4.4. **Dublin City Council Reports**

- 4.4.1. A report from the **Engineering Department Drainage Division** states that there is no objection to the proposed development subject to standard conditions.
- 4.4.2. A report from the **Roads, Streets and Traffic Planning Division** stated that there is no objection to the proposed development subject to six standard conditions.

- 4.4.3. A report from the **Environmental Health Officer** states that there is no objection to the proposed development subject to five conditions.
- 4.4.4. The **Planner's Report** sets out details of the site planning history (see below), the observations contained on file as well as the interdepartmental reports referred to above. Details of the policies and provisions in the development plan as they relate to the proposed development are also set out. In terms of evaluation of the proposal, the report notes the primary position of the Central Bank within the city centre and also its role in terms of facilitating key movements between the Quays, Temple Bar and the Dame Street/College Green area. In this regard the proposed plaza will form a very important civic space. The proposal represents an opportunity to open up the existing "defensive design" of the railing and blank facades associated with the Central Bank. The creation of exterior seating and the incorporation of café and restaurant use provides an excellent opportunity to open up this area. The incorporation of the proposed first floor terraced balcony will also help animate and create vibrancy in the vicinity. The proposed changes to the public realm are seen as improving the permeability and aesthetics of the area and are likely to result in increased footfall which would equally be welcomed.
- 4.4.5. The proposed use to be incorporated at the upper floors of the building is also considered to be acceptable and will provide unique and unrivalled views of the city and will create a major future tourist attraction. In relation to overlooking it is stated that views from the proposed rooftop area is unlikely to give rise to any significant increase regarding overlooking of neighbouring properties. The existing building has office windows at high levels and this use is to be maintained on many of the upper floors. It is considered unlikely that the viewing deck will have any greater impact on surrounding residential amenity than the existing offices on site and the wider more unique views citywide are likely to be of relevance to future patrons.
- 4.4.6. In relation to noise impact, it is stated that given the aspiration for the plaza space and associated café/restaurant units to become a viable destination and to allow for passive surveillance of the plaza, the proposed restaurant/café elements should be conditioned to close at 11.30. It is also considered that the overall height of the proposed roof structure has not increased and is therefore acceptable. The overall pallet of materials under consideration are deemed to be acceptable and can be adequately addressed by way of condition. It is noted that the applicant submitted

detailed photomontages and it indicates that the roof design, with its chequered patterns, is interesting and a subtle addition to the Dublin skyline. The proposed glazing results in a more pleasing and less intrusive structure than the existing roof.

- 4.4.7. The planner's report goes on to assess the proposed development in terms of roads and traffic, access/cycle parking and construction management. The final section of the report relates to AA screening.
- 4.4.8. It is concluded that the proposed development would not injure the amenity of the area or of property in the vicinity and accords with the provisions of the development plan and it is therefore recommended that planning permission be granted for the proposed development.
- 4.4.9. Planning permission was therefore granted subject to 18 conditions.

5.0 Planning History

- 5.1. Details of three planning applications are attached to the rear of the file. Under Reg. Ref. 3033/17, the current applicant applied for planning permission for the development of 0.28 hectares at the plaza area of the former Central Bank for the replacement of the existing eastern staircase from the plaza to the main entrance with a Part M compliance staircase, and the replacement of an existing glazed entrance façade at ground and first floor above the front and rear of the building with new facades of clear glazing. Dublin City Council granted planning permission for the development on 4th September, 2017.
- 5.2. Under Reg. Ref. 3154/17 Dublin City Council granted planning permission consisting of works at both the annex building and commercial building, (buildings to the immediate east of the plaza facing onto the plaza at the former Central Bank) for the change of use from offices and canteen to two restaurant/café units together with the upgrade of the public realm, demolition of elements of the building to its southern end together with alterations and extensions with the unit onto Cope Street and the reconfiguration and minor extension of the existing basement into the adjoining basement to incorporate plant areas. Dublin City Council granted permission on 8th August subject to 16 conditions.

- 5.3. Under application number 2978/17 Dublin City Council granted planning permission on the subject site for the relocation of an existing substation from basement to ground level and other minor works involving reconfigurations in the layout of the lower and upper basement. Permission was granted subject to six conditions on 21st August, 2017.
- 5.4. Partial details of the above applications are contained in a pouch to the rear of the file.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council was the subject of a third party appeal by Vincent Howard. The grounds of appeal specifically relate to the redevelopment of the 9th and 10th floors and the appellant's opposition to the development is in respect of privacy. The appellant resides in Foynes Street Upper and occupies an apartment with a private roof garden which is overlooked by the former Central Bank building. While the applicant was aware that his rear garden would be overlooked by office workers during normal business hours, the appellant was secure in knowing that his garden would not be overlooked on evenings, weekends and holidays. The applicant has spent a lot of time and effort developing the garden into a nice amenity area which he uses for entertaining, sunbathing, eating meals or just sitting outdoors. Should the proposed development proceed, the applicant will be overlooked for 364 days a year until very late at night and early morning. The appellant's roof garden is just 50 metres from the Central Bank building and the grounds of appeal argue that the proposal represents a gross invasion of privacy.
- 6.2. It is also argued that the resale value of the property will also fall due to the loss of privacy. It is likely that other residents will be similarly affected by the proposal. The grounds of appeal specifically relate to the appellant's own unique situation and is 'absolutely selfish' and this is acknowledged in the grounds of appeal. However, people's privacy should be respected regardless of where they live.

7.0 Appeal Responses

7.1. Planning Authority's Response to Grounds of Appeal

A response dated 15th November, 2017 from Dublin City Council states it has no further comment to make and considers that the planner's report on file adequately deals with the proposal.

7.2. Applicant's Response to the Grounds of Appeal

- 7.2.1. A response was received on behalf of the applicant by Brady Shipman and Martin. The appeal response sets out the context of the proposed development highlighting the vision for the development, to create a world class, mixed-use scheme to enhance the existing building and which sustains the vitality of the existing inner city in accordance with the zoning provisions set out in the development plan. The proposal seeks to invigorate and rejuvenate the central area of the city providing a mix of restaurants and eateries and high quality retail together with access to newly refurbished office space. The response then goes on to address the issues raised in the grounds of appeal. It notes that the appellant lives in No. 7A Fownes Street Upper which is a four storey apartment building. Behind the third floor unit there is a flat roof which is broken by a mezzanine/duplex structure that provides bedroom/study accommodation to the apartments on the second floor below. On either side of the mezzanine structure, there is a roof terraced area accessed from the mezzanine bedroom/study.
- 7.2.2. It is stated that the subject site is located in the city centre, a busy commercial area with a building mix of new and old. As such the vast majority of open space in the area, both private and public will suffer from a degree of overlooking due to the built up nature of the area. Panoramic views from the top of the building are set out in Appendix A) of the response submission.
- 7.2.3. It is stated that the appellant's property post-dates the former Central Bank building and has always experienced an element of overlooking from occupants of the building particularly in the upper floors.
- 7.2.4. The range of architectural, cultural and historical visual impact afforded from the overall panoramic view from the Central Bank includes all the iconic and well known landmark building and spaces within the wider city. The potential and opportunities

which such a development would provide needs to be balanced against any impact on amenity.

- 7.2.5. The slope distance from the closest point of the building to the appellant's rooftop area is between 67 and 72 metres and this is illustrated on Figure 2 of Appendix A. This is a relatively significant distance. It is suggested that observations from the rooftop will be focussed on wider landmark buildings and spaces as opposed to the appellant's garden. Furthermore, the roof area is c.30 metres below the proposed deck levels. It is suggested that the normal default line of sight for human vision is 10 to 15 degrees downwards for a person standing or sitting. The maximum vertical eye rotation is typically 25 to 30 degrees. As such and without rotating the head, the typical vertical cone of sight is actually quite narrow and as such it is unlikely that observers from viewing points at the top level of the former Central Bank will focus in on the appellant's roof.
- 7.2.6. With regard to normal office hours, the Board are requested to note that the Bank, given the nature of its work, would have involved working outside the standard 9 a.m. to 6 p.m. working day. This it is submitted would have given rise to the overlooking of the appellant's roof garden outside normal working hours. Modern office working hours no longer involve traditional hours as staff work on global time zones.
- 7.2.7. It is suggested that the tower building and associated elements would in fact have a positive impact on residential values in the area. The proposed development will bring a renewed focus on streets around the adjoining building which have suffered from anti-social behaviour due to lack of activity.
- 7.2.8. Furthermore, from the restaurant level the restaurant glazing will generally keep viewers back from glass and the parapet of the deck will limit visibility in a downward direction towards the appellant's roof garden. In addition visibility towards the appellant's roof garden will essentially be restricted to the north-western corner of the viewing deck. As such, the appellant's concern only relates to a small portion of the overall views on offer and therefore a small portion of the visitors.
- 7.2.9. Reference is also made to the planning authority's report which considered that the views from the proposed rooftop area is unlikely to have any significant increase regarding overlooking into neighbouring properties. The report notes that the viewing

deck at roof level will enjoy panoramic views of the city and will be set back slightly from the parapet. As such they will not have any greater impact on surrounding residential amenity than the existing offices.

- 7.2.10. The Planning Authority concluded that the former Central Bank has a prominent location in the city centre and it is important that any redevelopment of these lands has a co-ordinated and cohesive outcome. Therefore the proposed rooftop is considered to be acceptable and will provide unique and unrivalled views of the city.
- 7.2.11. In conclusion therefore it is respectfully submitted that the appeal does not provide any argument which would lead to a review of the decision of the City Council and that the overall scheme has been received very positively by the general public and local business owners in the area. The proposal represents an important and ambitious redevelopment and rejuvenation of this important city centre building.

8.0 Development Plan Provision

- 8.1. The subject site is governed by the zoning objective Z5 with the objective to *“consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”*. Restaurant, café, office and retail development is considered acceptable in this instance.
- 8.2. The area along Dame Street is designated as a Category 2 retail street. The plan states that “streets in this category are those which already have a mix of retail and non-retail uses. In order to strengthen the retail character of these streets further development of retail frontages will be encouraged. Complementary non-retail uses which as cafes and restaurants add to the vibrancy of the street and create a mixed use environment to provide for a more integrated shopping and leisure experience, will be considered favourably but with regard also to the primary retail function of the street”.
- 8.3. The subject site is also located in a designated Conservation Area. Section 11.1.5.6 states new development should have a positive impact on the local character. In seeking exemplary design standards, the Planning Authority will require development in conservation areas to take opportunities to enhance the area where

they arise. Where a building has been identified as having a negative impact on an area, a proactive approach to the improvement will be sought. Where proposals involve demolition, policy for demolition of protected structures and buildings in Conservation Areas should be referred to.

- 8.4. Chapter 6 of the development plan relates to city economy and enterprise. Section 6.4 sets out the strategic approach. It emphasises the need to develop enterprise particularly in the services area and to develop economic, cultural and institutional clusters within the city centre in order to optimise its economic potential. It also seeks to improve the general attractiveness of the city for people and investors as a key part of maintaining competitiveness and creating a vibrant place which attracts and retains create people within the city. Policy CEE12 seeks to promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and supports the provision of the necessary significant increase in facilities such as hotels, tourist hostels, cafés and restaurants etc. It also seeks to promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors.
- 8.5. Policy CHC40 seeks to support existing and encourage the growth of emerging cultural clusters and hubs in the city which bring together cultural activities with supporting uses such as restaurants, retail outlets to create vibrant and innovative cultural experiences.
- 8.6. Section 16.29 specifically relates to restaurants and highlights the positive contribution of café and restaurant uses to the vitality of the city. In considering applications for restaurants the following will be taken into consideration:
- The effect of noise, general disturbance, hours of operations and fumes on the amenities of nearby residents.
 - Traffic considerations.
 - Waste storage facilities.
 - The number and frequency of restaurants and other retail services in the area (where the proposal relates to Category 1 or 2 shopping street as defined in the City Centre retail core, principle shopping streets in Chapter 7 and Appendix 3).

- The need to safeguard the vitality and viability of shopping areas in the city and to maintain a suitable mix of retail uses. Further details in relation to Category 1 and Category 2 shopping streets which include additional policies on restaurants are set out in Appendix 3 of the development plan.

9.0 Planning Assessment

- 9.1. The proposed change of use to café/restaurant and hospitality units together with the retail component fully complies with the Z5 zoning objective as it relates to the site. The zoning objective seeks to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity". In terms of permitted uses the Z5 zoning objective allows for restaurant/café as well as retail use. Such uses are therefore acceptable in principle.
- 9.2. I also consider that the proposed uses in this instance further support the wider strategic objectives as they relate to the city centre. The proposed uses, particularly the use as a restaurant and café, will reinvigorate and rejuvenate this landmark building and will add a new vibrancy and vitality to the civic space to the front of the former Central Bank. The former Central Bank, while a somewhat controversial building particularly when it was first built, is undoubtedly a key landmark building in the city centre and it is important, regardless of any opinion on design, that the building is utilised and contributes to the wider economic, social and cultural objectives as they relate to the city centre. The proposed development in this instance will contribute to the promotion and facilitation of tourism and will also support the provision of necessary facilities within the city centre including cafes and restaurants which provide important visitor attractions. The utilisation of the plaza with outdoor seating areas and cafes will enhance this important civic space. Historically the plaza area has been somewhat under-utilised, due to the absence of active street frontage and the incorporation of railings around the front of the former Central Bank. The café/restaurant and retail uses will revitalise the civic space with higher levels of footfall and pedestrian activity. The proposed development should also be seen in terms of the wider urban design objectives as they relate to College Green and the surrounding area. The proposed use of the former Central Bank building will also reinforce the tourism and economic potential associated with the Temple Bar area to the immediate north.

- 9.3. I consider that the importance and appropriateness of the proposed change of use under the current application in land-use and urban design terms has been well articulated in the planner's report prepared on behalf of Dublin City Council. Furthermore, I am in full agreement with the conclusions reached in the planner's report and the detailed analysis contained therein, in terms of the positive contribution the proposal will make in improving the public realm. I therefore consider the proposed change of use to be acceptable in principle and I agree with the local authority's conclusion that the proposed change of use fully complies with and supports the wider economic, social, cultural and urban design objectives as articulated in the current city development plan. As such I consider that the Board can restrict its deliberations to the specific issue raised in the grounds of appeal namely whether or not the proposed development would give rise to an unacceptable level of overlooking of the appellant's rooftop garden.
- 9.4. There can be little doubt that the appellant's roof garden is overlooked by the proposed hospitality suites on the 9th and 10th floor of the former Central Bank building. The extent of overlooking is in my view adequately illustrated in the Google Earth maps attached to this report. The provision of an open air terrace is likely to exacerbate the extent of overlooking. However, any impact in terms of overlooking on an individual roof terrace must in my view be balanced against the wide positive benefits which the utilisation of the former Central Bank building would bring to the area and the extent of which the utilisation of this building would aid and assist in creating a vibrant and dynamic utilisation of the urban plaza on the forecourt of the building. Also, there can be little doubt that the utilisation of the upper floor will provide unique and unrivalled views of the city and as pointed out by the Planning Authority is likely to be a major tourist attraction similar to the viewing point in Smithfield and the Guinness Storehouse. The latter two developments have proved to be very popular tourist attractions and important landmarks within the city. I consider that the proposed development of the upper floors for a hospitality suite would prove to be a popular destination for both Dubliners and tourists alike. It is apparent from the documentation submitted with the application (see client's vision – proposed rooftop destination) that such top-of-building viewing points are extremely popular in other cities around Europe and worldwide.

- 9.5. Having regard to the nature of the development proposed in a building of such height, it is somewhat inevitable that some level of overlooking will occur, particularly in an urban area where buildings containing various landuses are located in close proximity to one another.
- 9.6. Thus while some level of overlooking will inevitably occur, I consider that the impact on one private individual's visual amenity must be balanced against the wider benefits economically, culturally and in urban design terms which the proposed development will bring to the city centre. Furthermore, the viewing platform will be located c.67 metres from the appellant's roof garden which is a significant separation distance particularly having regard to the site's location within the city centre. The development plan provision in relation to overlooking notes that there should be adequate separation distance between opposing first floor windows. The plan goes on to state that traditionally a separation of 22 metres was sought between the rear of a two storey dwelling but this may be relaxed, if it can be demonstrated that the development is designed in such a way to preserve the amenities and privacy of adjacent occupiers. It is apparent that the former Central Bank building is considerably higher than two storeys and therefore a 22 separate distance would not be applicable in this instance. Notwithstanding this fact the Board should note that the separation distance between the appellant's roof garden and the viewing area of the Central Bank is three times the separation distance set out in the development plan and this generous separation distance will in my view, to some extent, maintain the appellant's privacy.
- 9.7. I would also agree with the applicant's points set out in its response to the grounds of appeal that any patrons of the viewing area would not be necessarily drawn to the roof garden in question. As already pointed out the viewing platform provides unrivalled panoramic views of the city centre in all directions and this, together with the visual emphasis on the various city centre landmarks, is likely to be focus of attention of patrons visiting the upper floors of the building. The applicant also makes the point that from the inside of the building the parapet level will help obscure views of the appellant's roof garden.
- 9.8. Finally, the Board will note that up until recent times the building in question was used for office accommodation and while the building may have primarily have operated during normal business hours, overlooking of the appellant's roof garden

has already been established to the former use of the building, albeit primarily during office hours. What is proposed in this instance is the utilisation of a building which already exists, and such a proposed use would be for the reasons set out above, be of great social, economic, cultural and visual benefit of the city and these wider strategic benefits should in my view outweigh potential impacts in terms of overlooking on a single roof garden in the vicinity. For the arguments set out above I recommend that the Board uphold the decision of the Planning Authority in this instance and grant planning permission for the proposed development.

10.0 Appropriate Assessment

The applicant has submitted an appropriate assessment screening report with the current application. The screening for appropriate assessment was also accompanied by an ecological impact statement. Having consulted both documents I would agree with the conclusions that significant effects on the Natura 2000 network are unlikely to arise in this instance. Thus, having regard to the nature of the proposed development and the nature of the receiving environment, together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects on a European site.

11.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the Z5 zoning objective contained in the current city development plan, which seeks to consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design character and dignity it is considered that the proposed development, subject to the conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, details of all materials, colours and textures of all external finishes for the lower basement, basement and ground floor together with the proposed plaza area and floors 9 and 10 of the former Central Bank building shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

3. Prior to the commencement of development, the following details shall be submitted to and agreed in writing with the planning authority:

(a) Samples of the fixed metallic solar shading together with building modelling studies of the various elevations under different lighting conditions. The modelling studies should demonstrate that the materiality, pattern and positioning of the metal panels meet the functional requirements of solar and glare control, daylighting optimisation and views as well as demonstrate that the pattern and positioning of the panels will result in an aesthetically appropriate and adequately integrates with existing elevations.

(b) Details of the maintenance and cleaning system of the proposed glazing at roof level together with the solar shading scheme shall be submitted.

(c) Detailed drawings (at a scale to be agreed with the planning authority) for several key junctions to indicate the relationship between the structural frame, the glazing system and the solar protection system. These drawings should indicate the primary and structural members required to support the glazing and the solar shading system. Details should indicate the size of the metallic panels, the thickness of the panels, the size of holes and the degree of transparency, the size and geometry of the framing members for the metal panels, the size and geometry of the supporting framework for the metal panes, mullions, tie-rods and bracing members. Drawings should also indicate the proposed glazing system, the size and spacing of primary and secondary supports, the proposed materials of the glazing system, glass type, size and geometry of the framing sections, opening sections if any, ventilation grills etc. Key junctions and details to be considered include the various parapet conditions, soffit conditions at the bottom of the solar screens, edge conditions and mid-screen conditions.

(d) A full scale panel or mock-up of a section of the rooftop extension indicating the various layers of the façade shall be constructed and placed in a suitable location for viewing by the Planning Authority prior to the commencement of construction.

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

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

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

5. Prior to the commencement of the proposed use, detailed drawings of any new proposed signage materials and finishes to the shopfronts of the restaurant and cafes and retail units including any illumination or lighting details shall be submitted for the written approval of the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 or any statutory provision amending or replacing them, any change to the display panels or the internal/external illumination of any of the restaurant and cafes shall be subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of such changes on the amenities of the area.

7. 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 including freestanding structures, banners, canopies, flags or other projecting element shall be displayed or erected on the building or within its curtilage or attached to glazing without a prior grant of planning permission.

Reason: In the interest of visual amenity.

8. The opening hours of the restaurant/café units at basement, ground floor and first floor level shall be restricted to between 0700 a.m. and 11.30 p.m. each day. The units shall not open between the hours of 11.30 p.m. and

07.00 a.m. each day.

Reason: In the interests of residential and neighbourhood amenity.

9. Site development and building works shall be carried out only between the hours of 0700 a.m. to 18.00 p.m. Monday to Friday and between 0800 a.m. to 14.00 p.m. on Saturdays and not at all on Sundays or Public Holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. Site development works and construction works shall be carried out in such a manner to ensure that the adjoining streets are kept clear of debris and other materials and if the need arises for cleaning works to be carried out on the adjoining public streets the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure the adjoining roadway are kept in a clean and safe condition during the construction works in the interest of orderly development.

11. The developer shall comply with the requirements of the Environmental Health Section of Dublin City Council. Details of these requirements shall be agreed in writing prior to the commencement of development.

Reason: In the interest of amenity and public safety.

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

Reason: In the interest of public health.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This plan shall provide details of integrated construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

15. The developer shall pay to the planning authority a financial contribution of €14,969 (fourteen thousand nine hundred and sixty-nine euro) 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. 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. The

application of any indexation required by this condition 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.

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

16. The developer shall pay to the planning authority a financial contribution of €8,118 (eight thousand one hundred and eighteen euro) in respect of Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. 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. The application of any indexation required by this condition 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.

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

Paul Caprani,
Senior Planning Inspector,

12th February, 2018.