



An  
Bord  
Pleanála

## Inspector's Report ABP300709-18

### Development

Demolition of 9-storey building, including multi-storey car park and cinema building and construction of a 10-storey over two-level basement commercial mixed-use office building with café/restaurant and a 500 seater entertainment venue with all associated site works.

### Location

College House, Nos. 2-3 Townsend Street and the former Screen Cinema Nos. 16-19 Hawkins Street, Dublin 2.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

3637/17.

### Applicant

Balark Trading GP Limited.

### Type of Application

Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

Third Party -v- Grant.

### Appellants

(i) David Anderson

(ii) Tom O'Brien & Simon Coyle

(iii) Office of Public Works

**Observers**

None.

**Date of Site Inspection**

21<sup>st</sup> May 2018

**Inspector**

Paul Caprani.

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## 1.0 Introduction

ABP300709-18 relates to a 3 no. third party appeals against the decision of Dublin City Council to issue notification to grant planning permission for the demolition of a 9-storey building including a multi-storey car park and cinema and the construction of a 10-storey building over two basement levels accommodating commercial uses with café and restaurant and a 500 seater entertainment venue at a site at the corner of Hawkins Street and Townsend Street, Dublin 2. The grounds of appeal argue that the proposed development will have an inappropriate impact on the streetscape and is contrary to many of the objectives set out in the George's Quay Local Area Plan (GQLAP) adopted by Dublin City Council in 2012 which set out detailed prescriptive requirements for the site.

## 2.0 Site Location and Description

The subject site is located in Dublin City Centre to the immediate south, of the River Liffey. The site forms the south-western quarter of an urban city centre block bounded by Poolbeg Street, Hawkins Street, Townsend Street and Tara Street. The subject site is located at the junction of Townsend Street and Hawkins Street. Lands to the immediate north accommodate 'Hawkins House' a large office building dating from the late 1960s accommodating offices associated with the Department of Health. A redevelopment of the site to the immediate north was granted under PL 29S 247912. Lands to the immediate east accommodate Apollo House at the junction of Poolbeg Street and Tara Street. This likewise has been the subject of a grant of planning permission by An Bord Pleanála under Reg. Ref. PL29S.247907.

The subject site is rectangular in shape and accommodates an area of 2,088 square metres (0.2 hectares). It currently accommodates a 9-storey over basement office development known as 'College House'. This building is of similar architectural style to that of Hawkins House on the site to the immediate north. The western portion of the site adjoining Hawkins Street also accommodates a three-storey former screen cinema which is currently vacant. A small plaza area is located to the front of this cinema. The surrounding area accommodates institutional and commercial uses

associated with the city centre. Dolier House and Apex House are located opposite the site to the immediate west between Dolier Street and Hawkins Street. Pearse Street Garda Station is located to the south while smaller scale office and residential uses are located to the immediate east at the corner of Townsend Street and Tara Street. Both Pearse Street Garda Station and Dolier House are both protected structures. Further south of the subject site is Trinity College, Dublin a complex of landmark 18<sup>th</sup> century buildings most of which are also protected structures and are part of a designated Architectural Conservation Area.

### 3.0 Proposed Development

3.1. Planning permission is sought for the following on the subject site.

- The demolition of the existing 9-storey over basement building (known as College House building) which occupies a gross floor area of 8,501 square metres. The demolition also includes the associated multi-storey car park and all ancillary structures on site.
- It is also proposed to demolish the existing three-storey cinema building with a gross floor area of 1,363 square metres.
- As its replacement it is proposed to construct a 10 storey commercial building over two basement levels. It is proposed to setback the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> floor levels onto the Hawkins Street and Townsend Street elevations.

3.2. The proposed 10-storey building is to accommodate:

- Office space from ground to 9<sup>th</sup> floor level (accommodating 18,705 square metres).
- A café, retail and restaurant unit at ground floor level accommodating an area 248 square metres.
- A 500 seater entertainment venue over the two basement levels amounting to 2,100 square metres including associated bar.
- A restaurant and box office area located in a part double height space at ground floor level and first floor level.

- A new civic space to the south of the site at the junctions of Hawkins Street and Townsend Street.
- A new pedestrian link running north-east/south-west to a new central courtyard centrally located within the block and providing a new pedestrian thoroughfare through the entire urban block.
- Two new car lifts with access via Townsend Street to the south providing access to 8 car parking spaces at the lower basement. A bicycle lift will also provide access to 203 spaces at the lower level basement.
- New landscape roof terraces on the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floor of the proposed building.

The gross floor area of the proposed development is 25,224 square metres with a maximum building height (including plant) of 43.6 metres.

The main façade will comprise of glass surrounded by blue/black ceramic face terracotta tiles around the glazed elements. The upper floors will incorporate off-white/grey precast concrete stone panels around the setback glazed elements.

## 4.0 **Planning Authority Assessment**

### 4.1. **Planning Authority Decision**

Dublin City Council granted planning permission for the proposed development after an additional information request and subject to 18 conditions on the 15<sup>th</sup> December, 2017.

### 4.2. **Documentation Submitted with the Application**

- 4.2.1. A number individual documents were submitted with the application and the contents of these documents are briefly set out below:

#### *Planning and Environmental Report*

This report sets out details of the site, the planning history and the development proposal. It also outlines the proposed development in the context of the current development plan and the George's Quay Local Area Plan. It concludes that the

proposed development is fully in accordance with the provisions set out in the Plan and as such is in accordance with the proper planning and sustainable development of the area.

#### *Architectural Design Statement*

The architectural design statement was prepared by Henry J. Lyons and sets out details of the overall design approach; setting out the concept behind the site development with details of the façade design and materials, the massing concept and issues that informed site movement, entrances and access to and from the building. The development also gives details of the area schedule and assesses the visual impact making reference to wind mitigation measures and daylight and sunlight analysis. A number of photomontages are contained within the report, detailing the existing site, the site with the proposal, and the development of the entire Howkins House block. One of the key objectives is to create a pedestrian route through the site linking College Green to Tara Street Station framed by buildings on both sides and containing active street level uses along this pedestrian route. The proposal also assesses building design and context surrounding the site. The overall design approach seeks to create a striking contemporary environmentally sustainable building which will significantly improve the urban amenity and neighbourhood in which it sits.

#### *Landscape Design Report*

This report sets out details of the urban design statement including the proposed planting arrangements for the central courtyard. Details of the proposed paving and hard landscape arrangements are also set out.

#### *Engineering Assessment Report*

This report prepared by Waterman Moylan Engineering Consultants sets out details in relation to foul water drainage, surface water drainage, water supply and traffic and transportation arrangements. It describes the options available for the disposal of storm water, disposal of foul water, water supply and road access. It is proposed to introduce a SUD system to reduce the amount of surface water drainage arising from the development. It is stated that there is sufficient water supply and foul sewage infrastructure to cater for the development.

In terms of car parking, it is noted that the proposed parking is well below the maximum level permitted (50 spaces); as 8 spaces are provided. It is also noted that the existing car park on site contains 125 spaces. It is stated that all the existing bus stops will be maintained and that the proposed development will be serviced via a loading bay which is to be located on Poolbeg Street. It is noted that the subject site is in proximity to good transportation links.

A flood risk assessment is also submitted which assesses the potential flood impact which could arise as a result of tidal water, fluvial flooding and pluvial flooding. Groundwater flooding is also assessed. The residual risk in the case of tidal and fluvial flooding is considered to be 'very low' whereas the risk from pluvial and groundwater flooding is described as being 'low'.

#### *An Outline Construction Management Plan.*

This sets out details of the general site setup and pre-commencement measures. It sets out details of site security and hoarding erection, details of deliveries and access, details of dirt and dust control and details of noise and vibration control. The final section provides details of the proposed construction phasing and programme.

#### *A mobility management Plan.*

This plan sets out the overall management objectives and sets out a strategy for travel for both the construction phase and operational phase. Reference is made to the various measures set out to encourage public transport.

#### *Archaeology Report*

An archaeology report was submitted. It sets out details of a desktop study and based on this study it is recommended that a visual inspection of the proposed development by a suitably qualified archaeologist is recommended. It is also recommended that in advance of archaeological investigations, test trenching shall be carried out after demolition phase and in advance of construction. The result of these investigations will inform further mitigation measures.

#### *The Conservation Assessment*

This report notes that there are two protected structures in the vicinity of the site, one at the corner of Dolier Street and Hawkins Street, and Pearse Street Garda Station. There are a large number of protected structures in the wider area.



In terms of the potential effect on the built heritage, the report, notes that there will be no significant adverse effects as the existing buildings on site are of no architectural heritage significance. It is considered that the visual impact would be small or negligible.

#### *A Daylight, Sunlight and Overshadowing Report*

A daylight, sunlight and overshadowing report was submitted by Metec Consulting Engineers. The analysis was carried out using IES Virtual Environment Building Performance Simulation Software and it concluded that the existing buildings to the north-east and south will remain unaffected by the proposed College House development. The one area of interest is the buildings along Hawkins Street where some of the properties might experience a slight reduction in daylight and sunlight levels. However, the overall impacts are considered minor and appropriate in an urban context.

#### *Fire Safety Report*

A preliminary fire safety and access and use strategy was submitted by Maurice Johnson and Partners. It sets out a fire safety strategy and an external access route strategy.

#### *Noise and Vibration Assessment*

This assessment was carried out by AWN Consulting. It concludes that the proposed development will not give rise to any significant levels of vibrations off-site and therefore the associated impact is not significant. An environmental noise survey of the existing noise environment has been completed as part of the assessment. It concludes that the predicted plant noise levels are within the adopted criteria at nearby residential noise sensitive locations. It is stated that due consideration will be given to the incorporation of suitable acoustic measures into the design of the structure. The report also sets out details of a draft noise management policy that will be implemented in relation to day to day operations of the entertainment venue. Details of the proposed acoustic linings within the buildings are also set out in the report. It is concluded that the overall noise impact arising from the development is deemed to be acceptable.

### *Pedestrian Comfort Analysis Report*

This report prepared by Metec Consulting Engineers employed a model to simulate the wind environment around the site for 12 wind directions and the mean wind speed for Dublin taking from Weather Data.

### *Sustainability/ Energy Statement Report*

A sustainability report/energy statement report was also prepared by Metec Limited. This report sets out details of the energy performance in the new building. It states that the building will comply with the Energy Performance of Building Directives and the Building Regulation Technical Guidance Document Part L 2008. The building is also being modelled to ensure that an A3 building and energy rating is achieved.

### *Construction and Demolition Waste Management Plan*

A construction and demolition waste management plan was also submitted. It sets out a management plan for demolition waste generation, construction waste generation and details of waste management options. Estimated costs of waste management and demolition procedures together with record keeping etc., are also set out.

### *Operational Waste Management Plan*

An operational waste management plan was also submitted. It provides for a strategy for segregation and storage of waste plus details of storage and collection of all waste generated within the building during the operational phase. It states that the waste strategy will comply with all legal requirements as well as waste policies and Best Practice Guidelines.

### *Townscape and Visual Impact Assessment*

A townscape and visual impact assessment was also submitted. This report assessed the impact of the proposal from 27 viewpoints. Of the viewpoints assessed, it is considered that four viewpoints are considered to experience significant positive visual effects as the existing poor quality built form is replaced with a high quality architectural design. The remaining viewpoints are predicted to experience no significant effects. The proposal also assesses cumulative impacts.

A separate viewpoint location plan is contained on file. The viewpoints are located between the junction of Talbot Street, Marlborough Street to the north, Capel Street

Bridge to the west, Stephen's Green to the south and Merrion Square to the east. The viewpoints contain photomontages of both the current development before the Board and also photomontages in respect of the entire redevelopment of the urban block (redevelopment of Hawkins House and Apollo House).

#### *An Appropriate Assessment Screening Report*

This report notes Natura 2000 sites in the vicinity and specific reference is made to the South Dublin Bay and River Tolka Estuary SPA, the North Bull Island SPA, Ireland's Eye SPA, Howth Head Coast SPA, South Dublin Bay SAC, North Dublin Bay SAC, Howth Head SAC, Baldoyle SAC and Rockabill to Dalkey SAC. It concludes that no significant effects are likely as the site is located within a large urban area, 2.2 kilometres from the nearest Natura 2000 site. However, it is nonetheless stated that various construction and operational controls will be in place to minimise any potential run-off that could potentially impact on the Natura 2000 sites in question.

#### *An External Lighting Plan*

An external lighting sketchbook was also submitted which sets out details of the lighting concept for the buildings.

#### *College House Entertainment Venue Management Strategy*

Finally, a College House Entertainment Venue Management Strategy was submitted. It sets out the market potential for a new entertainment venue which would contribute to the creation of a new vibrant and dynamic quarter within the overall block. It states that the entertainment venue will comprise of a flexible performance and event space which will provide a capacity of 520 persons seated and can accommodate theatre, dance, circus, trade shows, fashion shows, art exhibitions etc. A bar area will also be available, but will only be accessible to those attending performances. It is envisaged that the ground floor will accommodate a restaurant which will operate independently to the venue. The opening hours of the venue and restaurant will be Monday to Thursday 10 a.m. to 11.30 p.m., Friday to Saturday 10.30 a.m. to 12.30 a.m. and Sunday 12.30 p.m. to 11.00 p.m. The venue and restaurant will be serviced from a loading bay on Poolbeg Street. An event planning procedure will be put in place by the operator for the planning and supervision of crowd management. The venue has been designed in line with best practice regarding the control of 'break-out' noise and

this is detailed in a separate noise assessment report by AWN. It is concluded therefore that the venue can operate without giving rise to nuisance for nearby residents of commercial premises. It will also contribute to the vibrancy and vitality of this new precinct.

#### 4.3. **Initial Assessment by the Planning Authority**

A report from the **Waste Management Division** requires compliance with a number of waste protocols in respect of waste generation and management.

The **City Archaeologist's Report** notes the archaeology report submitted with the application and recommends that a number of conditions be attached in the event that planning permission be granted.

A report from the **Roads and Traffic Planning Division** recommends additional information in respect of a number of issues.

A report from the **Drainage Department** likewise recommends additional information in relation to a number of issues.

The **NTA** submitted a report requiring further information with regard to the set-back on Hawkins Street to facilitate new bus connection networks proposed for the City

The Initial **Planner's Report** notes that a number of pre-application consultations have taken place. It sets out details of the site description and the site location. It also sets out in detail the proposed development and the planning history as it relates to the subject site. The report goes on to set out a details of the development plan policy in relation to the subject site. In terms of assessing the application, the report considers the height of the proposed development to be acceptable and in accordance the permitted development on adjoining sites that are to be redeveloped, as part of the entire urban block (Under Reg. Ref. PL29S 247907 and PL 29S 247912. In the design terms, the report notes that the architectural approach is "contemporary and somewhat bold" in that it does not attempt to replicate the historic buildings in the immediate vicinity. The proposed office and entertainment uses will be a positive addition in terms of rejuvenating the area.

4.4. However, the concerns of the Roads Transport Planning Department and the Drainage Department are noted as are the concerns of the National Transport

Agency and while the proposed development is in general deemed to be positive, nevertheless outstanding issues require the furnishment of additional information. And on this basis the following additional information was requested.

- The applicant shall liaise with Transport Infrastructure Ireland in terms of the requirements for works in proximity to adjacent Luas lines.
- The applicant is requested to liaise with the National Transport Authority which notes that both Hawkins Street and Townsend Street are likely to become critical bus links under the Bus Connects Network Review and therefore at provision of a setback on Hawkins Street for bus stopping facilities will be required.
- The proposal includes the relocation of an existing bus shelter along Townsend Street. Any revisions to bus shelters require planning permission and the consent of the National Transport Authority. The applicant shall liaise with the NTA in this regard.
- The applicant shall contact the Roads and Traffic Planning Division prior to the submission of additional information.
- Further details are required in relation to drainage arrangements including the requirement to locate outfall manholes outside the site boundary and within public open space. Revised proposals be submitted addressing this issue.
- A revised floor risk assessment should be submitted following a sequential approach as outlined in the Flood Risk Management Guidelines for Planning Authorities and reference should be made to the Strategic Flood Risk Assessment which forms part of the Dublin City Development Plan. The applicant is required to contact Dublin City Council Drainage Division prior to the submission of additional information.

#### 4.5. **Additional Information Submission**

Further Information was submitted on 21<sup>st</sup> November, 2017 on behalf of the applicant by Tom Phillips and Associates. It is briefly set out below.

- It is stated that consultants on behalf of the applicant have consulted with Transport Infrastructure Ireland with regard to works adjacent to the Luas line. The outline construction management plan has been updated to specifically

include a section which deals with the issues raised by Transport Infrastructure Ireland in respect of the works in proximity to the Luas line.

- Likewise, consultations between engineers on behalf of the applicant and the NTA were undertaken with regard to a setback along Hawkins Street for buses. On foot of these negotiations it was agreed that no such setback was required. Furthermore, correspondence in Appendix B indicate that the relocation of the existing bus shelter along Townsend Street is acceptable to the NSA.
- With regard to drainage considerations, revised drawings were submitted indicating the relocation of outfall manholes to be located within the boundary site and also submitted is a revised Flood Risk Assessment that considers the requirements of Volume 7 – Strategic Flood Risk Assessment as set out in the Dublin City Development Plan.

#### **4.6. Further Assessment by the Planning Authority**

A further planner's report notes that the additional information submitted on behalf of the applicant is deemed to be acceptable and it is therefore recommended that planning permission be granted for the proposed development. In its decision dated 15<sup>th</sup> December, 2017 Dublin City Council issued notification to grant planning permission subject to 18 conditions.

## **5.0 Planning History**

- 5.1. One planning appeal file is attached. Under PL29S.247912 An Bord Pleanála upheld the decision of Dublin City Council to demolish the existing Hawkins House, the building to the immediate north of the subject site and the construction of a commercial office building ranging in height from 6 to 10 storeys with a total gross floor area of 18,861 square metres. Together with café, restaurant and retail use at ground floor level and basement car parking for 51 cars. The development also incorporates a new civic space between Poolbeg Street and Hawkins Street incorporating hard and soft landscaping. The decision of Dublin City Council to issue notification to grant planning permission was the subject of three third party appeals including an appeal from the applicant in the case of the current application Balark Properties. An Bord Pleanála in its decision dated 14<sup>th</sup> June, 2017 upheld the

decision of the Planning Authority and granted planning permission for the proposed development subject to 16 conditions.

- 5.2. Under PL29S.247907 (file not attached) planning permission was sought for the demolition of Apollo House and Longstone Pub on lands to the immediate east of the subject site and the construction of a commercial building ranging in height from 5 to 12 storeys. As in the case of the other applications on adjoining sites, the proposal incorporated commercial office space at the upper floors with café, restaurant and retail units at ground floor level. The total floor area of the proposed development to the immediate east of the subject site amounted to 16,205 square metres. The decision of Dublin City Council to issue notification to grant planning permission was the subject of two third party appeals (and two observations) including an appeal by the applicant in the case of the current application before the Board – Balark Properties. In its decision dated 14<sup>th</sup> June, 2017 An Bord Pleanála upheld the decision of Dublin City Council and granted planning permission for the proposed development subject to 16 conditions.

## 6.0 Grounds of Appeal

The decision of Dublin City Council to issue notification to grant planning permission was the subject of three separate third party appeals two of which were submitted by Brady Shipman and Martin on behalf of separate appellants. The grounds of appeal are outlined below.

- 6.1. **Appeal by Tom O'Brien and Simon Coyle of Mazars, Block 3, Harcourt Centre, Dublin 2.**
- 6.1.1. This appellant is the landowner of the adjoining site incorporating Apollo House and the Longstone Public House. It is stated that along with the Hawkins House, which is under the ownership of the OPW, all three sites constitute the "Hawkins House" block site as referenced in the George's Quay Local Area Plan which is the statutory planning framework along with the Dublin City Development Plan for the Hawkins House Block. It is contended that An Bord Pleanála in granting planning permission on the two adjoining sites, make reference to the integration with surrounding

existing development and any future development at this key-site. However, it is argued that the current application before the Board does not integrate successfully and is not in accordance with the key objectives of the George's Quay LAP. It is argued that the appellant and design team expended considerable efforts with Dublin City Council to ensure that in the case of the adjoining sites, the final permitted scheme at Apollo House made its full contribution to the public realm objective as set out in the LAP. The adjoining site provided a significant addition to the public realm at the corner of Poolbeg Street and Tara Street in delivering a permeable and attractive route through Hawkins House block. It is argued that the proposed development fails to provide an equivalent contribution.

- 6.1.2. The LAP also seeks to create a new civic route from Christchurch Place through the Central Bank Plaza, College Green through a new civic space on the front of the Screen Cinema and onto Tara Street and onwards through the Custom House and North Docklands. It is considered that the proposed development compromises this route by providing a double height void as an entry point through the Hawkins House block truncating in both perception and visual terms the public pedestrian route as set out in the LAP. The LAP requires that the civic route be framed by buildings on both sides.
- 6.1.3. The LAP also requires the applicant to provide for an attractive plaza area at the junction of Townsend Street and Hawkins Street and linking to Pearse Street. It is considered that this key public plaza as envisaged in the LAP is not delivered through the permitted scheme.
- 6.1.4. It is argued that the daylight, sunlight and overshadowing report submitted with the application is silent on the impact of the proposed development on existing and proposed public spaces at the adjoining permitted development. No analysis has been provided on the new civic routes and spaces centrally located within the Hawkins House block.
- 6.1.5. It is also suggested that a more coherent full micro climate assessment should have been carried out for the proposed development to fully understand its potential on the overall Hawkins House block. It is suggested that the layout could potentially give rise to an uncomfortable environment at this key entry location, through the generation of excessive wind.



- 6.1.6. The proposed development offers no active frontage onto Hawkins Street or Townsend Street other than the entry void through the proposed building. This is a specific requirement of the LAP.
- 6.1.7. The proposed development will also adversely impact on the Apollo House redevelopment scheme. It is argued that the proposed development will impact on the proposed civic space associated with the Apollo House redevelopment scheme and the commercial units directly to the north-east of the proposed development.

## **6.2. Appeal by the Office of Public Works**

- 6.2.1. This appeal was submitted by Brady Shipman and Martin on behalf to the OPW. This appeal reiterates concerns in relation to non-compliance with the objective of the George's Quay LAP and again makes specific reference to the lack of a key space at College Green/the Screen Cinema in accordance with the plans. Concerns are also expressed in relation to the new pedestrian route which incorporates a "crouched tunnel effect" with the incorporation of a building overhead and it is argued that this essentially encloses a key civic space.
- 6.2.2. Concerns are also expressed that the daylight and sunlight overshadowing report fails to adequately examine the impact of the proposed development on the open spaces and civic routes located within the Hawkins House block.
- 6.2.3. It is also considered that a coherent and full micro-climate assessment be carried out for the proposed development as argued in the previous grounds of appeal. Concerns are reiterated that the proposed development offers no active frontage onto Hawkins Street nor Townsend Street which is in direct contravention of the LAP. It is argued that both Hawkins House and Apollo House have delivered active frontage through this pedestrian thoroughfare with provision of retail, café and restaurant uses along it. The Board will note that considerable attention was paid to the redesign in the façade massing and scale and setbacks of Hawkins House that took place at further information stage to ensure that the scheme sat appropriately within the city context. The same attention to detail has not been brought forward in the case of the current application.
- 6.2.4. It is also argued that there is a seventh storey element of the proposed development which directly abuts the Hawkins House six-storey permitted development. This is

deemed to be unacceptable and will result in immediate negative impacts in terms of overshadowing and daylight access etc.

- 6.2.5. The permitted Hawkins House scheme provides the delivery of a secondary route onto Hawkins Street. However, this is completely blocked by the permitted College House in order to maximise the floor plate with little consideration of the public realm. It is argued that in including this secondary route, the Planning Authority express concern in relation to the covered element of this route and its resulting attractiveness. In this context it is unclear as to how the double height void and College House has been deemed to be acceptable.
- 6.2.6. In its observation to Dublin City Council, the OPW identified that it currently has a lease of over 26 car parking spaces on the subject lands that must be provided back to the OPW should the subject lands be redeveloped. It is noted that these spaces have not been provided for in the redevelopment of the proposal. This issue has failed to be considered in the mobility management plan submitted with the application.

### **6.3. Planning Appeal by David Anderson of Dolier Chambers**

- 6.3.1. This appeal was submitted by Kiaran O'Malley and argues that the proposed development would have a permanent adverse impact upon D'olier Chambers and other properties in the area. While acknowledging that the existing building on site is of little merit, it is noted that the site location presents one of the best opportunities within the city for the creation of a new urban environment. Therefore, it is argued that a significant public plaza at this location where there is a confluence between public transport, pedestrian routes and commercial and tourist activities should be provided. What is proposed in this instance is considerably short of the civic new space required. The proposed public plaza is little more than a two-storey high building setback at Hawkins Street and Townsend Street. As such, it cannot be reasonably argued that the proposal complies with the George's Quay Local Area Plan.
- 6.3.2. Concern is also expressed that the proposed multi-storey development represents a material increase in the existing building height at Hawkins Street. It is argued that the proposed development will have a serious impact on D'olier Chambers and

would be visually dominant and overbearing which would result in an unacceptable level of overshadowing. It is argued that the proposed development exceeds the indicative site coverage and plot ratio set out in the development plan for Z5- City Centre Zones.

- 6.3.3. The George's Quay LAP requires the preparation of a Masterplan for the development of the entire site and states that permission will not be granted for large scale urban development until an agreed Masterplan is in place. The proposal should have adequate regard for neighbouring properties and particularly D'olier Chambers. It was designed by a renowned architect and lies within the boundary of the O'Connell Street Archaeological Conservation Area.

## **7.0 Appeal Responses**

### **7.1. First Party Response to the Grounds of Appeal**

- 7.1.1. A response to the grounds of appeal was received on behalf of the applicants by Tom Phillips and Associates.
- 7.1.2. From the outset it is stated that the same architects were employed (Henry J. Lyons Architects) for all three schemes i.e. Hawkins House, Apollo House and College House.
- 7.1.3. Furthermore, it is argued that the OPW appeal should be considered invalid on the grounds that the appeal does not state the address of the appellant and therefore does not comply with the requirements of Section 127(1)(b) of the Planning and Development Act 2000 (as amended). While the said appellants act on behalf of Hawkins House, Hawkins House currently accommodates the offices of the Department of Health and the Revenue Commissioners and does not accommodate OPW offices. Furthermore, any reference to the OPW grounds of appeal to issues in respect of lease of car parking spaces are not planning issues and relate to a commercial agreement between two parties and therefore should not be considered by the Board.
- 7.1.4. From the outset, the response to the grounds of appeal highlight the fact that all three developments which form part of the Hawkins House block were designed by the same architect which ensures that the overall site is developed in tandem and in

harmony with contiguous sites notwithstanding the fact that they incorporate different materials and tone. The applicants also point out that the development permitted was subject to extensive pre-application consultations with Dublin City Council. The response goes on to detail the agreements reached with Dublin City Council in respect of the proposed development. Also included is a Table containing 11 separate criteria set out in the LAP and it is argued that the proposed development fully complies with each of the criteria, as are relevant, to the subject site.

- 7.1.5. With regard to architectural form of the proposal, it is stated that the proposed building rises to eight storeys with two additional storeys set back behind the parapet. This is fully in accordance with Objective No. 9 of the LAP. The townscape and visual impact assessment submitted with the application indicates that the proposed development will have a positive impact on the existing poor quality built form. It is also argued that the proposal fully complies with the building height criteria and the assessment criteria for higher buildings detailed in the development plan.
- 7.1.6. The provision of an entertainment facility is fully in accordance with Objective No. 8 of the LAP. It is noted that the proposed development is approximately 2.5 times larger than the existing screen cinema.
- 7.1.7. With regard to the delivery of a high quality public realm, it is stated that the proposed diagonal pedestrian route through the site integrates with the approved public realm proposals at Hawkins House and College House sites and will provide an attractive pedestrian route that will facilitate access to Tara Street from College Green.
- 7.1.8. An attractive plaza area has also been provided in accordance with Objective 4 of the LAP. The new plaza will significantly enhance the quality of the public realm. The set back of the building façade at ground floor and first floor levels greatly increases the space available for the public.
- 7.1.9. With regard to concerns in relation to the covering of the diagonal pedestrian route through the site, it is argued that the development as proposed, frames the pedestrian route fully in accordance with the Objective No. 3 of the LAP. This approach allows the space to be defined and creates a sense of place. The proposal will provide the developer with a well-lit public space to promote a sense of security and safety. Furthermore, the proposal opens out into a large area of public open

space and allows for more natural surveillance. It is argued therefore that the proposed development constitutes a safe welcoming and attractive environment in accordance with the requirements of the LAP.

- 7.1.10. The assessment carried out in respect of overshadowing compared the massing of the existing College House and the former Screen Cinema with the proposed College House development and this study clearly demonstrates that the net effect of the proposed development will not significantly alter levels of sunlight received within the new civic thoroughfare/open space. It is further argued that the applicant is attempting to over-exaggerate the potential cumulative impact on the micro-climate of the area which would result in uncomfortable wind conditions for pedestrians. On the contrary the proposal will result in members of the public wanting to access and experience the public spaces provided.
- 7.1.11. It is argued that the overall layout provides for an interesting and attractive public realm at street level, including providing active frontages on Hawkins Street and Townsend Street. The highly glazed facades allow passers-by to see through the office and the cultural venues foyer which provides an appropriate animated view.
- 7.1.12. In relation to the proposed blocking of the east/west pedestrian route onto Hawkins Street behind the Screen Cinema, it is argued that this issue was raised in respect of a previous appeal relating to Hawkins House (Board Ref. PL29S.247912). The argument was dismissed by the reporting inspector (paragraph 7.6.5). The proposed development intends to improve the pedestrian experience along this secondary route by presenting a glazed façade.
- 7.1.13. Finally, the response to the grounds of appeal assesses the proposed development against the planning criteria identified by the Board's inspector on the Apollo and Hawkins House schemes and it is argued that the proposed development fully complies with the criteria set out in the inspector's report.

## **8.0 Dublin City Council's Response to the Grounds of Appeal**

It appears that the City Council have not submitted a response to the grounds of appeal.

## 9.0 Development Plan Policy

### 9.1. George's Quay Local Area Plan

- 9.1.1. This local area plan is a statutory plan adopted in 2012. The plan area is bounded by Pearse Street to the south, the quays to the north, Hawkins Street to the west and Lombard Street to the east. The overall land use strategy for the George's Quay area is for the promotion of a mixed use character to support the creation of a vibrant central city district by ensuring that each urban block contains a mix of land uses and promote the area as an attractive location for headquarter buildings. The area in which the subject site is located is designated as "a space with significant regeneration potential". The subject site is also located in one of the key site framework locations known as 'Hawkins House'. Figure 28 sets out the Hawkins House Design Framework (this framework is depicted in both the grounds of appeal and the applicant's response to the grounds of appeal). The plan sets out two key objectives for the Hawkins House site (a) to strengthen and make key public realm nodes throughout the area including approved concourse at Tara Street Station at the end of the new diagonal route across Hawkins House site and (b) new civic spaces around City Quay, Church and School.
- 9.1.2. A mid-rise marker building could be incorporated in the Hawkins House redevelopment to announce the entrance to the new diagonal civic route. It notes that the site is one of the most prominent locations within the city centre located between Trinity College and the busy train station on Tara Street and adjoining major retail, cultural and leisure facilities at Henry Street, Grafton Street and Temple Bar. It is also close to major banking centres, prestigious hotels and office headquarters. For these reasons this site presents one of the best opportunities within the city for new international standard/office headquarter commercial facilities and also a critical opportunity to create an urban environment worthy of this valued location.
- 9.1.3. The LAP seeks full redevelopment of these lands. Each of these objectives provide a framework within which individual landowners can bring forward all or some of the site for redevelopment and that each element will deliver key pieces of urban form sought at this location.
- 9.1.4. It is not the intent of the LAP to prescribe the detail of the form of buildings or shape of the spaces they create but to set a framework within which innovative interesting

and sustainable design approaches can be explored. The Hawkins House framework has five elements:

1. New pedestrian civic route supported by two small pedestrian connections.
2. An urban plaza space marking both ends of the civic route.
3. Provision of a new similarly sized cultural use in any redevelopment of the screen cinema site.
4. Strong appropriately scaled edged buildings to Tara Street.
5. One possibly two mid-rise buildings up to a maximum of 12 storeys within the north-western portion of the site subject to a detailed impact assessment.

9.1.5. The LAP goes on to set out the objectives in a more detail and a list of 11 objectives are set out.

1. To promote the site for the development of new urban quarter providing high quality new buildings and reintegrating this street block into the urban fabric of the city centre.
2. To promote this site and new buildings within as a location for high quality modern headquarter buildings benefiting from attractive well connected location.
3. To provide for a pedestrian route through the site linking College Green to Tara Street Station framed by buildings on both sides containing active street level uses along the pedestrian route.
4. To provide a new attractive plaza at the junction of the new pedestrian street meeting Townsend Street/Hawkins Street and linking to Pearse Street. The design of this space shall be framed to emphasise the connectivity to College Green and the new pedestrian street so that it provides a pleasant setting for pedestrians to enjoy and introduces people to any future major public realm upgrade of the College Green area.
5. To require a high standard of design for all new buildings within the site: with particular emphasis on the corners framing the plaza and the junction with Tara Street. The buildings addressing College Green will need to show sufficient design merit to reflect the civic importance of this location.

6. To seek wider less cluttered footpaths along Tara Street and Hawkins Street to create an opportunity for more attractive pedestrian environment.
7. To require that the building lines of Poolbeg Street, Townsend Street and Hawkins Street frame the street in a coherent manner and to seek that the ground floor level of buildings forming Poolbeg, Townsend and Hawkins Street incorporate active uses.
8. To require that an entertainment facility (i.e. a cinema and/or theatre) of floor area not less than the floor area of the existing Screen Cinema be provided as part of any redevelopment of the site.
9. The building heights in general across the site shall not exceed a maximum of 8 storeys (32 metres) for office/mixed use to parapet level with the possibility of 1 two-storey setback behind the parapet subject to assessment outlined in Section 17.6.3 of the development plan. Provision is made for one mid-rise building within the north-east quadrant of the development, which can, provided that design standards can be met: rise to a maximum of 12 storeys (48 metres). This building shall be designed and located so it forms a coherent part of the design approach for the new civic plaza and pedestrian street.
10. The building heights to parapet level on Poolbeg Street and the impact of a new mid-rise building within the site will be informed by the height of the existing buildings and subject to detailed overshadowing analysis.
11. To ensure that a minimum of 75% of the floor area of the proposed development (Hawkins House) shall be used for employment or employment related uses.

#### 9.2. **Dublin City Development Plan 2016 – 2022**

The subject site is governed by the zoning objective Z5 which seeks to “*consolidate and facilitate the development of the central area, to identify, reinforce, strengthen and protect its civic design character and dignity*”. In terms of permissible uses cultural, office, open space, restaurant, retail, artistic and recreational buildings and uses are permissible uses under this zoning objective.



## 10.0 Planning Assessment

- 10.1. I have read the entire contents of the file, visited the site and its surroundings and have particular regard to the issues raised in the grounds of appeal and the planning history associated with the adjacent two sites granted permission by the Board under PL29S.247907 and PL29S.247912. I note that in two of the appeals, the principle of the redevelopment of the subject site is not disputed and is in fact welcomed. In fact, two of the grounds of appeal suggest that they are genuinely supportive of the redevelopment of the subject site. On this basis, and on the basis that the proposed redevelopment generally accords with the broad principles set out in the zoning objectives in the development plans and the general principles in the LAP, I consider that the Board can generally restrict its deliberations to the issues raised in the grounds of appeal, namely whether or not the proposal complies with the more detailed requirements set out in the George's Quay LAP and whether or not the proposal is acceptable on urban design grounds.
- 10.2. On a preliminary matter it is argued that the OPW appeal should be invalidated on the grounds that it does not comply with statutory requirements under Section 127 of the Act which requires that in the case of any appeal the applicant's name **and address** (my emphasis) must be stated. The Board in accepting and circulating the appeal considered it to be valid. It is clear however that:
- (a) That while the applicant states that the appeal is made on behalf of the Commissioners of Public Works (OPW) the OPW's address is not given in the correspondence which is a requirement under the Act.
  - (b) The appellant's offices and Dublin headquarters are based in Stephen's Green and not Hawkins House. While the grounds of appeal make it clear that the Office of Public Works is the landowner of the adjoining site at Hawkins House it does not specifically state the appellant's address at St. Stephen's Green or any other address for that matter. Thus a very strict interpretation of the law would require that the appeal be invalidated in my opinion.
- 10.3. However, this point is somewhat superfluous on the grounds that the other appeal submitted by Brady Shipman and Martin on behalf of Mazar highlight the same concerns in respect of the development and the latter appeal is valid. As the issues raised in both appeals are essentially the same, whether or not the Board decide to

invalidate the OPW appeal is somewhat irrelevant as the same planning issues arise in both appeals. And these issues are assessed in detail below.

#### 10.4. **Compliance with the Overall Objectives of the George's Quay Local Area Plan**

- 10.4.1. This local area plan was adopted by Dublin City Council in 2012. It is a statutory document and sets out a statutory planning framework along with the Dublin City Development Plan in guiding future development of the site and its surroundings. The subject site is located in what is referred to in the LAP as the 'Hawkins House Block'.
- 10.4.2. There are 11 key objectives in relation to the redevelopment and regeneration of the Hawkins House site. These are set out below and are briefly commented upon in terms of general compliance.

##### **Objective 1**

*To promote the site for the development of new urban quarter providing high quality new buildings and reintegrating this street block into the urban fabric of the city centre.*

I consider that the proposed development represents a contemporary and attractive design which includes uses at ground floor level which will invigorate the street frontage along Hawkins Street and Townsend Street. In general terms therefore, the proposed development in my view complies with Objective 1 of the Hawkins House site.

##### **Objective 2**

*Seeks to promote this site and new buildings within as a location for high quality modern headquarter buildings benefiting from attractive well connected location.*

Open plan office use is proposed on the upper floors. The information submitted with the application indicates that the proposed building is energy efficient and is of a sufficient size and scale to attract potential firms to use the building as a location for a high quality modern headquarters.

### **Objective 3**

*Seeks to provide for a pedestrian route through the site linking College Green to Tara Street Station framed by buildings on both sides containing active street level uses along the pedestrian route.*

In my opinion the proposed development links up and integrates with the adjoining sites to the north and east to create a diagonal pedestrian link through the block creating a more direct link between Tara Street Station and College Green. Whether or not part of the proposed pedestrian civic route should be covered over along part of its alignment and whether or not there is sufficient active street frontage along the new pedestrian civic route will be discussed in more detail under separate sections below.

### **Objective 4**

*Seeks to provide a new attractive plaza at the junction of the new pedestrian street meeting Townsend Street/Hawkins Street and linking to Pearse Street. The design of this space shall be framed to emphasise the connectivity to College Green and the new pedestrian street so that it provides a pleasant setting for pedestrians to enjoy and introduces people to any future major public realm upgrade of the College Green area.*

Again, I consider that the applicant has generally complied with this objective in providing a civic space at the corner of Hawkins Street and Townsend Street. The extent to which the civic space is appropriate in urban design terms is assessed in more detail under a separate heading below.

### **Objective 5**

*To require a high standard of design for all new buildings within the site: with particular emphasis on the corners framing the plaza and the junction with Tara Street. The buildings addressing College Green will need to show sufficient design merit to reflect the civic importance of this location.*

The subject site faces onto College Street and College Green. As stated above I consider the proposed development in general terms to represent an elegant contemporary attractive office development and therefore successfully addresses this objective.

## **Objective 6**

*To seek wider less cluttered footpaths along Tara Street and Hawkins Street to create an opportunity for more attractive pedestrian environment.*

The setback of the ground floor of the building along a considerable portion of the site frontage onto Hawkins Street together with an increase in the width of the footpath along Townsend Street creates a wider less cluttered footpath along the building frontage and as such fully accords with the above objective.

## **Objective 7**

*To require that the building lines of Poolbeg Street, Townsend Street and Hawkins Street frame the street in a coherent manner and to seek that the ground floor level of buildings forming Poolbeg, Townsend and Hawkins Street incorporate active uses.*

The incorporation of new accesses to serve 'The Venue' Restaurant together with the office entrance foyer creates more active street frontage along Hawkins Street and Townsend Street. The grounds of appeal suggest that the active street frontage should be enhanced in order to further fulfil the above objective and this issue will be dealt with in more detail under a separate heading below.

## **Objective 8**

*Seeks to require that an entertainment facility (i.e. a cinema and/or theatre) of floor area not less than the floor area of the existing Screen Cinema be provided as part of any redevelopment of the site.*

It is proposed to provide a large entertainment venue at basement level as part of the proposed development. This venue can facilitate c.500 persons which is considerably in excess of the capacity of the former Screen Cinema at the subject site.

## **Objective 9**

*The building heights in general across the site shall not exceed a maximum of 8 storeys (32 metres) for office/mixed use to parapet level with the possibility of one or two storey setback behind the parapet subject to assessment outlined in Section 17.6.3 of the development plan.*

The proposal before the Board comprises of an eight storey office building with ground floor and basement, cultural and restaurant uses and also incorporates a two storey setback to Townsend Street together with a seven storey office building fronting onto Hawkins Street. The proposed development accords with the building height principles set out in the local area plan.

**Objective 10**

Specifically relates to building heights and parapet levels fronting onto Poolbeg Street and as the subject site does not front onto Poolbeg Street and therefore this specific objective is not relevant to the subject site.

**Objective 11**

Seeks to ensure that a minimum of 75% of the floor area of the proposed development (Hawkins House) shall be used for employment or employment related uses.

*The applicant in his response to the grounds of appeal has indicated that almost 19,000 square metres of the proposed gross floor area has been given over to office space and employment related uses. This according to the response, represents just over 75% of the gross floor area.*

10.4.3. In conclusion therefore I consider that the proposed development in general terms complies with each of the objectives set out in the Georges Quay Local Area Plan. The grounds of appeal however argue that the objectives set out above have not been fully met in the case of the proposed development and the specific issues raised in the grounds of appeal are assessed in more detail below. The Board will note however that many of the issues raised in the grounds of appeal relate to urban design issues and more specifically whether or not the proposed development contributes sufficiently to improving the public realm. In many respects the arguments put forward by both the appellants and the applicants are some subjective in that they relate to spatial aesthetics and whether or not such spatial aesthetics accord with appropriate urban design principles. The Board therefore may not agree with my subjective evaluation of the aesthetics of the proposed development.

## 10.5. Building Design

- 10.5.1. The grounds of appeal question whether or not the proposed building on the subject site successfully integrates with the wider redevelopment and regeneration of the Hawkins House site. It is important to point out that the same architect has been involved in designing all three redevelopment schemes on the subject block namely Henry J. Lyons Architects. Having the same architect involved in the three developments in my view is most advantageous in ensuring that a more coherent architectural approach is employed in redeveloping the overall urban block. Having inspected the plans for the subject site, and photomontages associated with the adjoining sites, I consider that a coherent architectural approach has been employed in developing the 3 sites and while there is an obvious and apparent incorporation a range of external materials, there is an appropriate relationship between the blocks in terms of overall design. The photomontages submitted with the current application indicate that the buildings, while incorporating individual designs also incorporate an overall coherent approach in terms of scale, design and palette of materials used. I consider the overall architectural style to be employed on the College House site represents an appropriate contemporary style incorporating high quality materials and this is particularly important as this building addresses and faces onto the College Street/College Green area.
- 10.5.2. The positive aesthetic impact which will result from the redevelopment of the subject site is clearly in my view indicated on photomontages 1.5 A, B and C and 1.6 A, B and C submitted with the application. I would agree with the conclusions of the local authority planner where it is stated *“given the context of the subject site in a historic and highly visible part of the city, close to College Green and Trinity Campus, the building is a departure from the standard grey/off-white natural granite and stone used throughout the immediate area. The highly glazed façades and bold use of black/blue terracotta is likely to be a deviation from standard finishes to similarly scaled modern office developments in the locality. However, it is considered that this contrast is likely to complement the proposed redevelopment of Apollo House and Hawkins House. In addition, the proposed development is very much its own building which does not attempt to replicate historic buildings in its immediate surrounding and broadly the structure is likely to have a positive effect aesthetically and unlikely to have detrimental visual impact”*.

- 10.5.3. I consider that the above paragraph adequately and succinctly evaluates the proposed buildings potential contribution to the architecture and urban design of this sensitive and historic part of the city.
- 10.5.4. It should also be highlighted that the LAP is not detailed and prescriptive in terms of the architectural approach to be employed. In fact, the George's Quay LAP has very little guidance in respect of architectural style. It states that "*it is not the intention of the LAP to describe in detail the form of the buildings.... but to set a framework within which innovative interesting and sustainable design approaches can be employed*".
- 10.5.5. Therefore, while the design approach may be criticised in the grounds of appeal, it cannot be reasonably argued in my view that the proposed building in any way contravenes specific and stated guidelines in respect of building design context set out in the Local Area Plan.
- 10.5.6. It is also clear from the applicant's response to the grounds of appeal that significant pre-application discussions centred around building height, design and massing. It is therefore evident in my view that considerable amounts of deliberation and discourse took place in relation to the overall design approach. I am therefore satisfied that the proposed building design relates well to both the proposed redevelopment sites at Hawkins House and also the existing building fabric in this area of the city.

## 10.6. **Contribution to the Public Realm**

- 10.6.1. As in the case of building design, the local area plan provides no details in relation to the size, shape or design of any plaza that is to be located on the corner of Hawkins Street and Townsend Street. The local area plan is specific in requiring that a plaza be located at the corner of this site. The applicant has complied with the LAP requirements in this regard. In my view a very large plaza may not be appropriate at this location for a number of reasons. The immediate area surrounding the subject site is characterised by a tight urban grain within a dense urban environment. It should also be noted that there is a large area of open space between the building lines at the junction of Townsend Street, Hawkins Street, Dolier Street, College Street and Pearse Street. This area is generally known as the Steine. In recent years this area constituted little more than a traffic island. However, with the

redevelopment of the space due to Luas works etc., it has the potential to provide a pleasant urban space at the confluence point between the aforementioned streets. In this context it is my view that a more intimate and enclosed space at the Townsend/Hawkins Street intersection may be appropriate. The provision of a large building on the subject site together with a more defined contained plaza area to the front of the building will assist in containing and defining the area between Townsend Street, Hawkins Street, Dolier Street, College Street and Pearse Street. Furthermore, the two-storey cantilevered roof profile above the civic space proposed appropriately accentuates the sense of enclosure in my opinion. It also provides protection from the elements which is an important consideration having regard to Dublin's climate. It also creates a suitable enclave within the plaza area in which to provide an outdoor seating area.

10.6.2. The plaza area opens out at the south-western end of the new pedestrian civic route through the block. This reveals wider views of College Street and the College Green area which in my view will emphasise the connectivity between College Green and the proposed plaza which in my considered opinion is fully in accordance with the brief.

#### **10.7. Enclosed Pedestrian Route**

10.7.1. The grounds of appeal express considerable concern that the proposed civic pedestrian route through the site is covered by the proposed building accommodating office space above. I do not accept the appellant's contention that this will result in a "crouched tunnel effect" which encloses rather than frames the roof. The grounds of appeal argue that the proposal constitutes a massive office block directly above the pedestrian route. The walkway in my opinion incorporates a generous ground to floor height at 7.7 metres which is in excess of 25 feet. This equates to the typical height of a two-storey house. The generous height of the roof together with the overall width of the pedestrian route at over 8.6 metres will ensure that sufficient and adequate daylight penetration is achieved.

10.7.2. Furthermore, I do not accept as suggested in the grounds of appeal that the development of a large office development overhead of the pedestrian route will



truncate views along the new pedestrian route. On the contrary I think it will help enclose and define views along the civic route at ground level.

- 10.7.3. The use of extensive glazing and the incorporation of a number of access points onto the new civic route will assist in enlivening and animating activity along the route. I do not consider the building overhead will adversely impact on the civic route functioning as a high quality vibrant and safe pedestrian route and amenity space throughout the day.
- 10.7.4. In terms of active street frontage, entrances into the Venue Restaurant are proposed on three sides facing onto Hawkins Street, facing onto the proposed public plaza and also the foyer entrance to the rear of the building opposite the Hawkins House redevelopment. The proposed layout also seeks to incorporate a separate entrance onto the café/retail/restaurant unit to the rear of the building adjoining the Apollo House redevelopment. The fact that extensive glazing is proposed along the pedestrian route and that seating areas associated with the Venue Restaurant and also the office entrance foyer are to be located adjacent to this glazing area. This will enliven the street frontage and ensure that no dead frontage occurs along the new route.
- 10.7.5. With regard to daylight and sunlight, concerns are expressed that the proposed development has not adequately assessed the potential impact on the micro-climate of the area. The grounds of appeal cannot realistically argue in my view that the proposed development will have an adverse impact in terms of overshadowing and could likewise adversely impact on the micro-climate of the area having regard to the prescriptive detail in relation to the redevelopment of the block as set out under the LAP. The LAP requires that building heights in general across the site should not exceed a maximum of 8 storeys with the possibility of 1/2 storeys set behind the parapet. The proposed development in terms of height fully accords with these design parameters. The Board will note that the subject site currently incorporates Hawkins House and College House. College House is 9 storeys in height while Hawkins House rises to 10 storeys in height. The daylight/sunlight analysis submitted with the application indicates that the changes in terms of daylight and sunlight would be negligible. Any potential adverse impact in terms of overshadowing within the city centre must be balanced against the need to provide a quantum of development in accordance with the requirements of the LAP and in accordance with

the requirements of the recently adopted National Planning Framework which seeks to provide a more compact urban form and to provide higher density infill on brownfield sites. There is in my view a requirement to develop strategic city centre sites at higher densities in order to incorporate a more efficient use of lands and encourage greater use of public transport. The location of the proposed office development in such close proximity to higher order public transport nodes including Tara Street Station and the critical bus links which are to be accommodated on Hawkins Street and Townsend Street under the Bus Connects Network and the proximity of Luas lines would all justify a higher density quantum of development on the subject site. Any potential impact in terms of overshadowing and micro-climate must be balanced against these wider strategic objectives. It would be wholly inappropriate in my view, having regard to the existing quantum of development on site, the guidelines in respect of building heights set out in the local area plan for George's Quay, and the wider strategic need to increase densities at key strategic sites, to refuse planning permission for the proposed development on the grounds that it may marginally increase levels of overshadowing on surrounding buildings or may alter the micro-climate of the ground area to some extent.

## 10.8. Leased Car Parking Spaces

10.8.1. Finally, with regard to the deliverability of the proposed development any issues in relation to the lease of 26 car parking spaces and the fact that these spaces have not been provided for in the redevelopment proposal is not in my view a material issue in determining the current application and appeal before the Board. Issues in relation to the leasing of car parking spaces are a matter for a commercial agreement between the two parties concerned and would not in my view under any circumstances represent an appropriate reason for refusal. The Board will be aware of the provisions of Section 34(13) of the Planning and Development Act which states that "*a person shall not be entitled solely by reason of a permission under this section to carry out the development*". The Board can therefore grant planning permission for the proposed development and any issue in relation to the leasing of car parking space can be addressed by the parties concerned.

## 11.0 Appropriate Assessment

I note that the applicant submitted an appropriate assessment screening report as part of the documentation submitted with the application. Having regard to the site's location within the city centre and the separation distances between the subject site and the nearest Natura 2000 sites (the nearest of which is located 2.2 kilometres away from the subject site), I consider that the appropriate assessment screening report reasonably concludes that the proposed development is unlikely to have a significant effect on any Natura 2000 sites in the vicinity. It is reasonable to conclude that based on the information contained on 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 any European sites in the vicinity in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment (and a submission of an NIS, is not therefore required).

## 12.0 Conclusions and Recommendation

Arising from my assessment above I consider that the Board should uphold the decision of the Planning Authority and grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 13.0 Reasons and Considerations

Having regard to:

- The Dublin City Development Plan 2016 – 2022 (Zoning Objective 5 – “to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity”),
- the site's location within the Hawkins House “key” site which is one of the three key sites in the area of the George's Quay Local Area Plan 2012,
- the layout, form, mass, height, material finishes, design detail and the public realm provision and enhancements associated with the development, and

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

it is considered that subject to compliance with conditions set out below the proposed development would integrate satisfactorily with the surrounding existing development including the proposed redevelopment of adjoining sites at Hawkins House and Apollo House and would integrate satisfactorily with the established character of the sensitive historic city centre including views and prospects towards the site along the River Liffey and the grounds of Trinity College, would to seriously injure the amenities of the area including the potential for overshadowing, would be acceptable in terms of public and private transport and pedestrian safety and convenience and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the additional information received by the planning authority on the 11<sup>st</sup> day of August, 2017 and by the further plans and particulars submitted to the planning authority on 21<sup>th</sup> day of November 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The developer shall provide and adhere to the following requirements:
  - (a) Full details of the layout, configuration, design, hard and soft landscaping, street furniture and lighting for the public realm shall be submitted to and agreed in writing with the planning authority prior to the commencement of construction of the public realm.
  - (b) Implementation of the landscaping scheme in its entirety during the

first planting season following completion of the development. Any failures occurring within the first three years following the implementation of the scheme shall be replaced within the first planting season thereafter.

- (c) A management strategy to include full details of the arrangements for public access for the east/west link forming part of the diagonal route between the subject development and the immediate development to the north at Hawkins House shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

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

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

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

**Reason:** In the interest of orderly development.

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

authority.

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

plans.

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

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

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

**Reason:** In the interests of sustainable waste management.

- 7. The construction of the development shall be managed in accordance with a comprehensive Demolition and Construction Management and

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

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

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

The assessment shall address the following issues:

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

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further



archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

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

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

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

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

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

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

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

**Reason:** In the interest of urban legibility.

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

**Reason:** In the interest of residential amenity and clarity.

14. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

**Reason:** In the interest of visual amenity.

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

**Reason:** In the interest of amenity.

16. The developer shall pay to the planning authority a financial contribution of €1,085,160 (one million and eighty-five thousand one hundred and sixty euro) as a contribution towards expenditure that was or is proposed to be incurred by the planning authority 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.

17. The developer shall pay to the planning authority a financial contribution of €588,582 (five hundred and eighty-eight thousand five hundred and eighty-two euro) in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. 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.

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

**Reason:** To ensure the satisfactory completion of the development.

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Paul Caprani,  
Senior Planning Inspector.

28th May, 2018.