



Development

Demolition of former telephone exchange building and vaulted foundations 10 & 11 adjacent to the former Harcourt Railway Station buildings. Permission for a nine storey including two set back storeys (over basement) commercial development with 18,464 sq.m Gross Floor Area of Office Space, provision of a new pedestrian link from Harcourt Road through to the existing plaza west of One Park Place, providing for access through to Hatch Street Upper from Harcourt Road; Provision of two retail/restaurant/café units at ground floor to Harcourt Road and Adelaide Road with a GFA of 640sq.m including mezzanine level) and 154 sq.m (including mezzanine). Provision of a single storey basement level of 2,648 sq.m GFA which would link to the existing basement servicing One, Two and Three Park Place. Vehicular access via existing ramp to Hatch Street Upper and Two and Three Park

Place. Provision of 48 no car parking spaces and 193 bicycle parking spaces at the proposed basement level with associated facilities. Public realm upgrades to Harcourt Road and all associated site works. The overall development consists of a total of 21,906 sq.m GFA.

Location

0.3148 hectare site located at Harcourt Road and Adelaide Road, Dublin 2. The site includes the former Telephone Exchange and lands to the north (south of One, Two and Three Park Place).

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

2388/18

Applicant(s)

Sunny Quarter DAC.

Type of Application

Permission.

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Ronan Group Real Estate.

Observer(s)

Transport Infrastructure Ireland.

Date of Site Inspection

5th October 2018

Inspector

Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal relates to a site located on the northern side of Harcourt Road / Adelaide Road within the central business district and grand canal ring approximately 500m south of St Stephen's Green and 100m south of Iveagh Gardens. The appeal site which has a stated area of 0.3148 hectares is occupied by a modern three storey industrial structure constructed for Dunlop tyres between 1969-71 and later converted to a telephone exchange for Eircom. The site incorporates two vaulted spaces to the rear of the former Harcourt Street Station which formerly supported the track bed extending from the south of the terminus.
- 1.2. Adjoining to the north of the site are the recent developments of One Park Place, Two Park Place, and Three Park Place which front onto Hatch Street Upper, while St James House adjoins to the east. To the west is the Harcourt Building which occupies a prominent corner position facing west onto Harcourt Street and South onto Adelaide Road. To the north west is the former platform building of the former Hatch Street Railway Station currently subject to conservation works with provision for offices at upper levels and retail and cafe uses to lower levels. The Luas Green Line runs along Harcourt Road along the frontage of the site.
- 1.3. The predominant land use in the immediate area is commercial / office with residential uses to the east on Adelaide Road. The Iveagh Gardens are located to the north of the site on Hatch Street Upper and the National Concert Hall is located a short distance to the north east. The immediate area Adelaide Road, Hatch Street and Harcourt Road is currently subject to significant change with a number of new office buildings currently under construction.

2.0 Proposed Development

- 2.1. The proposal as set out consists of a nine storey over basement office scheme to Harcourt Road with the creation of a new pedestrian link from Hatch Street Upper to Adelaide Road. The proposal is designed to fit within the context of a number of completed and current adjoining developments within this city block. In its detail the proposal involves the following:
 - 2.2. (i) Demolition of the former Telephone Exchange Building and vaulted foundations 10 and 11 adjacent to the former Harcourt Railway Station buildings,

- (ii) The provision of a nine storey building including two set back storeys (over basement) commercial development with 18,464 sq.m Gross Floor Area of Office Space.
- (iii) The provision of a new pedestrian link from Harcourt Road through to the existing plaza area west of One Park Place. Providing for access through to Hatch Street Upper from Harcourt Road.
- (iv) The provision of two retail / restaurant / café units at ground floor to Harcourt Road and Adelaide Road with a GFA of 640sq.m including mezzanine level) and 154 sq.m (including mezzanine level);
- (v) The provision of a single storey basement level of 2,648 sq.m GFA which would link to the existing basement servicing One, Two and Three Park Place. Vehicular access to the basement is proposed via the existing ramp to Hatch Street Upper at Two and Three Park Place
- (vi) The provision of 48 no car parking spaces and 193 bicycle parking spaces at the proposed basement level with associated facilities;
- (vii) Public realm upgrades to Harcourt Road and Adelaide Road linking through to the plaza area west of One Park Place;
- (viii) All ancillary and associated site development, demolition works, site clearance, infrastructural works, provision of plant at basement and roof levels including photovoltaic panels
- (ix) The overall development consists of a total 21,906 sq.m GFA.

2.3 The proposal is set out in detail within the suite of reports accompanying the application including

- Architectural Design Rationale Report, BKD Architects
- Sustainability and TGD L Compliance Report, Varming Consulting Engineers
- Photomontages, Brady Shipman Martin
- Transport Statement, Arup
- Waste Management Plan, Arup

- Planning Statement, John Spain Associates
- Visual & Townscape Impact Assessment, Brady Shipman Martin
- Report for Appropriate Assessment, Arup
- Hydrogeological Impact Assessment, Arup
- Flood Risk assessment, Arup
- Drainage and Watermain Planning Report, Arup
- Construction Management Plan, Arup
- Daylight Analysis, Arup
- Conservation Report and Impact Assessment, Cathal Crimmins.

2.4 The proposed design incorporates a colonnade at ground and first floor level to Harcourt Road with provision for a new pedestrian route through from Harcourt Road/ Adelaide Road through to Hatch Street Upper and Iveagh Gardens. Two entrance lobbies are proposed along the Harcourt Road, a design approach intended to provide for activity to the street as well as to facilitate the potential subdivision of the overall office scheme or potential staff entrance and public entrance. Two retail restaurant café uses are proposed with frontage to Adelaide road and to the proposed pedestrian street. The proposed development will known as Four Park Place.

2.5 In response to the Council's request for additional information the proposal was revised with an additional setback of the sixth and seventh floor to align with the eighth floor. Internal reconfigurations also allow for a reduction of opacified sections of glazing and reduction in extent of solid wall to rear. Improvements to the transition with the adjoining Harcourt Building involve the extension of the glazing treatment and projecting horizontal element on the top floor around the corner and along the southwestern façade. The building fronting the Harcourt building is opacified with the service core behind to avoid potential impact on Harcourt Building whilst also providing a lightweight appearance. A terrace at third floor level was also removed. It is proposed to provide for selected colour solid insulated panels on the eastern set

back elevation at third and fourth floors and provide opacified glazing from fourth to eight floor.

2.6 Application documentation notes that it is envisaged that the new street, although in private ownership and management will be open to the public for maximum of hours to support the retail and restaurant uses. It is anticipated that the through route nature of the street together with the larger retail store on Adelaide Road and Harcourt Road will ultimately increase demand for longer opening hours supporting the existing business during the week and at weekends. A management regime generally as per the existing plaza area is envisaged.

2.7 As regards materials, the palette includes horizontally coursed natural stone to the main façade in conjunction with glazing. At the upper set back levels, the facades are largely glazed with elements of selected colour powder coated flat panel metal. A vertical feature is to be positioned directly over the pedestrian access to the plaza in a selected copper colour aluminium panes and fins.

2.8 A single basement level is provided serving the development to join the existing basement serving One, Two and Three Park Place. Access is via the existing ramp to Hatch Street Upper. A total of 48 car parking spaces are to be provided at basement level along with associated lockers and showers.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1 By order dated 30th May 2018. Dublin City Council decided to grant permission for the development and 16 conditions were attached including the following of particular note:

Condition 2. Requires payment of €989,751.62 in accordance with the Development Contribution Scheme.

Condition 3. Requires payment of sum of €536,833.60 in respect of the Luas Cross City Scheme provided for in the Supplementary Development Contribution Scheme.

Condition 4. Prior to commencement of development developer to submit revised plans for written agreement indicating relocation of the universal access toilet on the sixth, seventh and eighth floor and provision of clear glazing with no wall behind it for the full length of the north-western elevation on the sixth, seventh and eighth floor.

Condition 11. Developer to comply with Transport Infrastructure Ireland requirements to ensure no adverse impact on Luas operation and safety. Compliance with code of Engineering practice for works on, near, or adjacent to Luas light rail system.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Initial Planner's report asserts that the principle of demolition is justified. Notes the height proposed of 33.4m which will be similar in height to Three Park Place.

Concern expressed with regard to proposed View 8 from Charlotte Way at Harcourt Street and north-western elevation. Further clarification required with regard to design, materials and drainage.

3.2.1.2. A request for additional information issued seeking flood risk impact assessment and design detail. View 8 from Charlotte Way at Harcourt Street was noted as an important view and concern expressed with regard to view and materials. A more lightweight material was recommended for upper floors and reduction in transition between the eighth floor and the Harcourt Building. The terrace at third floor level and impact on the development of the adjacent site to the east to be addressed.

3.2.1.3 Following submission of additional information, report notes concern remains regarding 1.4m section of opaque glazing to the north-western corner as demonstrated in View 8. Relocation of universally accessible toilet will allow for entire north-western elevation at sixth seventh and eighth floor to be clear glazing

enhancing this important elevation behind the former railway building. Permission was recommended subject to conditions.

3.2.2. Other Technical Reports

3.2.2.1 Drainage Division recommends seeking additional information, including flood risk impact assessment. Surface water drainage for public areas to drain to public combined sewer. Details of exact area of green roof to be submitted. Second report indicates no objection subject to conditions

3.2.2.2 Environmental Health Officer- No objection subject to conditions regarding construction management plan, noise mitigation.

3.2.2.3 Roads, Streets and Traffic Division. Welcomes the enhanced permeability and connectivity proposed by the application. No objection subject to a number of conditions including construction management plan, liaison with TII, mobility management plan. Car parking spaces to be permanently allocated, cycle parking and associated shower and changing facilities. Materials in public areas.

3.3. Prescribed Bodies

3.3.1 TII submission. No adverse impact on Luas operation and safety and compliance with TII Code of engineering practice for works on, near or adjacent to the Luas Light rail line. Works to Luas overhead conductor system and OCS wall fixings will be affected by this application. Proposal will necessitate removal and reinstatement of existing fixing and provision of temporary poles for the duration of the works. Costs to be borne by developer. Permit required. Settlement and vibration monitoring. Demolition and construction method statement, construction management plan, traffic management plan, implementation of public realm elements. Development falls within the area set out in Luas cross City Section 49 Levy Scheme.

3.4. Third Party Observations

3.4.1 Submission by Charlotte and Kevin Woods welcome the redevelopment of the site. Raise issue of monofunctional use. Question materials and building articulation.

Building form and height is discordant and a more gradual step up to Harcourt Building, monolithic façade gabling towards Adelaide road. Montague House should guide the building height. Assessment of external pressures and airflow patterns around buildings required. Public realm plan for the overall quarter. Construction management, air pollution mitigation measures. New pedestrian route is a rare and generous addition to the city.

- 3.4.2 Submission by Tom Phillips and Associates, on behalf of the third-party appellant Ronan Group Real Estate, owners of St James House which adjoins the site to the east. Supportive of principle of redevelopment of the site however the proposal is sub optimal. Glazed treatment of setback to the east facing rear of St James House would compromise future development potential. Impact on right of light to St James House. Right of way to east of St James House. Discrepancy between red line boundary of scheme permitted under 3929/16 and proposed scheme. Lacks integrated approach with adjoining structures for the redevelopment of a site in SDR18. National Concert Hall Quarter.

4.0 Planning History

4.1 There are a number of recent decisions in relation to this city block are of relevance including the following:

4305/17 Permission granted 19/1/2018 in relation to the northern element of the Harcourt Station Platform building. Provides for retail / cafe restaurant uses at ground floor level opening up vaults 1-3 and upgrading the public realm to Harcourt Street and Hatch Street Upper. Office accommodation at first floor level and mezzanine level with reception to the north of the building at ground level.

2756/15 Three Park Place. Permission granted 17th December 2015 for a 7 storey over basement office development to Hatch Street Upper adjoining Two Park Place. Permission provides for demolition of existing buildings. **3929/16** Permission for an amendment to permission to provide two additional storeys providing for a 9 storey over basement office scheme. Overall height increased from 27.9m to 36m.

3993/03 One and Two Park Place. Permission granted 19/11/2003 for demolition of buildings on site including a number of vaulted foundations and construction of office buildings.

3257/15 Permission granted for demolition of part of the existing battery room and associated roof escape enclosure as part of the tank room. Provision of new wall to the retained part of the battery room and provision of new escape stairs with escape below to the existing access ramp serving One and Two Park Place development on Hatch Street Upper.

5.0 Policy Context

5.1 Urban Development and Building Height Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, December 2018.

5.1.1 Promote an appropriate balance between enabling long term strategic development while ensuring the highest standards of urban design, architectural quality and place

making outcomes. Guidelines set out government policy that building height must generally be increased in appropriate urban locations. Development Management Criteria are set out at scale of city and district, neighbourhood /street and at scale of the site / building. Specific assessment may be required to include, micro-climate effects, impact on sensitive bird/ bat areas, retention of telecommunication channels, air navigation., an urban design statement including impact on historic built environment, relevant environmental assessment including SEA, EIA, AA and ecological impact assessment as appropriate.

5.2 Development Plan

5.2.1 The Dublin City Development Plan 2016-2022 refers.

- **16.7.2 Height Limits and Areas for Low Rise Mid Rise and Taller Development.**
- **15.1.1.21 SDRA 18 National Concert Hall Quarter.**

“The national Concert Hall quarter (NCHQ) is uniquely positioned to develop as a distinct but connected, cultural, commercial and residential urban quarter, with its own character, identity and architecture, and by adopting an urban scale and grain that can deliver the quality and scale of commercial space required by a contemporary city.

The objectives of the NCHQ SDRA can provide for a number of significant benefits including accessibility and linkages with the Iveagh Gardens, in order to establish the area as a key cultural destination attraction in the city centre. Significant public realm and streetscape improvements, and funding for same can be delivered in an integrated manner through the SDRA designation. The SDRA can also deliver a critical mass of employment generating land uses.

Overall objectives include:

- To promote the development of vacant and under-utilised sites in the character area for high quality commercial development and other uses.
- To promote the development of buildings of up to 9 storeys commercial to ensure critical mass achieved to support public transport service and ensure the most efficient use of scarce urban land, subject to preparing visual impact

assessments and photomontages to verify the appropriateness of any proposed development in its city wide and local context.

- To ensure that the architectural composition and design of buildings and clusters of buildings contribute to the sense of place and identity and character of the area.
 - Any proposals for development must have regard to the existing views and vistas from the South Georgian core, while also contributing to the establishment of a distinct form, character and appearance of the National Convert Hall quarter.
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- CEE 11. *“It is the Policy of Dublin City Council to promote and facilitate the supply of commercial space. Where appropriate, eg. Retail and office including larger floor plates and quant suitable for indigenous and DFDI HQ-type uses, as a means of increasing choice and competitiveness and encouraging indigenous and global HQs to locate in Dublin; to consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.”*
 - Policy CC3 *“To promote energy efficiency, energy conservation, and the increased use of renewable energy in existing and new developments.”*
 - Policy CC4 *“to encourage building layout and design which maximises daylight, natural ventilation, active transport and public transport use.”*
 - Objective CC012 *“To ensure high standards of energy efficiency in existing and new developments in line with good architectural conservation practice and to promote energy efficiency and conservation in the design and development of all new buildings in the city, encouraging improved environmental performance of building stock.”*
 - Policy SC7 *“It is the policy of Dublin City Council To protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence.”*

- Objective SIO20 *“To promote sustainable design and construction to help reduce emissions from the demolition and construction of buildings.”*
- 16.2 Design Principles and Standards.
“All development will be expected to incorporate exemplary standards of high quality sustainable and inclusive urban design and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods.
In the appropriate context, imaginative contemporary architecture is encouraged provided that it respects Dublin’s heritage and local distinctiveness and enriches its city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance. In particular, development will respond creatively to and respect and enhance its context.”
- 11.1.5.6 Conservation Area – Policy Application
“All new development must have regard to the local context and distinctiveness and the contribution to the local scene of buildings, landmarks, views, open spaces and other features of architectural, historic or topographical interest. The general design principles are set out in a separate policy but it is particularly important within Conservation areas that design is appropriate to the context and based on an understanding of Dublin’s distinctive character areas.”

5.3 Natural Heritage Designations

- 5.3.1 The site is not located within or directly adjacent to any Natura 2000 sites. The Natura 2000 sites within the site’s potential influence are in Dublin Bay including:
- North Dublin Bay cSAC (Site Code 000206)
 - South Dublin Bay cSAC (Site Code 000210)
 - South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)
 - North Bull Island SPA (Side Code 004006)

6 The Appeal

6.1 Grounds of Appeal

6.1.1 The appeal is submitted by Tom Phillips And Associates on behalf of Ronan Group Real Estate, owners of St James House which adjoins the site to the east of the appeal site. The appellant is supportive of the principle of redevelopment of the site however concerns arise in that the proposal is considered sub optimal for a number of reasons as follows:

- Documentation fails to show a right of way to the east of St James House in the ownership of the applicant and fails to reflect the impact on St James House.
- Article 22(2)(b) of the Planning and Development Regulations 2001-2018 requires the applicant inter alia to include a map illustrating adjoining lands under control of the applicant in blue and details of feature in the vicinity including any wayleaves in yellow. May have repercussions for the operation of St James House.
- Discrepancy between the red line boundaries of the scheme permitted under Reg Ref 3929/16¹ and the proposed scheme.
- Proposed development may be premature pending agreement of the requirements of MetroLink proposal and would be contrary to the proper planning and sustainable development area. Based on the current – but as yet inconclusive best option – the underground section of the metro link will terminate close to Charlemont Stop on the Luas Green Line where the Metro will connect to and run southwards on, the existing Luas green line. The Luas green line will be upgraded to metro standard as part of the project. Key location in terms of design and alignment as the Metro will transition from underground infrastructure to over-ground infrastructure.
- Application 4177/16 ABP 3000446-17 was refusal of development on Sandwich Street on grounds that the impact on potential future development of the Dart Underground, a project that unlike Metrolink is not included in the National Development Plan 2018-2027. Proposal may impact on ability of the relevant authority to deliver the proposed metrolink at this location, specifically in terms of construction issues and structural design issues.

¹ Amendments to permitted development 2756/15 for office development. Three Park Place.

6.2 Applicant Response

6.2.1 The response by John Spain Associates on behalf of the first party is summarised as follows:

- Development will deliver on key objectives of the SDRA, will improve accessibility and permeability and provide significant public realm.
- Will create critical mass of employment generating land use to utilise public investment in transport in the area.
- Provides high quality animated streetscape with retail and café / restaurant uses at ground floor.
- Approach to massing, detail and material is intended to achieve a building of high quality design with a comfortable and appropriate relationship to its neighbours.
- Appeal is without substance.
- Property referred to by the appellant is not part of the application site and not in the ownership of the applicant, Sunny Quarter DAC, therefore any right of way over the property to the east of St James House is not relevant to this application and is not required to be indicated as part of the application.
- It is commonplace for overlapping redline areas between different planning applications over time. Overlapping is provided to ensure the proper inclusion of lands on which the works are proposed. Works included in overlap area are clearly identified including a retaining structure formed by concrete embankment. This embankment was required to retain the exchange building following the removal of portion of the building as part of the permitted works. Works within the overlapping area, required as part of the current application include the removal of the retaining structure as part of the demolition of the Exchange building. Works are appropriate to tie in the development with the Three Park Place at their interface.
- Option 3(a) of the New Metro North – Luas Green Line was discounted by TII as it was determined to give a very poor performance under economic grounds of assessment.
- In 2017 TII / NTA published a report indicating option 4(B) as the preferred route with Metrolink tying in with the Luas Green Line at Charlemont and Ranelagh. Public

consultation document published in 2018 identified preferred route option 4(D) which has an alignment to the east of Earlsfort Terrace and has no impact on the application site.

- NTA confirmed that the preferred alignment is Option 4(D) at OH ABP300873-18.
- Even in the event that option 3(A) were resurrected Arup Engineers confirm that the proposed development is compatible with option 3(A) in terms of construction.
- Applicant has engaged from an early stage with TII due to proximity to Luas green line and intention to temporarily relocate overhead Luas cables off of the former telephone exchange during construction and on completion for them to be fixed to the new Adelaide road façade.
- Precedent case regarding Dart is not comparable. Proposal is not prejudicial or premature pending Metrolink.
- Appellants concerns are unfounded and it is respectfully requested that the Board uphold the decision of Dublin City Council and grant permission.

6.3 Further Responses

6.3.1 Third party appellant's response to the first party response to the appeal submitted by Tom Phillips and Associates and is summarised as follows:

- Letter from Arup Engineers contradicts statement that Option 3(A) has been discounted. It appears option 3A could still be chosen as the preferred option and until the final design has been unveiled and subject to full environmental assessment, it is not possible to determine what can or cannot impinge on the ultimately preferred route.
- Planning and Development Regulations clearly require that the site location map show lands in the control of the applicant. According to details submitted for DCC Ref 2388 demonstrate that the same persons (although operating through different company names) control both the application site and the adjoining Three Park Place.

- Appellant has a lawful and valid concern on how both the proposed development under reg ref 2388/18 and the permitted development under DCC Reg 3929/16 truly inter-relate and if that may negatively impact the development potential of their property at St James House.
- Appreciate clarification provided in relation to overlapping of application sites. Notwithstanding, concerns remain as it is not clear why if the only impact relates to concrete embankment there is need for overlapping site boundaries.

7 Assessment

7.1 The main issues that arise for assessment by the Board in relation to the appeal can be considered under the following broad headings:

- Principle of Development in the context of Development Plan and specific requirements at 15.1.1.21 in relation to the redevelopment of the National Concert Hall Quarter SDRA 18
- Design, plot ratio, height and impact on visual amenity, architectural and cultural heritage
- Impact on St James's House, Right of Way and Overlapping Site Boundary
- Question of Prematurity pending Metrolink design
- Appropriate Assessment Screening
- Environmental Impact Assessment Screening

7.2 Principle of Development

7.2.1 The proposed development is acceptable in principle in the Z6 - Employment / Enterprise zoned area where the objective is "to provide for the creation and protection of enterprise and facilitate opportunities for employment creation". As regards locational aspect, the appeal site is centrally located within an area which is highly accessible by public transport and is recognised as major location for large scale city centre based office development. The Development Plan acknowledges that Z6 lands constitute an important land bank for employment use in the city which is strategically important to protect.

7.2.2 The provision of a modern office use and ground floor retail / café/ restaurant will clearly improve the overall vibrancy and vitality of this area and provide for critical mass of employment generating uses. In terms of a justification for the demolition of the telephone exchange building, the current structure is of no architectural significance and contributes negatively to the streetscape and public realm generally. I consider that in terms of the principle of development, there is policy support for this development and the principle of demolition and replacement has been justified.

7.2.3 As regards the requirements for the development of SDRA 18 National Concert Hall Quarter as set out at 15.1.1.21, of the Dublin City Development Plan 2016-2022, I have noted that the development plan sets out guiding principles for strategic development and regeneration areas (SDRAs). In relation to SDRA 18, I note a number of overall objectives which are particularly pertinent in terms of the assessment of this appeal

- to create a critical mass of employment generation lands uses to utilise the investment in public transport in the area and to facilitate the delivery of additional planned public transport services.
- to promote the development of vacant and under-utilised sites in the character area for high quality commercial development and other uses.
- to facilitate and deliver improved pedestrian linkages between the areas key open spaces and streets, creating a highly permeable and connected urban quarter that ensures vibrancy.
- to create significant improvements to the public realm through the character area through economic development and investment, creating lively streets and passive surveillance, contributing to a vibrant and attractive urban area. Development in the National Concert Hall quarter should create pedestrian linkages through the Iveagh Gardens to the National Concert Hall, and the development of high quality public space on Hatch Street Upper to signal a new public entrance to Iveagh Gardens from Hatch Street.
- to promote the development of buildings of up to 9 storeys commercial to ensure critical mass is achieved to support public transport services and ensure the most efficient use of scarce urban land, subject to preparing visual

impact assessments and photomontages to verify the appropriateness of any proposed development in its city wide and local context.

- to ensure that the architectural composition and design of building and clusters of buildings contribute to the sense of place and identity and character of the area.

7.2.4 The proposed development delivers a number of significant benefits in terms of improved accessibility, linkages and public realm improvements in line with the Development Plan aspirations for the National Concert Hall Quarter. On the basis of the foregoing I consider that the proposed development complies in principle with the objectives of the development plan. Thus, it is appropriate to advance the assessment to the detail of the proposed development.

7.3 Design, plot ratio, height. Impact on Visual Amenity and Cultural Heritage.

7.3.1 The plot ratio associated with the proposed development is 6:1 which is significantly more than the indicative plot ratio standards as set out in the development plan of 2.0-3.0. Site coverage is 68% again exceeding the indicative standard of 60%. The Development Plan provides for increased plot ratio and higher site coverage in particular circumstances such as:

- adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed,
- to facilitate comprehensive redevelopment of areas in need of urban renewal
- to maintain existing streetscape profiles
- where a site already has the benefit of a higher site coverage plot ratio.

These circumstances are particularly pertinent in the appeal site. Plot ratio is a somewhat crude instrument in terms of measuring density and the avoidance of the adverse effects of overdevelopment and the specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed to its context. In assessing the

wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design, open amenity space provision, and standards of public realm.

- 7.3.2 In relation to building height, the development which extends at maximum to 34.4m is in keeping with the height of Three Park Place and in this context and in light of the wider strategic and national policy parameters set out in the national planning framework and the Urban Design and Building Height Guidelines for Planning Authorities, Department of Housing Planning and Local Government, December 2018, I consider that the height is justified. I note also that the development plan provides for “buildings of up to 9 storeys commercial” within the National Concert Hall Quarter.
- 7.3.3 With regard to the design evolution this is set out in detail within the Architectural Design Rational Document by BKD Architects. I note the concerns raised by the Planning Authority within the request for additional information with regard to the view emerging from Harcourt Street from the northwest. I note the amendments in response including an increased set back from the station building at sixth and seventh floor level and reduction in the extent of opacified glazing. I note the condition imposed by Dublin City Council, Condition 4, requiring relocation of universal access toilet on sixth, seventh and eighth floor to provide for clear glazing along the full extent of the north-western elevation and I consider that this is appropriate. The proposed design is in my view appropriate to its immediate context and provides for a significant improvement to the streetscape at a scale which is consistent with the objectives of the development plan in terms of SDRA 18.
- 7.3.4 The visual assessment compiled by BSM demonstrates that the proposed development is not visible from any viewpoint in the south city Georgian core area with the exception of the southern end of Harcourt Street from where the development merges appropriately within the context of One and Two Park Place. The proposed development provides for a high quality animated and active streetscape with retail restaurant café use at ground floor, with provision for a through pedestrian route and in my view achieves a high-quality design in keeping with established adjacent development.

7.3.5 Archaeological Assessment submitted by Archaeology and Built Heritage asserts that on the basis of pre-development archaeological testing and further monitoring undertaken on the adjacent sites to the north and northeast, the proposed development is unlikely to truncate any archaeological deposits of significance. It is thus asserted that pre-development testing or archaeological monitoring of demolitions and ground reduction is unnecessary.

7.3.6 As regards Architectural Heritage I note the conservation report and impact assessment e compiled by Cathal Crimmins, Architect which outlines the history of the existing building completed in 1971 to the design of Tyndall Hogan Hurley Architects. It is asserted that any original elevational interest the Dunlop building had was lost when the building was converted to telephone exchange. In terms of conservation it is noted that the main issue of concern is impact on surrounding historic buildings especially Harcourt Street Station and the wider city area. The building adjoins but is outside the former station where roof and façade are protected structures. As regards vaulted foundations 10 and 11, both have been compromised by later interventions and the loss of historic fabric is considered minor in the context of remaining examples of similar vaulted foundations in use on the adjoining site. The benefits of increased connectivity from Adelaide Road to Hatch Street and public realm improvement counter such loss.

7.3.7 The proposed development provides for a landmark structure which in my view is positive and in tune with development plan goals for the area namely the encouragement of a strong identity through innovative good contemporary architecture good street network and high quality public realm. In my view the development provides a high-quality design approach. I consider in relation to the visual impact and impact on cultural heritage that the proposal is of a high standard. The provision for improved activity and engagement at street level, permeability and interconnection and significant enhancements to the public realm is in my view successful from an urban design perspective.

7.4 Question of Right of Way to the east of St James House, Overlapping Site boundaries and Metrolink.

7.4.1 The existence of a right of way to the east of St James House and failure of the first party to highlight same within the application drawings and potential impact on St James house is a key concern within the grounds of appeal. The issue arises in the context of third party appellant's concern regarding operational impact on St James House, particularly during the construction period, but also operationally. The third-party appellant claims that the information provided is not in compliance with the requirements of Article 22 (2)(b) of the Planning and Development Regulations 2001, as amended as it requires that the site location map must show lands in the control of the applicant. It is asserted that as the same persons, though operating through different company names, control both the application site and the adjoining Three Park Place, the right of way should he been clearly demonstrated and clarify provided with regard to their interrelation. I note that the first party indicated in response to the appeal that the constriction of the proposed development does not involve the right of way adjoining St James House which is not therefore relevant to the current application. The preliminary construction management plan clarifies that the right of way is not involved. I consider that this adequately clarifies the matter and the question of ownership and control of the right of way does not preclude the assessment of the planning merits of the proposed development.

7.4.2 On the issue of overlapping application sites, I consider that this matter has been addressed by the first party. It is outlined within the response to the appeal that the overlapping of the appeal site with the site of Three Park Place 3929/16 is necessary as that development involved the provision of a retaining structure for the Exchange building. The overlap provides for removal of this retaining structure. I consider that this matter is appropriately clarified.

7.4.3 On the issue of prematurity pending determination of the Metrolink route, I note that according to <https://www.metrolink.ie/>, (accessed 11/12/ 2018), the emerging preferred route is currently subject to review in light of submissions received during the consultation period (2018). It is intended that the NTA /TII will publish the preferred route for the scheme, which will be subject to further consultation following which the preferred route will proceed to planning and it is anticipated that a railway order application will be made to An Bord Pleanála on Q3 2019. The emerging

preferred route is Option 4 which is to the east of Earlsfort Terrace and has no implications for the appeal site. I note the submission on behalf of the first party in response to the grounds of appeal by Arup, Consulting Engineers, which asserts that even in the unlikely event that Option 3(a) of the original possible routes, were to be resurrected, it is compatible with the proposed development. I further note the evidence of pre-planning engagement by the first party with TII due to the proximity of the Luas green line and implications for same and note that the submission of TII indicates no objection to the development subject to conditions. On this basis I consider that the question of prematurity pending Metrolink does not arise and does not present as an impediment to development of the appeal site.

7.5 Appropriate Assessment Screening

7.5.1 The site is not located within or directly adjacent to any Natura 2000 sites. In relation to the identification of the sites which would be potentially affected using the source pathway receptor model there are 24 Natura 2000 sites (16 SACs and 8 SPAs) within 15km of the proposed development. The nearest Natura 2000 sites are the South Dublin Bay cSAC (Site Code 000210) 3.1km and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) 3.1km. The site is not of importance to the qualifying interests of either Natura 2000 site.

7.5.2 Having regard to the brownfield nature and scale of the development and nature of the receiving environment and 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 and projects on a European Site.

7.5.3 It is reasonable to conclude that on the basis of the information on the file, which I considered 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 site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

7.6 Environmental Impact Assessment Screening

7.6.1 On the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) "*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*". Having regard to the size of the development site (.3148ha) and scale of the development, it is sub threshold and does not the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an EIAR is not required.

8 Recommendation

8.1 Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the

planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the city centre location of the development, the pattern of development in the area, to the provisions of the Dublin City Development Plan 2016-2022 and to the nature, scale, layout and design of the proposed development, it is considered that the proposed development would provide for a strong and architecturally appropriate building on this site, would provide for a vibrant form of development which is likely to assist in the achievement of the wider objectives for the National Concert Hall Quarter. Subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or other amenities of the area or of adjoining property, would be acceptable in terms of impact on architectural and cultural heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and submitted on the 4th day of May 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

- 2 The proposed development shall be amended as follows
 - (i) The universal access toilet at sixth, seventh and eighth floor level shall be re-located to facilitate the provision of clear glazing with no wall behind for the

full length of the north-western elevation on the sixth, seventh and eighth floor.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

4. The proposed development shall be implemented in such a manner as to ensure no adverse impact on Luas operation and safety and shall comply with Transport Infrastructure Ireland's Code of Engineering Practice for works on, near or adjacent to the Luas light Rail System. Prior to the commencement of development, the developer shall consult with TII and submit to the planning authority details showing compliance with these requirements for written agreement including the following:
 - (i) Prior to the commencement of development, the developer shall obtain a permit from the Luas operator under the Light Railway (Regulation of Works) Bye Laws 2004 (SI No 101 of 2004) which regulates works occurring close to LRT infrastructure.
 - (ii) Programme for settlement and vibration monitoring programme during construction works,
 - (iii) Demolition and construction method statement, identifying all interfaces to the Luas alignment and risk assessment for work associated with the interfaces including mitigation measures.
 - (iv) Construction management plan and construction traffic management plan.
 - (v) Lighting and public realm scheme in the context of the Luas light rail system.

Reason: In the interest of traffic safety and to ensure no adverse impact on Luas operation and safety.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roofs of any of the building; height shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

6. No signage, advertising structures / advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. Water supply and drainage arrangements, including the 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.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

9. Prior to the commencement of development, the developer shall submit and agree in writing with the planning authority a landscaping and amenity scheme. The scheme

shall include details of the materials/planting for all hard and soft areas. The approved scheme shall be completed prior to occupation of the development. On completion of the landscaping/amenity scheme for the development, the developer shall submit to the planning authority a certificate of completion from a suitably qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.

Reason: In the interests of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. 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 interest of sustainable waste management.

12. The construction of the development shall be managed in accordance with a construction 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 provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound including area identified for the storage of construction refuse
 - (b) location of areas for construction site offices and staff facilities
 - (c) Details of site security fencing and hoardings;
 - (d) Details of parking / transport facilities for site workers during the course of construction
 - (e) Details of timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) measures to obviate queuing of construction traffic on the adjoining road network
 - (g) Measures to prevent the spillage or deposit of clay rubble or other debris on the public road network;
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of closure of any public road or footpath during the course of site development works;
 - (i) details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels.
 - (j) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (k) Off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil;
 - (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

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

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

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

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

authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme.

- 16 The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Bríd Maxwell
Planning Inspector

17th December 2018