



An
Bord
Pleanála

Inspector's Report

ABP-304950-19

Development

Permission for the amendment of previous permissions relating to College House and the former Screen Cinema (DCC Reg. Ref. 3637/17, ABP Ref: PL29S.300709) and the former Apollo House (DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.247907).

Location

Apollo House, Tara St. 9-11
Townsend St. (incl. the Long Stone Pub); College House Nos. 2-3
Townsend Street and the Screen Cinema, 16-19 Hawkins Street (D02 DP65, Dublin 2.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

2907/19

Applicant(s)

Atlas GP Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal	Third Party
Appellant(s)	1. Mark Conan 2. Denis Anthony and Elaine Anthony
Observer(s)	Transport Infrastructure Ireland (TII)
Date of Site Inspection	24 th October 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The subject site is located in Dublin City Centre to the immediate south of the River Liffey. The site forms the south-eastern quarter of an urban city centre block bounded by Townsend St. to the South, Tara St. to the East, Hawkins St. to the East, Hawkins House to the North and West and Poolbeg St. to the North.
- 1.2. The subject site is located at the junction of Townsend Street and Hawkins Street to the southwest and Poolbeg Street and Tara Street to the northeast. 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 and The Brokerage apartment building is located to the southeast of the site. Site inspection indicated that works on the demolition of Apollo House, College House and Screen Cinema are near completion.
- 1.3. 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 protected structures. Further south of the subject site is Trinity College, Dublin a complex of landmark 18th century buildings most of which are also protected structures and are part of a designated Architectural Conservation Area.

2.0 Proposed Development

- 2.1. The development will comprise the amendment of previous permissions relating to College House and the former Screen Cinema ABP Ref. 300709-18 (DCC Reg. Ref. 3637/17) and the former Apollo House ABP Ref: PL29S.247907 (DCC Reg. Ref.: 3036/16) as follows:
 1. The proposed development consists of the extension, amalgamation and reorganisation of the permitted basements and floor levels of both buildings and the removal of the permitted car lifts onto Townsend St., as permitted for the redeveloped College House site. The combined, two-level, basement will

be accessed from a single ramp onto Townsend St. Cycle access to the basement will be via a dedicated, access controlled cycle lifts accessed from Townsend St.; an additional 71 cycle spaces are proposed in the basement, in addition to a relocation of some surface level cycle parking at ground level. Reconfiguration of the permitted core layouts, from basement -2 to upper levels, including roof, in both buildings and amendments to associated site servicing (foul and surface water drainage and water supply) Amendments to finished floor levels in both buildings to align throughout and allow interconnectivity.

2. Extension and increase in the extent and partial increase in heights of permitted Apollo House and College House developments where they adjoin onto the corner of Townsend St. and Tara St. There is no increase in overall maximum height of the permitted buildings as a result of these proposed amendments.
3. Alterations to the proposed material finishes of both permitted buildings.
4. Alterations to the permitted ground floor layouts of College House and Apollo House to include:
 - Increased office entrance foyer of College House and connected cafe/restaurant unit onto the internal block of 138 sq.m.
 - Amalgamation and increase of permitted retail/cafe/restaurant units in Apollo House and College House to single unit 1112 sq.m (with potential to subdivide into up to 3 individual units).
 - Revisions to elevations at ground floor level as a result of reduction in external plant and basement access.
 - Consolidation and relocation of permitted 2 no. substations into 1 no. substation onto Tara St. and 1 no. substation onto Townsend St.
 - Increased office entrance foyer of Apollo House with ancillary cafe onto Tara St. and Poolbeg St. and minor increase in the size of permitted cafe/retail/restaurant unit on the new internal route to 161 sq.m.
 - Provision of photovoltaic panels at roof level of permitted Apollo House and College House. Increase in permitted space at -1 level of Apollo

House from 340 sq.m to 505 sq.m and removal of internal fire escape stair core.

Overall increase in cafe/retail/restaurant floor space of 153 sq.m and office floor space 4,593 sq.m resulting from these proposed alterations

- 2.1.1. In implementing the planning permission obtained for the College House and Apollo House sites, the development proposes amendments to both of these sites to provide for a more uniform and coordinated approach to the development of both sites, consisting of amendments to the streetscape, increase in floor area and building mass to the southeast of the site adjacent to the Brokerage apartment building, internal modifications and the rationalisation of access points along Townsend Street.
- 2.1.2. The combined Apollo House and College House two-level basement will be assessed from a single ramp onto Townsend St, as permitted under the Apollo House permission PL.29S.247907 and will provide for the removal of the permitted car lifts onto Townsend Street, as part of the redeveloped College House scheme. The 48 car spaces permitted are to be retained and an additional 25 cycle spaces are proposed. Cycle access to the basement will be via a single dedicated accessed controlled cycle lift accessed from Townsend Street. The amalgamation of the two basements has allowed for consolidated cycle and associated facilities to serve both buildings. Additionally, the substations have been consolidated, with the primary substation along Tara Street, thereby improving the Townsend Street frontage. The office entrance foyers of both buildings at the two prominent corners of the new internal street have been revised and an increase in retail/café/restaurant floorspace.
- 2.1.3. The proposal seeks to increase the interconnectivity of Apollo House and College House which were originally designed as separate buildings. The interconnection at upper levels provides greater flexibility to the office floor plates. The proposal facilitates the increase in heights of parts of both buildings. Notably, the modified design does not exceed the previously permitted heights for both buildings which vary between two and six storeys. The proposal also provides for a singular response to boundary treatment.
- 2.1.4. In terms of the façade treatment, the Apollo House façade have been adjusted to match that of College House onto Townsend Street. The external finishes to College

House consist predominately of blue/black glazed terracotta panels framing large format glazing. At upper floor levels, a connection piece is proposed which folds over College House and down towards Apollo House. The upper storeys of College House and the facade area immediately above the office lobby connection are proposed to be formed in a silver/grey anodising aluminium façade. Similarly, it is proposed to finish Apollo House in a silver/grey anodising aluminium cladding.

2.1.5. The additional floor space equates to 4,593sqm.

2.1.6. A Townscape and Visual Impact Assessment (TVIA) and Photomontages, Sustainability and Engineering Services Report, Appropriate Assessment Screening Report, Motility Management Plan, Flood Risk Assessment, Engineering Assessment Report, Outline Construction Management Plan and Operational Waste Management Plan accompanied the planning application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority granted permission subject to 12 conditions. The following conditions area of note:

Condition No. 2 Development Contribution

Condition No. 3 Section 49 Supplementary Development Contribution in respect of Luas C1 Line Area.

Condition No. 4

The Applicant shall comply with the conditions attached to the parent permissions pertaining to the development permitted under Register References 3036/16 (ABP Ref. PL29S.247907), 3637/17 (ABP Ref. 29S.300709) and 2415/19 unless altered by this permission.

Reason: In the interests of orderly development.

Condition No. 10 - Refers to the requirements of TII in relation to works in the vicinity of the Luas.

Condition No. 12 – Development Bond

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer notes the planning history and the zoning objectives for the area. It is considered that the proposed development will not deviate materially from what was previously permitted on the site and the proposal is likely to provide a valuable asset to the regeneration of the local area. It is considered that the proposed development will not injure the amenity of property in the vicinity, and it is considered that the proposed development accords with both the City Development Plan and the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Transportation Planning Division – (Report dated 11th June 2019) – Anomalies noted in relation to cycle parking provision. No objection subject to conditions.

Engineering Department – Drainage Division (Report dated 27th May 2019) – No objection subject to compliance with conditions attached to planning permission DCC Ref. 2415/19.

City Archaeologist – (Report dated 20th May 2019) – No objection subject to conditions and compliance with condition no. 7 of planning permission DCC 3036/16.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – In their report dated 29th May 2019 the TII set out a detailed condition relating to the development noting that the site falls within the area covered by the Supplementary Development Contribution Scheme (Section 49, Planning & Development Act, 2000 as amended). Luas Cross City (St. Stephen's Green to Broombridge Line). The works should not have an adverse impact of Luas operation and safety.

3.4. Third Party Observations

A total of two submissions were made in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- Concern that the proposal will overshadow and have a detrimental impact on the residential amenity of the occupants of the Brokerage Apartment Block to the south.
- The proposed scheme should include residential use.
- The scale of the proposal is of concern and inconsistent with the established height of the adjoining and nearby property.
- Reference is made to a recent planning application for the change of use of three apartments to amenity rooms within the Brokerage apartment building.

4.0 Planning History

Site

Apollo House and College House Amendments

DCC Reg. 3668/19. Permission granted by DCC for amendments of previous permissions relating to College House and the former Screen Cinema (DCC Reg. Ref. 3637/17 ABP Ref: PL29S.300709) and the former Apollo House (DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.247907) and as amended by DCC Reg. Ref.: 2415/19, as follows:

1. The proposed development consists of minor alterations to the existing permitted basement layouts including relocation of permitted core locations and alterations to plant areas. Also includes the reduction in car parking from 46 spaces to 33 spaces and an increase in cycle parking from 404 spaces to 470 spaces (incl. 20 at ground floor).
2. Extension and increase in the extent and partial increase in heights of permitted Apollo House and College House developments where they adjoin onto the corner of Townsend St and Tara St. There is no increase in overall maximum height of the permitted buildings as a result of these proposed amendments.

3. Alterations to the proposed material and colour finishes of both permitted buildings, including minor alterations to the geometric arrangement of the façade.
4. Alterations to the permitted ground floor layouts of College House and Apollo House to include the reconfiguration of the permitted office entrance foyers and the permitted café/ retail/ restaurant units, and alterations to plant/ services.
5. Overall minor decrease in permitted café/ retail/ restaurant floorspace of 107sqm and increase in office floorspace of 3,830 sqm resulting from these proposed alterations.

This application is currently the subject of appeal - Ref. ABP 305652-19.

DCC Reg. 2415/19 - Permission granted in 2019 for development at a site of 0.5 ha at Apollo House, Tara Street. The development consists of the amendment of previous permissions relating to College House and the former Screen Cinema (DCC Reg. Ref: 3637/17, ABP Ref: PL29S.300709) and the former Apollo House (DCC Reg. Ref: 3036/16, ABP Ref: PL29S.247907) DCC Reg. Ref: 3637/17, ABP Ref: PL29S.300709.

College House Redevelopment

DCC Reg.3637/17 / PL.29S.300709 – Permission granted in 2018 for the 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.

DCC Reg. 4593/17 - Permission granted in 2018 for the demolition of College House and Screen Cinema.

Apollo House Redevelopment

DCC Reg. 3036/16 / PL29S.247907 –Permission granted in 2017 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.

Surrounding

DCC Reg. 2857/19 /ABP 304872-19 – Permission granted in September 2019 for the change of use of three apartments into tenant amenity rooms, the Brokerage, Townsend Street, Dublin 2.

DCC Reg. 3037/16 / PL29S.247912 – Permission granted in 2017 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.

DCC Reg. 1466/96 / PL 29S100094 -Permission granted in 1997 for the demolition of existing buildings and construction of new 4 storey over basement and ground floor mixed use development comprising ground and part basement pub of area 508 sq.m. ground and part basement shop of area 145 sq.m; and 15 no. 2 bed. and 13 no. 1 bed. apartments, all on 4 floors over ground level (total 28 no.).

5.0 Policy Context

5.1. Development Plan

George's Quay Local Area Plan

- 5.1.1. 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.

- 5.1.2. 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.
- 5.1.3. 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.
- 5.1.4. The LAP seeks full redevelopment of these lands. Each of the 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.
- 5.1.5. 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.

5.1.6. The LAP goes on to set out the objectives in more detail. 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.

5.2. **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.

Dublin City Council’s policy regarding such developments is set down in the Dublin City Development Plan 2016-2022 and The Dept of Housing, Planning & Local Government Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.

The following sections of the Development Plan, amongst others apply:

Chapter 2 – Vision and Core Strategy

Section 2.2.3. Settlement Strategy: “For the inner city, the plan seeks to strengthen and consolidate the robust city-centre mixed-use zoning (Z5), with active promotion of the inner city as an attractive place for urban living, working and visiting...”

Chapter 4 – Shape and Structure of the City

Section 4.4 - The Strategic Approach - The creation of a more compact city, where residents can live close to their places of work or study, and can easily traverse the city, thereby reducing urban sprawl and unsustainable travel patterns.

Section 4.5.1 The Inner City and Docklands at the Heart of the Region

It Is the policy of Dublin City Council to: -

SC3 To continue to develop a network of safe, clean, attractive pedestrian routes, lanes and cycleways in order to make the city more coherent and navigable

SC7 To protect important views and view corridors into, out of and within the city, and to protect existing city landmarks and their prominence.

SC18 To promote a co-ordinated approach to the provision of tall buildings through local area plans, strategic development zones and the strategic development and regeneration areas principles, in order to prevent visual clutter or cumulative negative visual disruption of the skyline

SC17 To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in chapter 15 (Guiding Principles)

Chapter 6 - City Economy and Enterprise

It is the policy of Dublin City Council to: -

CEE1

(i) To promote and enhance the role of Dublin as the national economic engine and driver of economic recovery and growth, with the city centre as its core economic generator

(ii) To promote and enhance the city’s competitiveness and address deficits, to improve the business environment so that existing jobs are supported, and

employment generated, and be creative and practical in its responses to present economic challenges

CEE4

(i) To promote and facilitate Dublin as a creative and innovative city that is globally competitive, internationally linked, attractive and open.

(ii) To promote an internationalisation strategy building mutually-beneficial economic and other links with key cities globally to encourage investment and tourism etc. in Dublin.

(iii) To promote jobs which provide quality of life and allow workers to play a full social and economic role in the development of the city.

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

Section 11.1.5.6 Conservation Area – Policy Application New development should have a positive impact on local character. In seeking exemplary design standards, the planning authority will require development in Conservation Areas to take opportunities to enhance the area where they arise. Where a building has been identified as having a negative impact on an area, a pro-active approach to improvement will be sought. Where proposals involve demolition, policy for demolition of protected structures and buildings in conservation areas should be referred to.

Chapter 16 - Development Standards

All new proposals must demonstrate sensitivity to the historic city centre, the river Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.

5.3. Natural Heritage Designations

There are two designed sites within 2.5Km of the site.

- South Dublin Bay SAC (site code 00210) is located 2km east of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 2.3km northeast of the site.

5.4. EIA Screening

Having regard to the nature and scale of the proposed development, 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 Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two third-party appeal submissions were made in relation to the development.

1. Mark Conan, 3 Wilfield Park, Sandymount, Dublin 4. Mark Conan is the owner of apartment no. 11 The Brokerage Building, Townsend Street.

The grounds of appeal can be summarised as follows:

- It is stated that the development will seriously reduce the residential amenity and property value of a fully sustainable modern block.
- The development would make the north facing apartments no.'s. 7, 14 and 21 unliveable and would seriously reduce the privacy and residential amenity of the living spaces and bedrooms of the west-facing apartments no.'s 6,13 and 20.
- The six habitable apartments and the shared patio will be plunged into gloom, lack of daylight, sunlight and privacy. The failure to protect established

residential amenity is contrary to Quality Housing Policy QH24 of the Dublin City Development Plan 2016-2022 and national policies designed to protect and enhance the national housing stock.

- It is set out that the effective loss of six out of twenty-one apartments would represent a loss of nearly 30% of the housing stock within the complex during a national housing crisis.
- It is set out that the photomontages are misleading and do not represent the impact of the development on the existing residential use.
- The Brokerage epitomises the spirit of the “living City “ and of “Rebuilding Ireland” .

2. Denis Anthony of 31 Sycamore Road, Mount Merrion, Dublin and Elaine Anthony of 39 Clarinda Park East, Dun Laoghaire, Dublin. Denis Anthony and Elaine Anthony are the owners of apartment no. 8 The Brokerage Building, Townsend Street.

The grounds of appeal can be summarised as follows:

- It is set out that the development will have a serious negative impact on the amenity space provided for the owners and occupiers of the apartments in The Brokerage building.
- The additional massing and height increase directly adjoining and surrounding the northern and western boundaries of the Brokerage Building will also impact negatively on six apartments – No’s 6, 7, 13, 14, 20 and 21 which front the amenity space and the existing sunlight and daylight access to these rear apartments. It is noted that the existing sunlight and daylight access to these apartments is already substandard relative to current standards.
- The proposal will create serious overlooking on both the apartments and the amenity space.
- It is set out at that the Board has previously acknowledged under ABP Ref. PL.29S.247907 that the development would impact negatively on daylight and sunlight availability at the rear of the Brokerage building.

- It is argued that the strategic objectives for the site as set out in the George's Quay LAP have been achieved by the two existing planning approvals relating to the development site.

6.2. Applicant Response

- It is set out that development seeks minor amendments to the permitted designs to ensure greater efficiency and to more robustly facilitate the construction of these key city centre sites. The proposal seeks to increase the interconnectivity of the two buildings, and thereby improving its flexibility and long-term sustainable use.
- Many of the proposed amendments works have already been permitted under DCC Reg. Ref. 2415/19.
- It is set out that the appeal submissions focus on the perceived impact on the existing sunlight and daylight access on the Brokerage residential apartment buildings and its residential amenity. It is set out that the appeal submissions note the that the existing residential amenity in relation of Daylight /Sunlight access to both the apartments and the amenity area overlooking a car park to the rear of the block is substandard relative to current DCC Development Plan standards.
- It is set out that the works are minor and in totality, the permitted Apollo House and College House remain unchanged.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4. Further Responses

1. A further response was received from Mark Conan on 8th August 2019.
 - The submission notes the contents of the original appeal submission to An Board Pleanala.
2. A further response was received from Brendan J. Walsh on behalf of Denis Anthony and Elaine Anthony on 22nd August 2019.

- The submission notes the contents of the original appeal submission to An Board Pleanála.
- It is set out that they concur with Mark Conan in so far as the proposal fails to protect established residential amenity is contrary to Quality Housing Policy QH24 of the Dublin City Development Plan 2016-2022 and national policies designed to protect and enhance the national housing stock.

6.5. Observations

Transport Infrastructure Ireland - The submission reiterates the contents of the original submission made to the planning authority on the 29th May 2019.

7.0 Assessment

7.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Impact on Residential Amenity
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. This application consists of amendments to previous permissions relating to College House and the former Screen Cinema Ref: ABP 300709-18 (DCC Reg. Ref. 3637/17), and the former Apollo House ABP Ref: PL29S.247907 (DCC Reg. Ref.: 3036/16). In implementing the planning permission obtained for the College House and Apollo House sites, the development proposes amendments to both of these sites to provide for a more uniform and coordinated approach to the development of both sites, consisting of amendments to the streetscape, increase in floor area and building mass to the southeast of the site adjacent to the Brokerage apartment

building, internal modifications and the rationalisation of access points along Townsend Street.

- 7.2.2. The site is located in the city centre on lands zoned 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. The George's Quay 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'. There are 11 key objectives in relation to the redevelopment and regeneration of the Hawkins House site. I am satisfied that the principle of the development is in compliance with the objectives for the site.
- 7.2.3. In terms of the urban design response, the proposed development provides an increased active street frontage on both Tara Street and Townsend Street through increased office entrance and retail frontage, in addition to a more consistent approach to external finishes reflecting enhanced legibility. The increased connectivity between the two sites is provided through additional floor area and associated building mass to the southeast of the site adjacent to the Brokerage apartment building.
- 7.2.4. I agree with the planning authority that the overall scale of the proposed scheme is undoubtedly large however the use of setbacks in the façade and the changes in the palate of materials serve to reduce the scale of the building, whilst enhancing the architectural character. I consider this an acceptable approach in the context of the urban setting and the policy objectives for the site as set out in Chapter 5 of the George's Quay Local Area Plan.
- 7.2.5. The potential visual impact of this increased massing has been considered in the Townscape and Visual Impact Assessment (TVIA) and photomontages submitted with the planning application. Key changes considered to have the potential to result in townscape and visual impacts relate to the interconnection of Apollo House and College House at the upper levels adjacent to the Brokerage apartment building, in addition to the rationalisation of building materials. The increased massing and horizontal plane of the building does not perch excessively above the framed view of

the site. The photomontages also indicate that the articulation of a higher building scale and the layering of the higher elements demonstrate an appropriate backdrop and will ensure the proposal, is in alignment with the surrounding context.

- 7.2.6. I have reviewed the TVIA and photomontages submitted, and I am satisfied that the TVIA identified that at no viewpoint location were the effects of the proposal considered adverse in the context of the site setting and the wider streetscape setting. I agree with the applicant that the majority of viewpoints establish the amendments as reflecting a positive or neutral impact.
- 7.2.7. I consider that the principle of the proposed development is acceptable, subject to the detailed considerations below.

7.3. Residential Amenity

- 7.3.1. The appellants argue that the development will have a negative impact on residential amenity in terms of potential overlooking and loss of sunlight/daylight associated with rear apartments of The Brokerage apartment building to the southeast of the site.
- 7.3.2. A sunlight/daylight and overshadowing report did not accompany the planning application. However, I note that the Brokerage Apartment building is an L-Shape form and the rear apartments and shared amenity space front the north-western aspect of the building. Notwithstanding the current proposal, this area does not benefit from significant amounts of sunlight or daylight having regard to the design of the apartment building and site orientation.
- 7.3.3. Whilst, I note the alterations proposed will increase the general building mass and height when viewed from the rear of The Brokerage apartment building, I note a separation distance of 11.4m respectively has been provided between the rear building line of The Brokerage and the proposed development. This, in my opinion, will allow for an appropriate degree of privacy and amenity to be maintained.
- 7.3.4. The potential for negative impact on established amenity is assessed particularly with overlooking of the apartments at the rear of The Brokerage. In this regard I note, the applicant has proposed landscaping on the third floor to buffer the proposal from the shared amenity area. Furthermore, the intended use as office accommodation is not considered to represent detrimental overlooking of the apartments and the amenity space taking cognisance of normal working hours. A degree of over-looking

is considered reasonable in an urban environment. I note also that planning permission has recently been granted under ABP 304872-19 for the change of use of three of the rear apartments (No.'s 7,14 and 21) The Brokerage into tenant amenity rooms.

7.3.5. Any potential impact in terms of the impact of sunlight/daylight and overshadowing on The Brokerage must be balanced against the wider strategic objectives for the site. The LAP requires that building heights in general across the site should not exceed a maximum of 8 storeys with the possibility of 12 storeys set behind the parapet. The proposed development in terms of height fully accords with these design parameters.

7.3.6. I am satisfied that the changes in terms of daylight and sunlight would be negligible and 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 requirements of the National Planning Framework which seeks to provide a more compact urban form and to provide higher density infill on brownfield sites. I am satisfied that that the proposed development will not have any greater perceptible difference than the permitted schemes. The overall impacts are considered minor and appropriate in an urban context

7.4. **Other Matters**

7.4.1. The report from Transport Infrastructure Ireland dated 29th May 2019 sets out a detailed condition relating to the development, noting that the site falls within the area covered by the Supplementary Development Contribution Scheme (Section 49, Planning & Development Act, 2000 as amended). Luas C1- red line Docklands Extension. It is important to note that the current application is an amendment proposal and the relevant conditions attached to the parent planning permissions apply. In this regard, Condition no. 5 (d) of ABP300709-18 requires the applicant to liaise with Transport Infrastructure Ireland and/or the Luas operator to ascertain any requirements in respect of Luas operations and sets out that the developer shall comply with the "Code of Practice for Works on, near or adjacent to the Luas Tramway".

7.4.2. The Transportation Planning Division in their report dated 11th June 2019 note anomalies in relation to cycle parking provision with respect to the drawings and documentation submitted with the planning application. It is recommended, in the interest of clarity and taking account of the increase in floorspace, that a condition be attached stating that an additional 71 no. cycle parking spaces be provided at basement level as per the development description. It is further recommended that a condition be attached stating that car parking spaces shall be permanently allocated to the proposed uses and shall not be sold, rented or otherwise sub-let or leased to other parties. I consider the above reasonable in the context of the development.

7.5. Appropriate Assessment

7.5.1. The site is not located within or directly adjacent to any Natura 2000 sites.

7.5.2. A screening report for Appropriate Assessment was submitted with the planning application. It confirmed that the proposed development would not be located within any European sites. 9 SAC's and 8 SPA's were identified within 15km of the site.

7.5.3. The Stage 1 AA screening report concluded that having regard to the nature and scale of the development and nature of the receiving environment, the proximity to the nearest European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European Site.

7.6. 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.

8.0 Recommendation

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.

9.0 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. Subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of adjoining property 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.

10.0 Conditions

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

Reason: In the interest of clarity

2. The Applicant shall comply with the conditions attached to the parent permissions pertaining to the development permitted under Register References ABP Ref. PL29S.247907 (DCC Reg. Ref. 3036/16), and ABP Ref. ABP300709-18 (DCC Reg. Ref. 3637/17) unless altered by this permission.

Reason: In the interests of orderly development.

3. The proposed development shall be amended to provide or an additional 71 no. cycle parking spaces at basement level.

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: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

4. Car parking on site shall be reserved for use by the occupants of the development only. At no time shall the car parking spaces be sold, leased or sub-let or otherwise independently used by any third party.

Reason: To ensure that adequate parking spaces are permanently available to serve the proposed development.

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

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

6. The developer shall pay to the planning authority a financial contribution in respect of LUAS C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as

amended. The contribution shall be paid prior to 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

7. 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 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.

Irené McCormack

Planning Inspector

24th October 2019