



An
Bord
Pleanála

Inspector's Report

ABP-308481-20

Development

Amendments to previously permitted development, Reg. Ref. 3794/18 / ABP Ref. 302980-18 , Change of use at ground floor level from hotel/restaurant entrance foyer to restaurant/cafe/retail foyer- Change of use of the hotel to office at 1st, 2nd, 3rd and 4th floor level and change of use of hotel/office to retail/cafe/restaurant at 5th floor level.

Location

Site of 0.2 ha bound by Georges Quay to the north, Tara Street to the west, Poolbeg Street to the south and Tara Street Station to the east. The site includes lands of the former Tara House, 2-16 Tara Street, Dublin 2, D02 W597

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3165/20

Applicant(s)

Tanat Limited

Type of Application

Permission

Planning Authority Decision	Refuse
Type of Appeal	First / Third Party
Appellant(s)	Tanat Limited
Observer(s)	TII
Date of Site Inspection	08 th February 2021
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The site is located between the city centre to the west and the docklands to the east and to the south of the River Liffey in Dublin 2. It comprises an urban land block (c 0.2 ha) that is bounded to the north by George's Quay, to the east by Tara Street and to the south by Poolbeg Street. The site lies immediately adjacent to Tara Street station and includes part of the station concourse.
- 1.2. The site previously accommodated Tara House, a former office block that has since been demolished. The site is a vacant site with hoarding along its road frontages along Georges Quay and Tara Street.
- 1.3. The site includes the lands immediately east and west of Kennedy's public house, (trading as the 'workshop'). The four-storey building and Protected Structure which fronts onto George's Quay is not part of the application site. It stands as an isolated structure with its gable walls exposed on both sides.
- 1.4. The wider area is one which is evolving and regenerating with new uses and taller buildings occurring alongside more traditional buildings. To the east lies the George's Quay Plaza and the Ulster Bank Group Centre, with Ashford House and the Irish Times Building to the south. The Loop Line Bridge with its elevated rail line spans the River Liffey and dominates the streetscape in the immediate vicinity of the site. At a further remove, the 17-storey Liberty Hall building occupies an imposing landmark position on the opposite side of the Liffey to the northwest, with the eighteenth century Custom House addressing the waterfront to the north.

2.0 Proposed Development

- 2.1. Permission is sought for amendments to previously permitted development ref no. 3794/18/ABP-302980. The amendments include...

Change if use of ground floor level from hotel/restaurant entrance foyer to restaurant/café/retail foyer (88sqm);

Change of use of hotel to office at 1st, 2nd, 3rd and 4th floor level (3,112sqm) and change of use of hotel/office to retail/.cafe/restaurant at 5th floor level (c.416sqm) with associated outdoor terrace (205sqm);

New mezzanine level between ground and first floor (c. 181sqm) for use as café/restaurant/retail;

Internal reconfiguration of the permitted development to provide for a new core layout and internal office floorplate;

Revised entrance to the ground floor retail /café/restaurant area;

Modifications to the permitted colonnade along Tara Street;

Modifications to the basement layout to reduce the number of car parking spaces from 16 no. to 12 no. and provision of 144 no. cycle parking spaces;

The development also included all associated and ancillary works including site development works, and revisions to hard and soft landscaping necessary to facilitate proposed amendments.

The amendments increase the gross floor area from 16,557 to 16,961sqm including basement comprising 14,185sqm office use and 1,071sqm of café/retail/restaurant use.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. The site is located within a Z5 land use zoning, which has the strategy to provide a dynamic mix of uses, which interact with each other, help create a sense of community and which sustain the vitality of the inner city both by day and night. The proposed change of use to office space would detrimentally impact on the vitality of the inner city location, particularly outside of standard office hours. The proposed development, by itself and by the precedent for it would set, would be contrary to the Z5 zoning, would depreciate the value of property in the vicinity and would be

contrary to the current City Development Plan and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (30/09/20): The change of use from hotel to office would be contrary the Z5 zoning objective which seeks to provide dynamic mix of uses, which interact with each other, help create a sense of community and which sustain the vitality of the inner city both by day and night.

3.2.2. Other Technical Reports

Drainage Division (25/08/20): No objection.

City Archaeologist (09/09/20): No objection subject to condition.

Transportation Planning Decision (07/08/20): No objection subject to conditions.

3.3. Prescribed Bodies

NTA (27/08/20): Liaison required with NTA to ensure works are compatible with proposed Metrolink Infrastructure.

TII (07/09/20): Development to comply with TII Code engineering practice for works near or adjacent the Luas. Development falls within the area subject to the Section 49 Supplementary Contribution scheme (Luas Cross City).

An Taisce (09/09/20): The proposal would be contrary the Z5 zoning objective with change of use from hotel to office having a negative impact on vitality of the area.

3.4. Third Party Observations

3.4.1 One submission from An Taisce.

- The amendments removing the hotel would be inappropriate with the imbalance in mixes of uses in favour of office accommodation impacting negatively on vitality if the area.

4.0 Planning History

4.1 **Reg Ref No 3794/18 (ABP-302980-18):** Permission granted for demolition of office building & construction of 22-storey office & hotel development.

4.2 **Reg Ref No 2856 (PL29N.2489410):** Permission refused for a development including the demolition of the existing building on the site and the construction of a 22 storey (88m) over three level basement, office and hotel development with a rooftop restaurant. The proposal also included an upgrade of the public concourse to Tara Street rail station and a new public thoroughfare linking the two uses.

4.3 **PL 29S.PA0012:** Permission granted to Iarnród Éireann for a development described in the public notices as a 15 storey development comprising an increased station concourse, station accommodation, retail and office over ten levels.

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

The applicant was advised that the height of the building (while maintaining its current profile) should be reduced as follows; the main part of the building currently indicated at an apex height of 60.8m at Georges Quay should be reduced to an

apex height of 49.1m, the circular core element should be reduced to 42.825m, the rectangular office element on Tara Street should be reduced in height from 11 storeys down to 31,95m (8 storeys), the plant area indicated at roof level over the entire top floor should be restricted to the rear part of the building not north of grid 'k' and the uppermost floors of the building forward of this gridline should contain similar accommodation with similar glazed façade treatment to the lower office floors, and finally that the lobby linking the office core to the street should be relocated from the Tara Street/Poolbeg Street corner to Poolbeg Street and all of the ground floor area currently indicated as 'waiting area' and 'office lobby' should be incorporated into an enlarged station concourse including additional entrances to Tara Street and at the Tara Street/Poolbeg Street corner. Revised plans reflecting these requirements were submitted to the Board and permission was granted for a 10 year period from 1/01/2010.

- 4.4 **Reg Ref No 0948/01 (PL 29S. 128164):** Permission granted in 2002 to Iarnród Éireann for the redevelopment of Tara Street Station consisting of a new station concourse with a 10 storey office development and retail unit. Kennedy's Public House did not form part of the application. During the course of the application the proposal was modified providing an overall reduction in the floor area of the office development onto Poolbeg Street; the height of the development onto Tara Street was reduced by 7.8m; the overall height of the building onto Poolbeg Street and Tara Street was reduced to 44.9m. The overall height of the curvilinear part of the building was retained at 60.8m at the north apex and 57m at the south apex. A four-storey projecting glass element was incorporated into the corner treatment at Poolbeg Street and Tara Street. Other redesigned elements resulted in the overall area of the building above the station concourse being reduced from a gross floor area of 17, 605sq.m. to a gross floor area of 16, 248 sq.m.

5.0 Policy Context

5.1 National Planning Framework -Project Ireland 2040

- 5.1.1. The National Planning Framework which was published in 2018 is a strategic plan to guide development and investment out to 2040. It is envisaged that the population of

the country will increase by up to 1 million by that date and the strategy seeks to plan for the demands that growth will place on the environment and the social and economic fabric of the country. It sets out 10 goals, referred to as National Strategic Outcomes.

- 5.1.2. Under National Strategic Outcome 1 (Compact Growth), the focus is on pursuing a compact growth policy at national, regional and local level. With regard to Dublin it states; 'Dublin needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries.... At a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.

National Policy Objective 11 In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13 In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- 5.1.3. The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly

cities and large towns. Specific Planning Policy Requirement (SPPR) 1 states In accordance with Government policy to support increased building height and density in locations with good transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

5.2. Development Plan

The operative development plan is the Dublin City Development Plan 2016-2022. The site is located in an area zoned Z5: City Centre, with an objective 'To consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity'. The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night (Section 14.8.5).

Permissible uses include office, hotel, and restaurants. The Z5 zoned area is identified as the key employment location within the city (Section 2.2.4).

Core Strategy - It is an overarching aim 'to consolidate and enhance the inner city in order to strengthen its crucial role at the heart of the capital city and the city region'. Shape and Structure of the City -In terms of the Shape and Structure of the City the plan (4.5.1.1.) sets out a number of policies;

SC7: – To protect and enhance important views and view corridors into, out of and within the city and to protect existing landmarks and their prominence. Fig 4 outlines Key Views and Prospects (Indicative).

SC16: - To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the

potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).

SC17: - To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in Chapter 15 (Guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.

Section 4.5.41 sets out Dublin City Council's approach to taller buildings. It is policy to provide for taller buildings in limited locations identified in the Building Height in Dublin map. Georges Quay is identified as allocation where a tall building could be located (above 50m). City Economy and Enterprise – recognises that Dublin must develop with sufficient critical mass in order to compete at an international level and fulfil its role as the key economic driver of growth for the Greater Dublin region and the country as a whole.

Relevant policies include CEE5 and CEE11, which recognise the need for high quality and dense development to drive productivity and innovation; the supply of commercial space as a means of increasing choice and competitiveness and the redevelopment of obsolete office stock in the city to consolidate employment.

Development Standards - Section 16.7.2 of the plan sets out Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development. It also sets out the Assessment Criteria for Higher Buildings. The requirements for Infill Development are set out in Section 16.2.2.2, where it is noted that it is particularly important that proposed development respect and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

Built Heritage and Culture - The policies in relation to Protected Structures are set out in Section 11.1.5.1. The policies in relation to Conservation Areas are set out in Section 11.1.5.4. These policies seek to protect the structures of special interest which are included in the Record of Protected Structures (Volume 4 of the Plan) and the special character of Conservation Areas. Relevant policies include the following;

CHC1 - Preservation of the built heritage of the city.

CHC2 – Protection of the special interest of protected structures.

CHC4 – Protection of special interest and character of Conservation Areas. Table

16.1 and Table 16.2 set out the car and cycle parking standards for various uses.

5.3. Georges Quay LAP 2012

The Georges Quay LAP 2012 was extended in June 2017 to 2022. Four character areas are identified in the LAP and the subject site is located within the 'Office Zone', characterised by large floor plate, single (office) use buildings, most with inactive ground floor frontages in structures significantly taller than the surrounding structures. The zone is identified as the most visually prominent section of the study area due to the height and bulk of the office buildings and the views afforded to them from the Liffey corridor. The plan identifies three key site/development areas which includes the Tara Street Station site. The key objectives listed for the site are as follows;

- The LAP seeks a new public plaza to the station concourse which in turn responds to a new pedestrian route through Hawkins House site.
- Provide a tall landmark building with large commercial space, with potential of up to 22 storeys (88m), subject to design and visual assessment.
- Widen footpath to Tara Street and Poolbeg Street to improve public realm. • Integrate Kennedy's pub (a protected structure).
- New rail station and plaza to include bike parking. It is recognised in the LAP that the redevelopment of the Tara Street urban block presents an opportunity to provide a positive visual focus in a quality landmark building. The provision of a taller building at Tara Street Station is advocated for the following reasons;

- To serve as a distinctive landmark building providing identity for a key transport node within the wider city landscape.
- To act as a visual counterpoint to Liberty Hall.
- To serve as a twin urban landscape or ‘gateway’ in tandem with Liberty Hall, marking the transition between the traditional city core and the docklands to the east.
- To act as a termination of long distance views on a pivotal turning point on the River Liffey by the Loop Line Bridge.
- To provide a more generous public realm that incorporates an accessible passenger concourse to accommodate increased passenger numbers.

5.4 Natural Heritage Designations

5.4.1 None in the vicinity.

5.5 EIA Screening

5.5.1 Having regard to the nature and scale of the development which consists of amendments to a permitted development, the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by John Spain Associates on behalf of the applicant, Tanat Limited. The grounds of appeal are as follows...

- The appellant states that the proposal is compatible with the Z5 zoning objectives with the uses proposed permissible within the zoning and the proposal providing for 1,346sqm of café, restaurant and retail use and in conjunction with Kennedy’s pub a total of 1,720sqm at this location.

- The appellant provides details of recently permitted office developments in the area that are located within the Z5 zoning objective. It is noted that these examples are full office developments and that the refusal for permission is contrary to the well established pattern of development in the area, which is well suited to office development due to its proximity to public transport hub (Dart/Metrolink).
- The proposal is compliant with overall land use strategy for the area and the objectives of the Z5 zoning objective.
- The demand for hotel use at this location is no longer viable under current circumstances. There has been a significant number of hotel developments permitted in the immediate vicinity that would cater for tourist demand and the proposal would have no material impact on the level of hotel accommodation in the city.
- The impact of the revisions in terms of active frontage at ground floor level is marginal. The extent of active ground floor uses remains the same with minimal change as well and increased floor area for the restaurant use with the additional mezzanine level. The amended proposal provides retail/café/restaurant uses at ground, 5th and 21st floor levels with a 5th floor terrace/supplementary dining area providing for increased activity.
- The proposal is compliant with the Z5 zoning, the mix of uses is appropriate and would provide for a reasonable degree of activity at this location. The additional office use will generate a significant level of footfall within the area.

6.2. Planning Authority Response

6.2.1 No response.

6.3. Observations

6.3.1 An observation has been received from Transport Infrastructure Ireland.

- Applicant to ensure compliance with code of engineering practice for works on, near, or adjacent the Luas Light rail system.
- The proposal falls within the area subject to the Section 49 Supplementary Contribution scheme (Luas Cross City).
- Future Luas, Metro and BRT alignments are a matter for the NTA.

6.4. Further Responses

6.4.1 No responses

7.0 Assessment

7.1 Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Development Plan policy/land use

Design/active frontage

Other changes

7.2. Development plan policy/land use:

7.2.1 The proposal is for amendments to a permitted development under ref no. ABP-302980-18 (3794/18) for which permission was granted for demolition of office building & construction of 22-storey office and hotel development. The main amendments to the proposal include a change of use of ground floor level from hotel/restaurant entrance foyer to restaurant/café/retail foyer (88sqm) with the provision of a mezzanine level of c.181sqm for use as café/retail/restaurant use, change of use of hotel to office at 1st, 2nd, 3rd and 4th floor level (3,112sqm) and change of use of hotel/office to retail/cafe/restaurant at 5th floor level (c.416sqm) with associated outdoor terrace (205sqm). The proposal was refused on the basis that the change of use from hotel to office would detrimentally impact on the vitality of the inner city location, particularly outside of standard office hours and that the

development, by itself and by the precedent for it would set, would be contrary to the Z5 zoning objective.

7.2.2 The proposed mix of uses are all permissible uses within the Z5 zoning objective (office development, café, retail and restaurant uses). The issue here appears to be that amendments have removed the hotel use permitted and would impact on the potential of the development to contribute to the vitality of the area and provide for active uses that would also create activity in evening times outside of office work hours. The proposal has retained an active evening time use at ground floor level in the form of café, retail and restaurant uses as well as increasing the floor area of such uses by providing a mezzanine level. There is also a proposal for such use at 5th floor level with an outdoor terrace area for dining. The loss of the hotel use on the upper floors does have some impact in terms of potential mix of development and the provision of evening time activity. I would however consider that the proposed development still provides for a mix of uses on site and provides for an increased level of activity at ground floor level, which is probably the most important level due to being at street level. There is provision for an evening/night time use at one of the upper levels. Taken in conjunction with the existing public house the proposed development will enhance the mix of uses and level of activity at this location over the previous arrangement (office development only). As noted above the uses proposed are all compatible with the Z5 zoning and the precedent for office development, which is the primary use established by the previous grant of permission under ref no. ABP-302980. I am satisfied that the amended development still provides for uses that are compatible with the land use zoning objective at this area and a development that will enhance the level of activity in the area. I do not consider that the refusal is justified in this case and that the alterations proposed still provide for an appropriate mix and level of development.

7.3 Design/active frontage:

7.3.1 The amendments entail some change to the external appearance of the development, in particular at ground floor level on both the Georges Quay and Tara Street frontage in terms of the façade, the concourse area and colonnade along Tara

Street. The changes are minor in nature and have no significant impact on streetscape and are similar in nature and architectural character to the development permitted under ABP-302980-18. The proposal retains a similar level of active frontage at ground floor level and actually provides for a use that is likely to be a more active use (restaurant/café/retail) with the provision of an extended area at ground floor with the additional mezzanine level. The documents submitted include photomontages illustrating the impact of changes to the façade. I am satisfied that the alteration to the design in terms of streetscape and visual amenity are minor and that the proposal also retains a similar level of active frontage than that permitted.

7.3.2 The proposal entails provision of restaurant use at 5th floor level with use of the outdoor terrace at this level on the eastern elevation. The proposal does not entail a change to the design or configuration of this level and external elevation. The change is to use of the floor and the use of the external terrace as an outdoor dining. This proposal would be satisfactory in the context of overall design and visual impact.

7.4 Other changes:

7.4.1 The proposal does entail an increase in the floor area of the structure on site and such is realised through the provision of a mezzanine level at ground floor level. The overall increase in floor area is 461sqm. Despite the increase in floor area there is no increase in overall height, scale and physical bulk of the structure approved under ref no. ABP-302980-18 with the increase in floor area accommodated within the approved structure.

7.4.2 There are changes to the basement level with a reduction in parking provided on site from 16 no. spaces to 12 no. spaces. The proposal entails an increase in the provision cycle parking spaces and showering/sanitary facilities due to the increase in office space. I would consider that having regard to the central location of the site and its proximity to a public transport hub as well as being a short distance from the Luas line, the proposal to reduce parking levels would be acceptable at this location.

8.0 **Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

9.1. I recommend a grant of permission subject to the following conditions.

10.0 **Reasons and Considerations**

Having regard to:

- (a) The provision of the Dublin Council Development Plan 2016-2022,
- (b) The Georges Quay LAP 2012,
- (c) The existing pattern of development at this location,
- (d) The design, scale and layout of the proposed development which are amendments to a permitted development under ABP-302980-18, and
- (e) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the vitality of the area and provides an appropriate mix of development. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance all conditions set out under ref no. ABP-302980-18 unless specified under 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 development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

Colin McBride
Planning Inspector

08th February 2021