



John Spain Associates

Planning & Development Consultants
Chartered Town Planners

AN BORD PLEANÁLA
071983-24
13 MAY 2024
Fee: € 3,050 type: Cha
Time: 3:53 By: hand

39 Fitzwilliam Place,
Dublin 2
D02 ND61

www.jsaplanning.ie

Tel 01 662 5803
info@johnspainassociates.com

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

Date: 13th May 2024
Our Ref: 23013 BC

Dear Sir / Madam

RE: 1ST PARTY APPEAL AGAINST DECISION TO REFUSE PERMISSION FOR A PLANNING APPLICATION, INCLUDING ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND NATURA IMPACT STATEMENT, FOR A PROPOSED MIXED USE DEVELOPMENT INCORPORATING OFFICE, ARTS/CULTURAL/COMMUNITY USE AND RETAIL/CAFÉ/RESTAURANT AT 1 NORTH WALL QUAY, DUBLIN 1, D01 T8Y1.

DUBLIN CITY COUNCIL REG. REF.: 3274/24

1.0 INTRODUCTION

On behalf of the applicant, NWQ Devco Limited, Cooney Carey Consulting Limited, Units 15/16 The Courtyard, Carmanhall Road, Sandyford, Dublin 18, we, John Spain Associates of 39 Fitzwilliam Place, Dublin 2, submit a **1st party appeal** against the decision of Dublin City Council dated 16th April 2024 to refuse planning permission for a mixed use development at a site at 1 North Wall Quay, Dublin 1, D01 T8Y1.

Please see enclosed fee of €3,000 for the submission of the 1st party appeal for a commercial application including an EIAR and NIS.

Additionally, an **Oral Hearing** is requested and the required fee of €50 is included in this respect.

Section 134 (1) of the Planning and Development Act 2000 (as amended) states:

"The Board may in its absolute discretion, hold an oral hearing of an appeal, a referral under Section 5 or an application under section 37E."

It is respectfully requested that An Bord Pleanála hold an Oral Hearing in this instance to assist further in the provision of a comprehensive understanding of the proposed development in the relevant planning context and the potential impacts and benefits to the City of the proposal.

Managing Director: John P. Spain
Executive Directors: Paul Turley | Rory Kunz | Stephen Blair | Blaine Cregan | Luke Wymer
Senior Associate Directors: Meadhbh Nolan | Kate Kerrigan | Brian Coughlan | Ian Livingstone
Associate Director: Tiarna Devlin

John Spain Associates Ltd. trading as John Spain Associates.
VAT No. IE 6416306U

26150

11.11.11

11.11.11

C

The proposal is for a mixed-use development comprising arts/cultural/community facilities, office and retail with a GFA of 87,209 sq.m over 17 no. storeys. A full description of development is set out in Section 3.0 of this Cover Letter. The proposed development has been designed to a high architectural standard in accordance with the policies and objectives of the Dublin City Development Plan 2022-2028.

Additionally, a separate document has been prepared in conjunction with City Designer and Henry J Lyons Architects to address the building height criteria set out in Appendix 3 of the Dublin City Development Plan 2022-2028. The document addresses both Table 3 and Table 4 and the exceptional circumstances criteria for a landmark building as set out in the Development Plan.

The proposed development has had due regard to the relevant national policy guidance, including the National Planning Framework and the Urban Development and Building Height Guidelines, during the design stage process. These Guidelines promote consolidation of urban development in city centres, increased building heights and increased densities in key urban and city centre location in close proximity to major public transport infrastructure such as the Dart and proposed MetroLink. Having regard to the stated national policy guidance and the suitability of the proposal for the subject site, it is respectfully requested that An Bord Pleanála grant permission for the subject development as set out herein.

A core objective of the NPF is to increase urban consolidation through urban regeneration, increased densities and increased building heights in appropriate urban locations and particularly adjacent to public transport corridors and public transport interchanges. These objectives are also included in the Urban Development and Building Height Guidelines to provide for increased building heights and densities next to significant public transport.

The proposed development has had regard to the proposed MetroLink project, with the proposed station located c. 650 southwest of the site at Tara Street Station; however, the existing public transport frequency and capacity would support the development with the proposed development also located c. 600m from Connolly Station which interchanges with the Luas Red Line.

MetroLink is currently subject of a Railway Order Application to An Bord Pleanála. Tara Street Station is proposed to be the only interchange between Dart and MetroLink in the city, making Tara Street Station the key public transport node in the city centre. The subject site is therefore located in a highly accessible location in close proximity to both Connolly Station and Tara Street Station, in addition to the Bus Connects corridor on North Wall Quay and Busáras located c. 600m to the west. The site provides the opportunity to create a high-density, mixed-use scheme in close proximity to existing and proposed high-quality public transport services and modes. It is considered appropriate and in accordance with national policy guidance to respond by providing for a development of greater height and density at this location.

The proposed MetroLink project will connect Swords to Charlemont through the City Centre via MetroLink and connecting to existing public transport infrastructure such as the DART at Tara Street Station. The MetroLink will also connect with the Luas Green Line at Charlemont.

The arts/cultural/community uses in the development provide space at ground and lower ground floor which is proposed to be occupied by the Gaiety School of Acting. There will also be an exhibition area and foyer to the 16th floor located at 1st floor level. The primary internal arts/cultural/community use provided is the 'Liffey Experience' at 16th floor level. This space consists of an interactive public gallery and viewing deck with an external landscaped terrace. This space will provide panoramic views over the River Liffey and South Dublin City towards the Wicklow Mountains.

[illegible]

(

e internal area is proposed to be used as an interactive gallery housing a permanent exhibition entitled 'Liffey Experience' featuring educational and informative content on the history and evolution of the city's primary watercourse, the River Liffey. It is considered that the 'Liffey Experience' at 16th floor level will form a significant public gain to the entire city. The space will provide unrivalled views across the city and is believed to become one of the city's most important visitor centre and popular tourist destination.

Additionally, it is proposed to provide a new landscaped park to the east of the development connecting North Wall Quay with Clarion Quay which accounts for 23% of the total arts/cultural/community space. The park will be a significant improvement on the existing area which is currently a vehicular ramp accessing the basement car park. The landscaped park will be for pedestrians and cyclists only and will provide seating and social areas. The space links the scheme with the wider site area and provides the public with a high quality pedestrian route. The public park provides residents with a semi natural environment in which they can play, socialise and/or relax in. It is considered that the new space will be significant addition to the local community.

The Planner's Report states that *"the proposed development is successful in providing a new landscaped park linking to the wider site area which is welcome."*

In this regard it is respectfully requested that An Bord Pleanála have regard to the overarching national planning policy and grant permission for this development as a key economic driver and a significant gain to the city of Dublin with the provision of the 'Liffey Experience' at 16th floor level within the city centre of Dublin in close proximity to significant public transport interchanges.

The following documents are submitted as part of this 1st party appeal:

- Appendix 1: Decision to Refuse Permission by Dublin City Council.
- Appendix 2: Compliance with Appendix 3 of the Dublin City Development Plan 2022-2028 prepared by John Spain Associates, Henry J Lyons Architects and City Designer.
- Appendix 3: Response to Policies & Objectives sets out in the DCC Planner's Report prepared by John Spain Associates.
- Appendix 4: 1st Party Appeal Submission prepared by Henry J Lyons Architects.
- Appendix 5: Architectural Drawings, Schedules and Document Register to accompany 1st Party Appeal prepared by Henry J Lyons Architects.
- Appendix 6: Response to Notification of Decision to Refuse Permission prepared by City Designer.
- Appendix 7: Daylight, Sunlight and Overshadowing Assessment prepared by BPC Engineers.
- Appendix 8: Response to 1 North Wall Quay Refusal prepared by BPC Engineers.
- Appendix 9: Appeal Response (Transportation) Letter prepared by CS Consulting.
- Appendix 10: Appeal Response (Drainage) Letter prepared by CS Consulting including the following Appendices:
 - Appendix A: Response to the Flood Risk Comment by Drainage Division
 - Appendix B: Basement Impact Assessment prepared by CS Consulting
 - Appendix C: Response to Uisce Eireann Observation
- Appendix 11: Letter from Arthur Cox
- Appendix 12: Environmental Impact Assessment Report – DCC Response to Refusal prepared by AWN Consulting
- Appendix 13: Addendum to Chapter 3: Alternatives prepared by AWN Consulting

0 SITE LOCATION AND CONTEXT

2.1 SUBJECT SITE

The application site consists of lands bound by North Wall Quay to the south, Commons Street to the west, Clarion Quay/Alderman Way to the north and an access ramp to the existing basement to the east. The site is brownfield in nature and currently accommodates an office building which is a 6 no. storey office building with the top floor setback from the building line, allowing for a small terrace facing onto the River Liffey.

The floor plates are arranged around two full height internal atriums capped with glazed roofs. The main entrance and reception are located at the southwest corner of the building fronting onto the junction of North Wall Quay and Commons Street. Both atriums are linked at ground floor level and contain vertical circulation via glazed clad lifts, open staircases and interconnecting bridges.

The existing building comprises c. 27,330 sq.m. GIA of office accommodation. The building height, including a parapet level, is 28.6m above ground floor level. There is also a single level basement underneath the building which contains a gym, shower and changing facilities, 133 no. car parking spaces, 159 no. bicycle parking spaces and plant.

Figure 2.1: Aerial View of the Subject Site (approximately outlined in red)



Source: Google Maps

The site includes the access ramp to the east of the site which leads to the existing basement beneath the building.

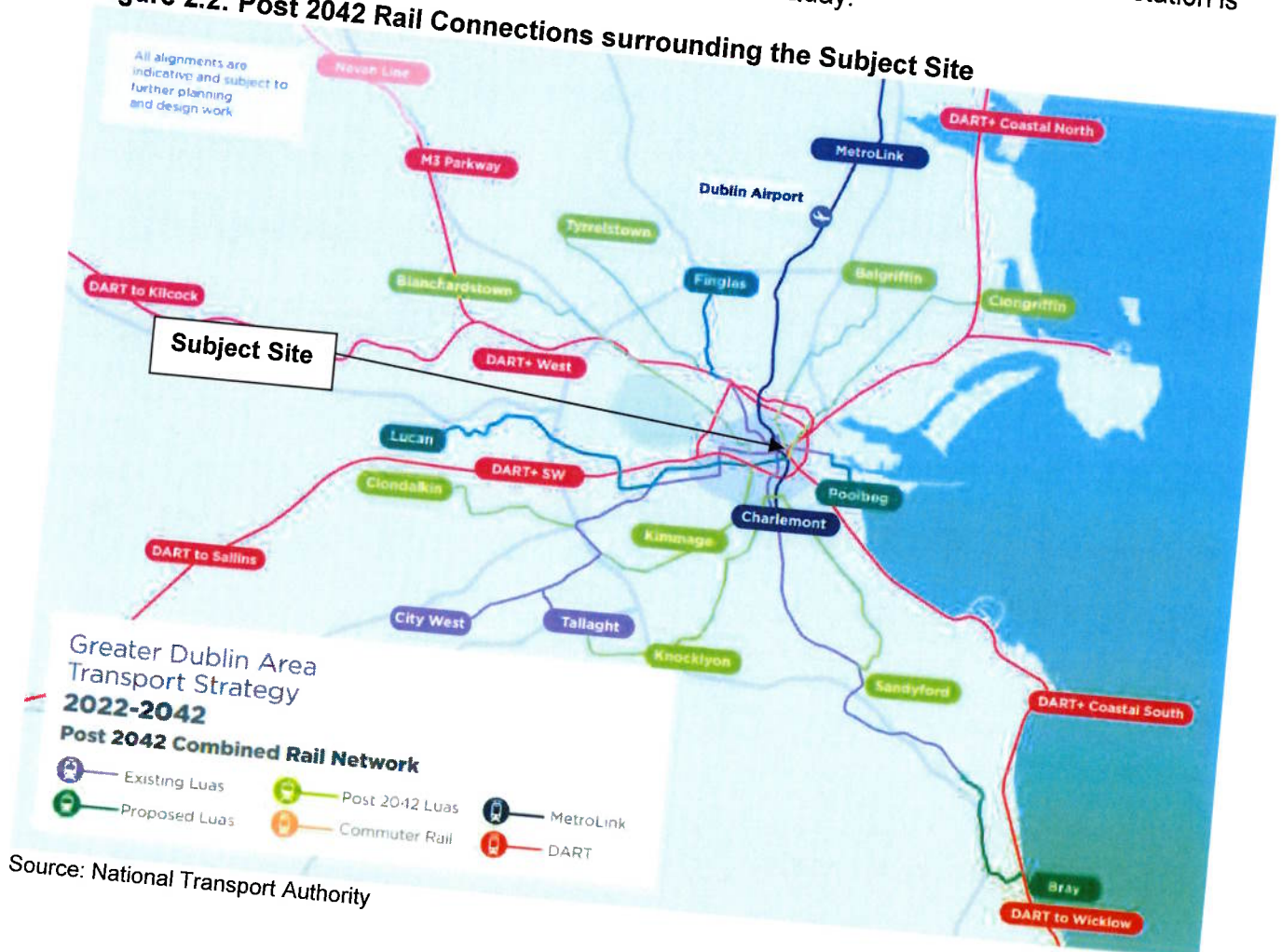
Y
2
A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z
(

SURROUNDING CONTEXT

The site is located within the north Docklands area of the city and within the International Financial Services Centre (IFSC) on the north side of the River Liffey. The IFSC is one of the key employment locations in the city, providing high quality modern office accommodation supported by a large range of retail, café/restaurant and leisure facilities, as well as by hotel and apartment schemes. The IFSC is Dublin's primary financial district and home to a range of international and domestic companies, and is a district of national economic importance.

The subject lands are centrally located within Dublin and are highly accessible. Connolly Station and the Red Line Luas interchange are located c. 600 metres from the property. The site is located c. 650m from the Tara Street Station which will be the only city centre interchange between Dart and MetroLink. The Mayor Street Luas stop is 300 metres from the site on Mayor Street Lower which interconnects with the Green Line Luas at Marlborough Street/O'Connell Street offering connectivity throughout the City Centre. The site is also served by a range of city bus routes including Spine Bus Corridor on North Wall Quay (facilitating the G Spine as shown in Figure 2.3 below), and is located c. 600m from Busáras bus station. A Dublin Bikes station is located immediately to the front of the site on North Wall Quay.

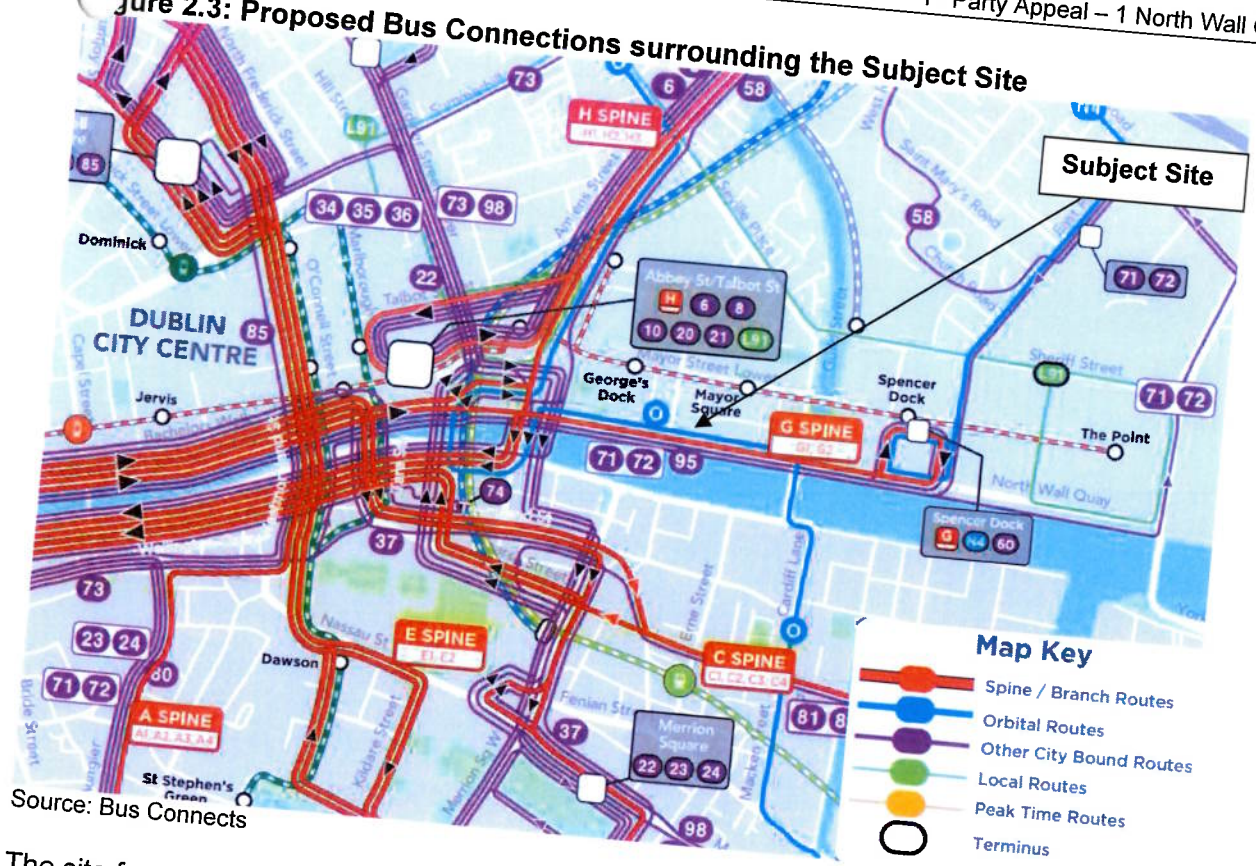
Figure 2.2: Post 2042 Rail Connections surrounding the Subject Site



1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

(

Figure 2.3: Proposed Bus Connections surrounding the Subject Site

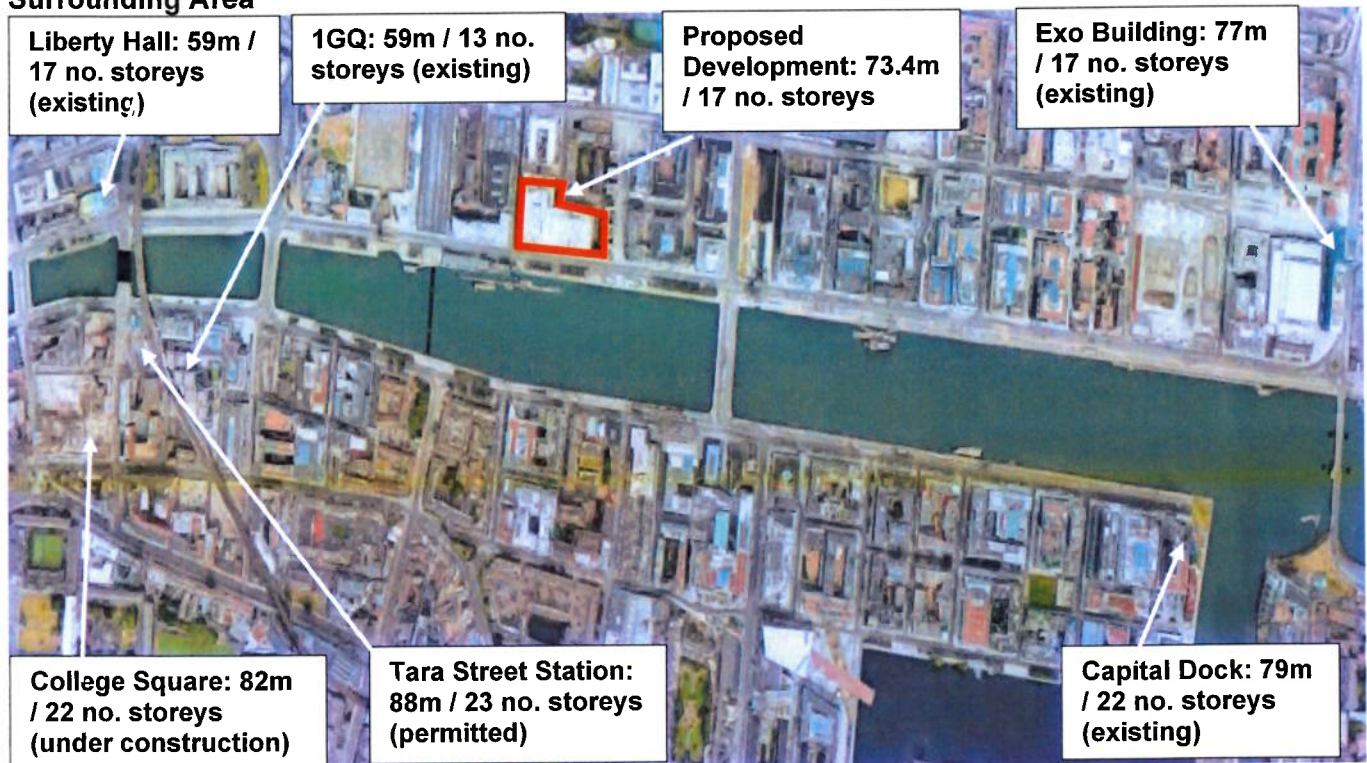


Source: Bus Connects

The site forms a large part of the urban block that fronts onto North Wall Quay to the south with a plaza that turns onto Common's Street to the west of the site. A 6 storey office development at New Century House, Mayor Street Lower and 2 no. residential apartment blocks of 6-7 storeys at Clarion Quay adjoins the site to the north. 3 no. residential apartment blocks of 8 storeys are located to the east of the site. The relationship of the proposed development to the immediate context, including in particular neighbouring apartment blocks, has been carefully considered throughout the design process. The site is to the west of the 7 storey hotel at the Hilton Garden Inn and a 6 storey car park building.

2.1 SURROUNDING TALL BUILDINGS

Figure 2.4: Relevant Tall Developments (50m+) Existing, Permitted or Proposed in the Surrounding Area



Source: Google Maps

The above diagram shows the number of tall developments which are existing, permitted or awaiting decision in the surrounding area. It is clear from the above diagram that there is an emerging number of tall buildings with a height greater than 50 metres being developed along the River Liffey.

The subject site located in close proximity to the primary cluster of tall buildings to the southwest situated around Tara Street Station. Although not directly part of the emerging cluster of tall buildings adjacent to Tara Street Station, the HTLVIA states that the “four elements means it forms its own cluster.” The report also states that “the proposed development would become part of the existing group of larger scale buildings in this part of central Dublin.”

PROPOSED DEVELOPMENT

3.1 OVERVIEW OF THE PROPOSED DEVELOPMENT

The proposed development will consist of a 17 no. storey over basement commercial building comprising office accommodation, arts/community/cultural spaces and a retail/café/restaurant unit. The development is described as follows in the prescribed notices:

"We, NWQ Devco Limited, intend to apply for a 10-year planning permission for development at a site consisting of the CitiGroup Building, 1 North Wall Quay, Dublin 1, D01 T8Y1. The site is bound by North Wall Quay to the south, Commons Street to the west, Clarion Quay/Alderman Way to the north and an access ramp to the existing basement to the east. The site area is c. 0.88 ha.

The proposed development comprises:

- *Demolition of existing 6 no. storey office building and single-level basement;*
- *Construction of a mixed-use development ranging in height from 9 no. to 17 no. storeys in height (73.4m) over lower ground floor and double basement comprising office accommodation, arts/community/cultural spaces and retail/café/restaurant uses;*
- *The development is divided into 4 no. buildings ranging in heights of 12 no. storeys (Block A), 17 no. storeys (Block B), 10 no. storeys (Block C) and 9 no. storeys (Block D);*
- *The overall gross floor area of the development comprises 87,209 sq.m. (excluding double basement of 14,420 sq.m.) including 69,258 sq.m. of office space, 2,371 sq.m. arts/community/cultural uses and 196 sq.m. of retail/café/restaurant space;*
- *Office accommodation is proposed at lower-ground floor to 15th floor with 4 no. double-height office entrance/receptions areas provided at GF level;*
- *3 no. internal arts/community/cultural spaces are provided in total. 1 no. arts/community/cultural space is provided over lower ground and ground floor level in Block A, 1 no. at 1st floor level with a GF entrance space in Block B and an arts/community/cultural use with viewing deck is provided at 16th floor level in Block B;*
- *External arts/community/cultural space will be provided on the new landscaped park located to the east of the site;*
- *1 no. retail/café/restaurant unit is provided at GF level in Block D;*
- *Outdoor landscaped terraces are provided at 8th, 9th, 10th, 11th, 15th and 16th floor level;*
- *Provision of winter terraces at 4th, 6th and 9th floor level;*
- *Provision of a shared atrium between Block B and Block C;*
- *Green roofs and blue roofs are provided across the scheme;*
- *Provision of a double basement comprising 30 no. car parking spaces, 923 no. bicycle parking spaces, 6 no. motorbike parking spaces and male & female shower and changing facilities at B1 level and plant across B1 & B2 levels;*
- *2 no. car parking spaces located at street level (32 no. total);*
- *Provision of 2 no. vehicle lifts and 2 no. bike lifts to the basement accessed from Clarion Quay;*
- *The development includes the fill and cover of existing access ramp to existing basement to provide a landscaped park (including external arts/community/cultural space) to the east of the building connecting North Wall Quay with Clarion Quay. The park will include a pedestrian link from North Wall Quay to Clarion Quay*
- *Provision of upgrades to existing public realm within application site including public footpaths along North Wall Quay, Commons Street and Clarion Quay;*
- *All ancillary and associated works to facilitate the development including plant, switch rooms, generators, water tanks, sprinkler plant, ESB substations, landscaping, telecommunications infrastructure, utilities connections and infrastructure.*

Environmental Impact Assessment Report and Natura Impact Statement have been prepared in respect of the proposed development and have been submitted with the planning application.”

The site is currently occupied by a 6 no. storey office building with the top floor setback from the building line. It is proposed to demolish the existing building in order to facilitate the high-quality, modern development suitable for the site's location within the IFSC and fronting onto the River Liffey.

The application comprises a 17 no. storey (73.4m tall) mixed-use development of office, arts/community/cultural uses and a retail/café/restaurant unit above two-levels of basement accommodating car, bicycle & motorbike parking, shower & changing room facilities and plantroom equipment.

The new development proposes to positively transform this waterfront location of the established city block with an exemplar design which is informed by and responds to its riverfront context. The design seeks to provide a significant gain to the urban area in terms of design quality, streetscape vibrancy and activation, social & cultural interests and the creation of best-in-class contemporary workplace.

The application includes the redevelopment of the curtilage of the site, including the creation of a new landscaped community park, works to existing footpaths and ground level car parking bays to provide an upgraded public realm and pedestrian experience in the vicinity of the application site.

Figure 3.1: CGI of Proposed Development from Sir John Rogerson Quay



Source: Henry J Lyons Architects

3.2 ARTS / COMMUNITY / CULTURAL SPACES

It is proposed to provide 3 no. internal arts/community/cultural spaces throughout the building. These spaces are described in detail below.

3.2.1 LOWER-GROUND, GROUND AND FIRST FLOOR

It is proposed to provide 1 no. space to the rear of the building located across ground and lower-ground floor. It is proposed that this space will be occupied by the Gaiety School of Acting. This space will be accessed from a dedicated doorway from the existing laneway to the north of the building which provides a pedestrian connection between Commons Street and Alderman Way. A lightwell is provided to the west of the unit fronting Commons Street which will allow light access into the lower-ground floor area of the space.

Figure 3.2: Extract from the Ground Floor Plan



Source: Henry J Lyons

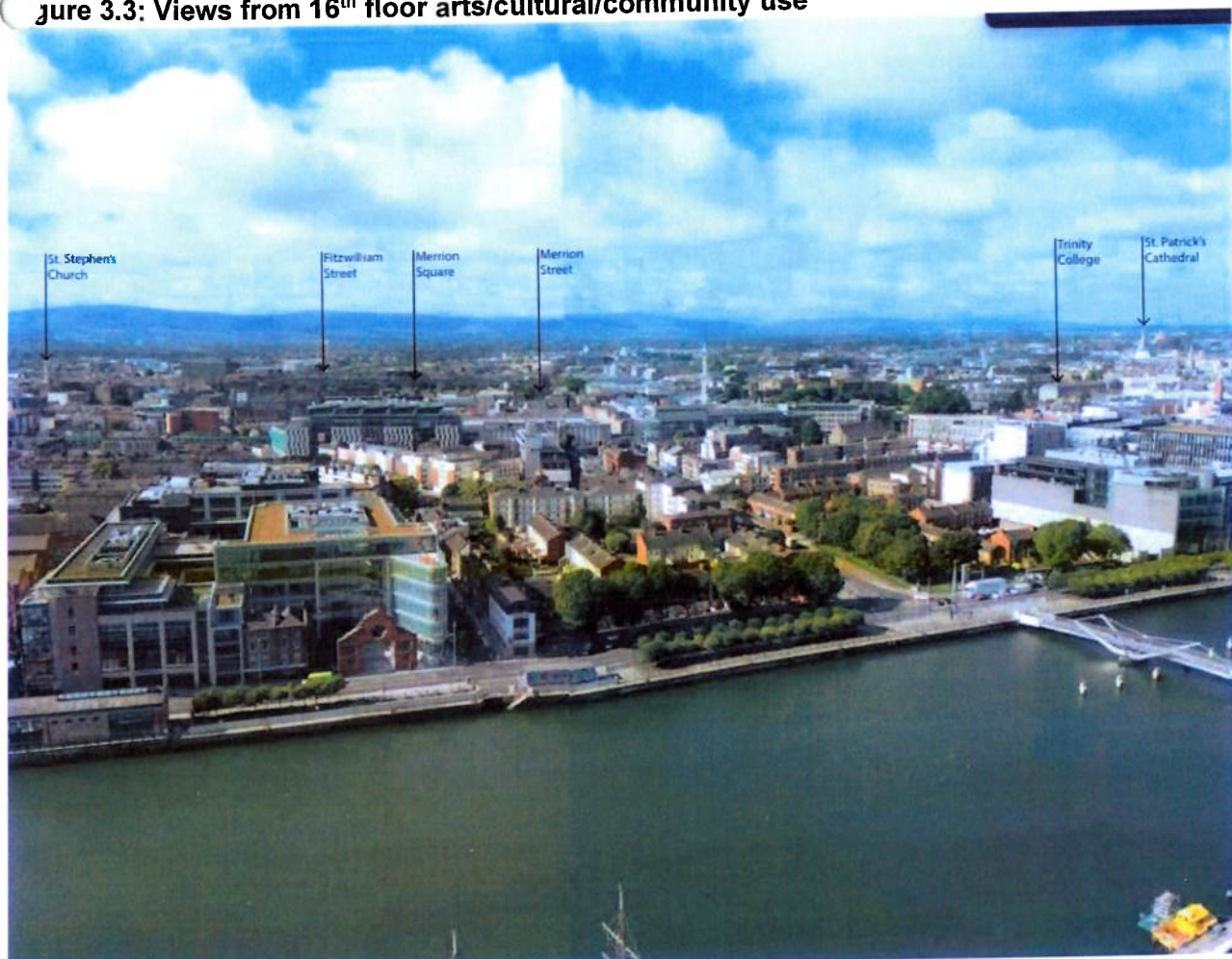
There is an additional arts/community/cultural space located at 1st floor level. This space will be used as part the 'Liffey Experience' which includes the viewing deck detailed below. The section of the 'Liffey Experience' at 1st floor level will consist of an exhibition area and foyer to the 16th floor. Lifts leading to the 16th floor interactive gallery and viewing deck are also accessed from this floor. This space is accessed via a ground floor entrance from North Wall Quay with stairs and a lift leading to the 1st floor space. A double height space is provided above the entrance to the space with light accessing the space at 1st floor level through the shared atrium.

3.2.2 'LIFFEY EXPERIENCE'

The third internal arts/community/cultural space consists of an interactive public gallery and viewing deck located at 16th floor level (17th storey). The interactive public gallery and viewing deck will include an external landscaped terrace which will provide panoramic views over the River Liffey and South Dublin City towards the Wicklow Mountains. This floor of the 'Liffey Experience' will be accessed by the stair and lift core located within Block B.

The proposed use of the internal space is an interactive gallery housing a permanent exhibition entitled 'Liffey Experience' featuring educational and informative content on the history and evolution of the city's primary watercourse, the River Liffey. The external space will be a landscaped viewing terrace providing 180 degree uninterrupted views across the east, south and west of Dublin.

Figure 3.3: Views from 16th floor arts/cultural/community use



Source: HTLVIA (City Designer)

It is considered that the 'Liffey Experience' at 16th floor level will form a significant public gain to the entire city as part of the arts/community/cultural uses proposed within this development. This space will provide unrivalled views across the city and is believed to become one of the city's most important visitor and popular tourist destinations, similar to other European cities including London, Paris and Berlin. The HTVLIA states that this space could be "*an exceptional public facility.*"

Figure 3.4: Liffey Experience Viewing Deck



Source: Henry J Lyons Architects

3.2.3 EXTERNAL SPACE

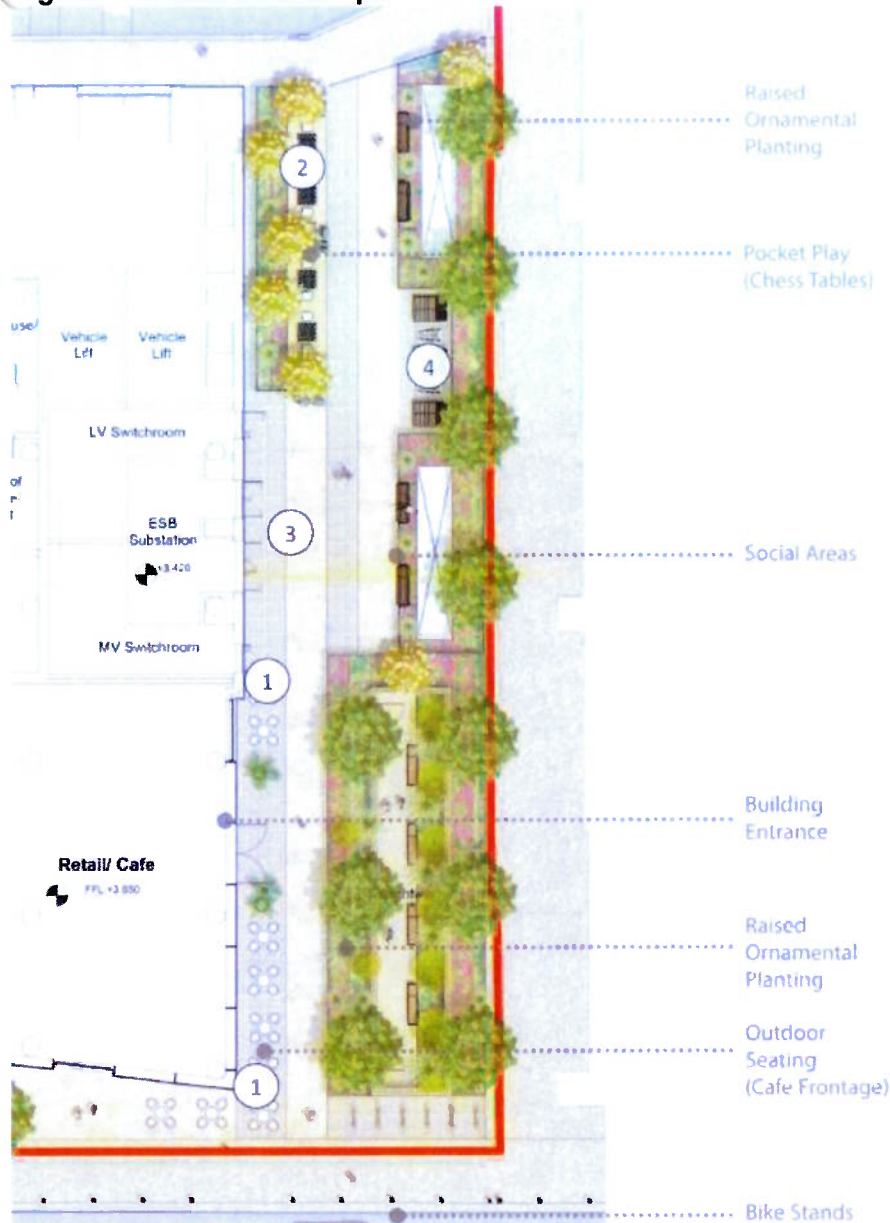
It is also proposed to provide an external arts/community/cultural space in the form of a new landscaped park to the east of the building which will connect North Wall Quay with Clarion Quay. The external space accounts for 23% of the total arts/community/cultural uses proposed as part of the development which is considered compliant with objective CUO25 of the Development Plan and provides a good variety of uses throughout the site.

The provision of the new landscaped park will require the fill and cover of existing ramp access to the existing basement below the building. A new access to the basement will be provided from Clarion Quay via vehicle lifts. The existing street is blocked from the south by unmanaged planting.

The landscaped park will be for pedestrians only and will include outdoor seating in addition to those available for the proposed retail/café/restaurant unit. The landscaped park will also include ornamental planting, pocket play areas (chess tables), social areas, and ornamental planting. There will also be a number of bike stands along the footpath to the south. It will also provide a new pedestrian link from North Wall Quay to Clarion Quay increasing permeability in the area. The landscaped park is described in Section 4.3 below and the Landscape Design Statement prepared by Cameo + Partners.

The key route flows through the space, connecting the north to the south of the development. This major axis through the space links the scheme with the wider site area, and provides the public with a high quality pedestrian route. The public pocket park provides residents with a semi natural environment in which they can play, socialise and/or relax in. It is considered that the new space will be significant addition to the local community.

Figure 3.5: New Landscaped Park to the East



Source: Cameo & Partners

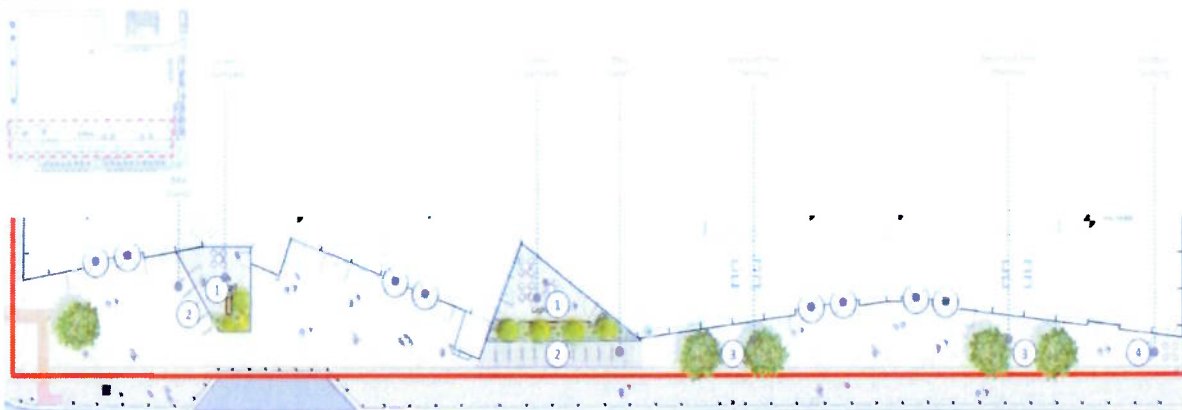
3.3 PUBLIC REALM

3.3.1 ADDITIONAL PUBLIC REALM UPGRADES

In addition to the new landscaped park to the east of the building, the following public realm upgrades are proposed at ground floor level surrounding the building. Proposals to the public realm which front onto North Wall Quay include 2 no. lowered courtyards which will be accessed from within the building at lower ground floor level, recessed tree planting, bicycle stands and additional seating for the retail/café/restaurant unit.

Please refer to the Landscape Design Statement prepared by Cameo & Partners for further details on landscape proposals.

Figure 3.6: Public Realm Upgrades along North Wall Quay



Source: Cameo & Partners

3.4 AMENITY SPACES

Landscaped terraces and winter terraces are provided at various levels throughout the building. These terraces are summarised below and described in further detail in the Architectural Design Statement prepared by HJL and the Landscape Design Statement prepared by Cameo + Associates.

3.4.1 LANDSCAPED TERRACES

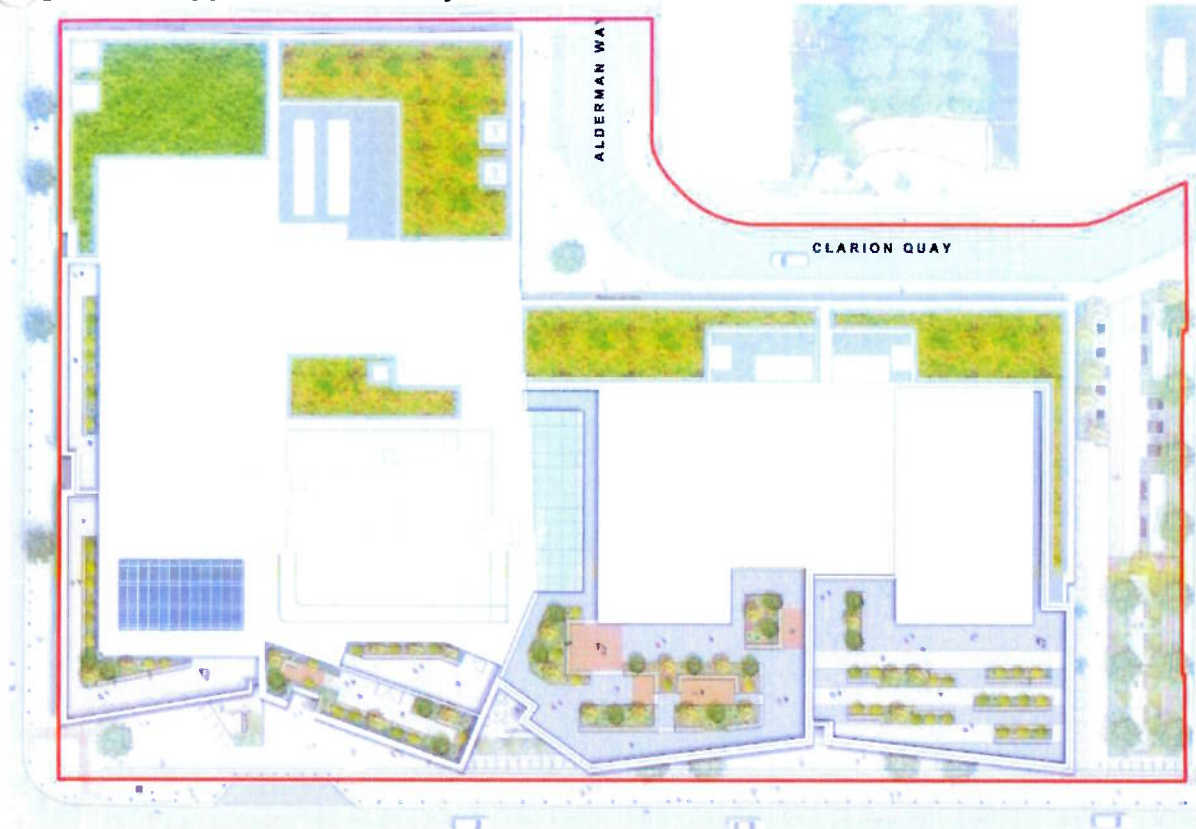
Landscaped terraces are located at 8th, 9th, 10th, 11th, 15th and 16th floor level on various elevations of the building. The approach to the roof levels across the development has been to maximise the potential for accessible roofs for the benefit of users wherever possible. In addition to the accessible roofs, a framework of biodiverse roofs have also been achieved which will contribute to the provision of green infrastructure and micro-climatic benefits.

The general approach creates garden-esque spaces which are both inviting and stimulating for residents. These provide visual amenity from adjacent apartments and above, and physical amenity to be enjoyed by all within lush, landscaped gardens. The larger amenity terraces offer a series of interconnected spaces via paths and walkways with a strong connectivity with the internal amenity. The key design principles of the amenity terraces as set out in the Landscape Design Statement are:

- Maximise useable outdoor space.
- Provide flexible spaces.
- Lightweight materials and plant medium.
- Provide ecological enhancements.

There are various different elements associated with each terrace which are described in further detail in the Landscape Design Report prepared by Cameo + Associates. Some of the key elements include ornamental planting, chess table, rooftop gym, rooftop barbeque area with pergola structure, sun loungers, benches and additional seating areas.

Figure 3.7: Upper Floor Amenity Terraces



Source: Cameo & Partners

3.4.2 WINTER TERRACES

Winter terraces are also proposed at 4th, 6th and 9th floor levels. These will be accessed via the office accommodation located on the respective floors. The winter terraces will be double-height spaces and provide outdoor sofa seating, ornamental planting in raised planters, tables and chairs for seating, integrated planter bench and planter pots of varying sizes. These winter terraces will be enclosed with a perimeter glazing system. The below provides an indicative image of a winter terrace.

Figure 3.8: Indicative CGI of a Winter Terrace



Source: Cameo & Partners

3.5 FINISHES AND MATERIALS

The four elements of the proposed development are different interpretations of a glass and aluminium framed architectural language. Elements 1, 2 and 4 are anodised off-white while element 3 is a bronze colour. Each expresses a double floor vertical grid while element 4 has also a triple floor reading.

A typical façade bay is proposed to provide off-white/grey colour vertical and horizontal façade fins on Blocks A, B & D, while providing a bronze colour vertical and horizontal façade fins on Block C. In regard to the office curtain walling, unitised curtain walling with integrated projecting fins are proposed. Cantilever screen will be provided to the terraces with a continuation of the glazing system from the typical office zones with cantilever steel sections painted to 'architectural steel' quality.

The winter garden curtain walling will consist of a continuation of the glazing system from the typical office zones with vertical steel sections spanning double-height space and set-back from the typical façade plane.

The façade detail at ground and 1st floor levels will consist of glass-to-glass joints, typically 2 storey high stick system curtain wall with toggle glazed glass-to-glass joints. At locations with glass-to-glass joints and glass fins, there will be typically 2 storeys high stick system curtain wall with toggle glazed glass-to-glass joints, utilising stainless steel profiles structural silicone bonded to vertical laminated glass fins.

The cantilever screen at 1st floor level will consist of a continuation of the glazing system from the typical office zones but with cantilever steel sections contained within the aluminium fin construction. These will be propped by diagonal machined stainless steel compression rods.

Please refer to the Architectural Design Statement prepared by Henry J Lyons for further details.

Figure 3.9: Evening CGI of the Proposed Development



Source: Henry J Lyons Architects

3.6 DURATION OF PERMISSION

A 10 year permission is sought having regard to the complexities around the delivery of a building and the current impacts on the supply chain being experienced by the construction industry. The extended duration of the permission would allow for such potential constraints on the delivery of the development if permitted.

3.7 ACCESS AND CAR PARKING

Vehicular access to the basement car park will be via 2 no. vehicle lifts accessed from Clarion Quay to the northeast corner of the site. The lift will operate using a traffic light control system at the location of the Clarion Quay access, to inform assigned basement car parking users of the availability of a car lift. A full assessment of the access arrangements are set out in the Traffic and Transport Assessment prepared by CS Consulting Engineers. A total of 30 no. car parking spaces are provided at basement -1 level which includes 3 no. accessible parking spaces, one of which is capable of facilitating EV charging. An additional 2 no. car parking spaces are provided at street level on Clarion Quay.

50% (15 no.) of the basement car parking spaces will include EV charging points with the other 50% 'future-proofed' to provide EV charging points in the future in line with Development Plan standards. 6 no. motorbike spaces are also provided at basement -1 level in line with Development Plan standards at a rate of 20% of the car parking spaces.

BICYCLE PARKING

The proposed development shall provide for a total of 980 no. bicycle parking spaces consisting of 937 no. long-term bicycle parking spaces, including 12 no. spaces for cargo bikes (or other non-standard cycles), shall be located in secure dedicated bicycle stores at basement level -1, accessed via 2 no. dedicated bicycle lifts. An additional 43 no. short-stay bicycle spaces, including 1 no. cargo bike space, shall be located at surface level. A bicycle repair station is also provided at basement level -1.

The table below taken from the Traffic and Transport Assessment prepared by CS Consulting Engineers outlines how the proposed development complies with the standards of the Development Plan for bicycle parking provision.

Figure 3.10: Bicycle Parking Provision

| Land Use | Dev. Plan Minima | Quantum | Min. Parking Provision | Proposed Provision |
|----------------------------|-----------------------------------|--------------------------|------------------------|--------------------|
| Long Term Bicycle Parking | | | | |
| Offices | 1 space per 75m ² GFA | 69,258m ² GFA | 923 spaces | 923 spaces |
| Retail | 1 per 5 staff | 10no. staff [§] | 2 spaces | 4 spaces |
| Community Centre | 1 per 5 staff | 10no. staff [§] | 2 spaces | 10 spaces |
| Sub-Total | | | 927 spaces | 937 spaces |
| Short-Stay Bicycle Parking | | | | |
| Offices | TBDPA ** | n/a | n/a | 17 spaces |
| Retail | 1 space per 100m ² GFA | 196m ² GFA | 2 spaces | 2 spaces |
| Community Centre | 1 space per 100m ² GFA | 2,371m ² GFA | 24 spaces | 24 spaces |
| Sub-Total | | | 26 spaces | 43 spaces |
| Total Bicycle Parking | | | | |
| TOTAL | | | 953 spaces | 980 spaces |

Source: CS Consulting

The proposed development also provides for shower and changing facilities at basement -1 level in close proximity to the bicycle parking areas. The development is required to provide 71 no. showers for staff use as outlined in Appendix 5 of the Development Plan. The development provides for 71 no. shower stalls and 4 no. toilet cubicles, with a separate accessible shower/changing room also provided, containing an additional shower and toilet.

923 no. storage lockers are provided within the staff shower and changing areas, and a drying room for clothing and equipment is provided adjacent to the shower and changing facilities. These facilities have been provided in proximity to bicycle parking spaces.

3.9 MOTORCYCLE PARKING

The development includes for 6 no. motorcycle parking spaces, located at basement level -1 in line with Development Plan standards as outlined in the table below. Suitable rails, hoops or posts shall be provided at this location, to secure motorcycles using a chain or similar device.

Figure 3.11: Motorcycle Parking Provision

| Proposed Car Parking Provision | Standard Required Proportion | Motorcycle Spaces Required | Motorcycle Spaces Proposed |
|-----------------------------------|---------------------------------|-------------------------------|-------------------------------|
| 32 spaces | 5% | 2 | 6 |

Source: CS Consulting

3.10 BASEMENT

The proposed development provides for 2 no. levels of basement which will accommodate car, bicycle & motorbike parking as well as plant and services for the building. A Basement Impact Assessment has been prepared by CS Consulting Engineers which accompanies this application. Please refer to this assessment for details regarding the impact of the basement.

GROUNDINGS FOR APPEAL

4.1 REASONS FOR REFUSAL NO. 1

The first reason for refusal issued by Dublin City Council for the proposed development was:

“The proposed development by virtue of its height and excessive bulk and scale would constitute an insensitive form of development adjacent to existing residential development, resulting in a significant and unacceptable loss of daylight/sunlight and resultant overshadowing to these properties and amenity areas, adversely impacting their residential amenity. The proposed development would therefore set an undesirable precedent, would devalue properties in the vicinity, and would be contrary to the proper planning and sustainable development of the area.”

4.1.1 HEIGHT AND SCALE OF THE BUILDING

A document prepared by John Spain Associates, Henry J Lyons Architects and City Designer is submitted with this appeal which further addresses Table 3 and Table 4 of the Appendix 3 of the Dublin City Development Plan 2022-2028. The purpose of this document is to demonstrate in a single document how the proposed development is compliant with the performance criteria outlined in Table 3 for a building of increased height, and Table 4 for a tall/landmark building. This document draws on the comprehensive range of documentation already submitted with the application which addresses the provision of Table 3 and Table 4, for ease of reference to the Board, while also responding to the City Council’s assessment of the application. Please refer to this document for further details on how a tall/landmark building is suitable on this site.

4.1.2 DAYLIGHT/SUNLIGHT IMPACTS

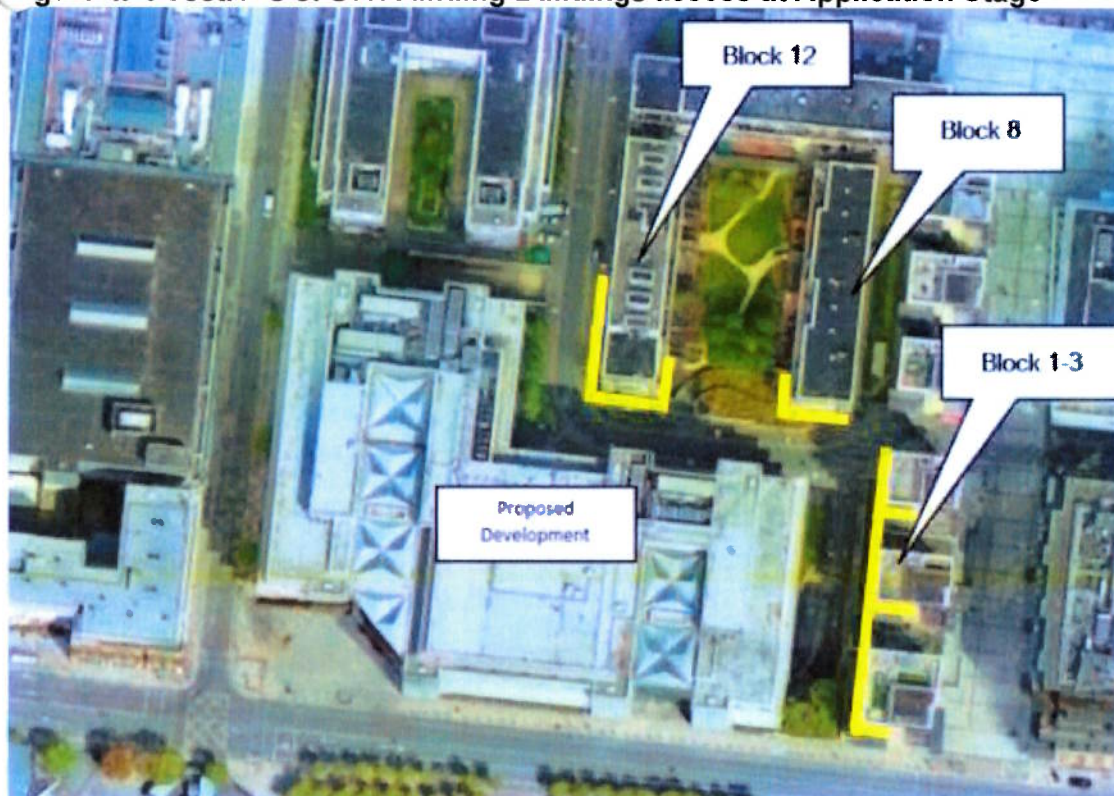
4.1.2.1 Impact on Residential Units

The DCC Planner’s Report states the following:

“Further, the windows of the blocks analysed are limited to the nearest section of the building to the site and do not include the existing balcony areas including those adjacent the amenity area which are likely to be affected by the proposed development. The Applicant has not provided a comprehensive analysis as was requested at the pre application consultation meeting. All windows fronting the amenity space including balconies which will be affected by the proposed development should have been assessed. This concern has also been raised by residents of the Clarion Quay apartments who believe they will be severely negatively affected in terms of loss of daylight, sunlight and overshadowing by the proposed development.”

A Daylight, Sunlight and Overshadowing Assessment was prepared by BPC Engineers and submitted at application stage. The report assessed the southern apartments in Blocks 8 & 12 and the western facing apartment in Blocks 1-3 as illustrated below:

Figure 4.1: Sections of Surrounding Buildings assess at Application Stage



Source: BPC Engineers – Daylight, Sunlight and Overshadowing Assessment

The assessment concluded the following at application stage:

“This report was complete to assess the sunlight daylight performance from a planning perspective of the proposed commercial office at 1NWQ.

The results show that the proposed development effect has predominantly being limited to a small number of bedrooms which will have a minor adverse impact with respect to access to skylight and access to sunlight.

The effect of the proposed development has been limited to bedrooms of four apartments within Block 12 and Block 2 which will have a noticeable reduction in daylight.

However, given the current daylight levels in the apartments affected are currently low one could assume artificial lighting would likely to be predominantly used which will continue to be the case after the proposed development.”

An additional assessment has been prepared by BPC Engineers in response to the assessment of the application by the City Council and submissions on the application and is submitted as Appendix 7 of this appeal. The document assesses windows fronting the amenity space including balconies and states the following in relation to daylight:

“In interpreting the results below it is important to be aware of section 2.2.13 of the BRE guide which states” Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight.”

When we take this into account the effect on the existing neighbouring buildings is limited to a handful of bedroom windows. Overall, we believe this confirms the proposed building has been designed with due consideration for daylight to existing neighbouring dwellings and meets many of the recommendations as set out in the BRE Guide – BR 209 “Site Layout Planning for Daylight and Sunlight, A guide to good practice (2022).”

In conclusion the report states:

“The results show that the proposed development effect has predominantly being limited to a small number of bedrooms which will have a minor adverse impact with respect to access to skylight and access to sunlight.

The effect of the proposed development has been limited to bedrooms of four apartments within Block 12 and 2 apartments within Block 2 which will have a noticeable reduction in daylight.

However, given the current daylight levels in the apartments affected are currently low one could assume artificial lighting would likely to be predominantly used which will continue to be the case after the proposed development.

The existing neighbouring amenity space tested confirms that 50% of the area should receive at least two hours of sunlight on 21 March. Therefore, the existing neighbouring amenity space achieves the BRE’s recommendation for sunlight and should appear adequately sunlit throughout the year.

Overall, the development has been designed with due consideration for sunlight and daylight. BPC Engineers believe the proposed development performs at an exemplar level for a scheme of this scale and meets many of the recommendations as set out in the BRE Guide – BR 209 “Site Layout Planning for Daylight and Sunlight, A guide to good practice (2022).”

4.1.2.2 Impact on Amenity Space

The DCC Planner’s Report similarly states the following with regards to the impact of the proposed development on the nearby residential amenity space:

“It is noted that the level of shadow cast by the proposed development on the 21st March from 12pm onwards spills considerably deeper into the courtyard amenity space shared by Block 8 and 12 than the existing building and this is reflected by the VSC results which show that where 100% of the existing neighbouring amenity space currently receives at least 2 hours of sunlight on March 21st, this is reduced to 50% of the amenity space as a result of the proposed development. There are very serious concerns in relation to the reduction of sunlight in this regard which will impact negatively on the residential amenity space currently enjoyed by the residents of Blocks 8 and 12.”

The Daylight, Sunlight and Overshadowing Assessment submitted at application stage states the following:

“The results above show that 100% of the existing neighbouring amenity space currently receives at least 2 hours of sunlight on March 21st which reduces to 50% after the proposed development.

The analysis shows 50% of the amenity area receives at least 2hrs of sunlight on March 21st before and after the proposed development and therefore achieves the recommendations within the BRE Guide.”

(

2.3 Sunlight to Proposed Landscaped Park

The Planner's Report noted that the levels of sunlight had not been assessed within the application. This exercise has been undertaken as part of the BPC appeal report, which states:

"As part of the proposed development a park is created to the east of the proposed building. The BRE guide recommends that amenity spaces should receive at least 2 hours of sunlight on March 21st to at least 50% of their amenity space. The proposed park achieves 64.07% and therefore it can be said it therefore achieves the recommendations within the BRE Guide."

4.1.3 POTENTIAL REVISIONS TO THE SUBMITTED SCHEME

As part of this appeal, potential revisions to the eastern elevation through the incorporation of set backs are illustrated in drawings and Architectural Design Statement prepared by Henry J. Lyons. Such revisions may be incorporated by condition, should the Board share the concerns of Dublin City Council.

The potential wording of this condition is set out below:

Prior to the commencement of development, the developer shall submit revised drawings to the planning authority for agreement, setting back levels 06, 07 and 08 by 8.7m from the eastern elevation.

Additionally, the potential revisions to the massing have been tested with respect to potential impacts on sunlight and daylight in the accompanying BPC report.

4.2 REASON FOR REFUSAL NO. 2

The second reason for refusal issued by Dublin City Council for the proposed development was:

"The proposed development would constitute an overly dominant form causing serious injury to the visual amenities of the Liffey Quays; a (red hatched) Conservation Area. The proposed development would contravene Policy BHA9, Policy SC17, Section 15.2.2.2 and Appendix 3 Section 6.0 Guidelines for Higher Buildings in Areas of Historic Sensitivity of the Dublin City Development Plan 2022-2028, adversely impacting key views and vistas along the river corridor and the amenities of properties in the vicinity. The proposed development would therefore be contrary to the Z5 zoning objective and to the proper planning and sustainable development of the conservation area."

4.2.1 VISUAL AMENITIES OF THE LIFFEY QUAYS

The reason for refusal states that *"the proposed development would constitute an overly dominant form causing serious injury to the visual amenities of the Liffey Quay."*

The impact on the visual amenities of the Liffey Quays is dealt with in the responses to the policies listed below.

4.2.2 CONTRAVENTION OF DEVELOPMENT PLAN POLICIES

The reason for refusal states that *"the proposed development would contravene Policy BHA9, Policy SC17, Section 15.2.2.2 and Appendix 3 Section 6.0 Guidelines for Higher Buildings in Areas of Historic Sensitivity of the Dublin City Development Plan 2022-2028, adversely impacting views and vistas along the river corridor."*

4.2.2.1 Policy BHA9

Policy BHA9 of the Development Plan states the following:

“To protect the special interest and character of all Dublin’s Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 5. The repair and retention of shop and pub fronts of architectural interest.*
- 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
- 7. The return of buildings to residential use.*

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.”

The surrounding IFSC and North Lotts area has undergone significant redevelopment and regeneration over recent years. The existing building on site was constructed prior to the majority of the surrounding redevelopment which has taken place. It is considered that the redevelopment of the site will be a significant improvement on the existing building which currently provides solely for office accommodation.

The existing site does not incorporate any buildings of historic or architectural significance or any buildings formerly in residential use or shop or pub front of architectural interest. It is a long-established commercial location in the city centre. The only directly related relevant ‘enhancement opportunities’ are those listed in points 3 and 4 of the list in Policy BHA9 above. These are:

3. Provision of a new landscaped park to the east of the building which will provide a new connection between Clarion Quay and North Wall Quay while also providing a social space for the surrounding community.
4. Provision of a carefully considered building form which responds to its docklands riverfront setting – recognising and contributing positively to the local streetscape character and public realm, whilst on a wider scale the proposed design aims to make a valuable contribution to the Dublin cityscape – marking a strategic location where the river widens towards its estuary with the Irish Sea.

These opportunities have been strongly responded to in the proposed development as is explained in the application and appeal documents.

The proposal will incorporate a mix of uses such as office, arts/community/cultural uses and retail/café/restaurant use. The high-density development is being provided within walking

stance of high-quality, high-capacity public transport which is in accordance with national and regional policy guidance. It is considered that the proposed development will provide significant improvements to the surrounding, particularly through the provision of a significant new public amenity in the 'Liffey Experience' interactive public gallery and a viewing deck at 16th floor level.

The Response Document prepared by City Designer and included as Appendix 6 of this 1st party appeal notes Chapter 9.0 of the HTLVIA submitted with the planning application which assessed the heritage assets in the immediate surroundings and in the wider setting. The response document states that *"the assessments show that the prominence of the proposed development creates no adverse effects to the significance or settings of the nearby protected structures and Conservation Areas (see paragraphs 9.6-9.10 of the HTLVIA). In fact, the proposed development would enhance the significance of the River Liffey corridor of the conservation area owing to its exceptional design quality and special position in a transitional river setting from the ancient quays to the 'modern' docks. The proposed development has been appropriately designed in relation to its riverside setting without harming the character of the quays."*

The response document includes the following extract from the HTLVIA:

"The development site at a point of change where the river widens and becomes formal with parallel quays. The transition is from the ancient quays to the 'modern' docks. The tight urban grain of the quays is replaced by a more appropriate scale and larger public spaces. The new building will provide a stronger, more coherent context for the protected structures that stand within the vicinity of the site along North Wall Quay and will become part of the emerging townscape of larger scale building both inside and outside the Conservation Area."

The response document again states that *"the proposed development would therefore enhance the character of the conservation area and, therefore, its significance at this point of the quays."* The document notes that *"the proposed undulating plan to the south edge of the development improves the public realm of the quays, makes a more active frontage and enhances the character by making the single existing building four distinctive elements of architecture."*

4.2.2.2 Policy SC17

Policy SC17 of the Development Plan states the following:

"To protect and enhance the skyline of the city, and to ensure that all proposals with enhanced scale and height:

- *follow a design led approach;*
- *include a masterplan for any site over 0.5ha (in accordance with the criteria for assessment set out in Appendix 3);*
- *make a positive contribution to the urban character of the city and that responds positively to the existing or emerging context;*
- *deliver vibrant and equitable neighbourhoods that are walkable, compact, green, accessible, mixed and balanced;*
- *do not affect the safety of aircraft operations at Dublin Airport (including craneage); and*
- *have regard to the performance-based criteria set out in Appendix 3.*

All new proposals in the inner city 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 and civic spaces of local and citywide importance."

The above policy refers to the performance-based criteria which is set out in Appendix 3 of the Development Plan. The criteria set out in both Table 3 and Table 4 of Appendix 3 have been addressed in a separate document which is included with this appeal as Appendix 2. Please refer to this document for further details.

The response document prepared by City Designer states the following in response to the above policy:

"The proposed development will comply with the criteria for exceptional cases at Appendix 3 of the Development Plan by contributing to the legibility of this part of the Liffey Quays and making a positive contribution to the skyline, as well as complying with the performance criteria at Table 4. The proposed development will offer a unique landmark office building and a beneficial public realm and public access. The local area will be reinvigorated, increasing pedestrian legibility, and adding sense of place to this popular location in the city. While not a site allocated for a tall building, the exceptional architecture being proposed is justified under the provision in Table 4 of Appendix 4 of the Development Plan."

4.2.2.3 Section 15.15.2.2 of the Development Plan

Section 15.15.2.2 of the Development Plan states the following:

"Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city."

All planning applications for development in Conservation Areas shall:

- Respect the existing setting and character of the surrounding area.*
- Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- Protect the amenities of the surrounding properties and spaces.*
- Provide for an assessment of the visual impact of the development in the surrounding context.*
- Ensure materials and finishes are in keeping with the existing built environment.*
- Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Further guidance on Conservation Areas is set out in Chapter 11 Section 11.5.2"

As stated in responses to Policy BHA9 the surrounding IFSC and North Lotts area has undergone significant redevelopment and regeneration over recent years. The existing building on site was constructed prior to the majority of the surrounding redevelopment which has taken place. It is considered that the proposed redevelopment of the existing building would be in keeping with similar redevelopment which has taken place in the surrounding area in recent years.

A Visual Impact Assessment has been provided by City Designer at application stage and includes in the HTLVIA. The assessment examines a significant number of key views and vistas around the city. The City Designer response document states that *"the key views mentioned are not likely to be significantly impacted other than by the addition of a high-quality prominent building which is intended to invite public participation at the top of the highest part."*

The material and finishes used on the proposed development are described in the DCC Planner's Report as follows:

"The Planning Authority consider the finishes and materials to be of a relatively high standard and the interaction of the building at streetlevel with its angular form and 'movement' will provide visual interest along the quayside."

There are no historic trees removed as part of the proposed development.

In response to the Section 15.15.2.2 of the Development Plan, the City Designer response document states that *"due to the emerging townscape of larger scale buildings both inside and outside the Conservation Area, the proposed development would provide a more coherent context for the protected structures in the proximity of the site at North Wall Quay."* The response document also states that *"the assessments show that the proposed development creates moderate and positive effects to the River Liffey and Quays character area."* The response document also highlights the below extract from the HTLVIA:

*"The sensitivity of this character area, as a combination of its value and susceptibility to change, is medium, the development site being adjacent to a part of the character area that has undergone significant change in recent years. The proposed development would be a high-quality and elegant addition to North Wall Quay that would feature in views from the River Liffey corridor, its bridges and quays. It has been conscious intention of the design team to produce a design which enhances the character of the Liffey Quays and it is considered that this has been successful. The proposed development's articulation of the plan to the south onto the river enhances the public realm. In relation to the character area as a whole, the magnitude of change is deemed to be medium. The likely effect of the proposed development on the character area is considered, therefore, to be **moderate** and **positive**."*

4.2.2.4 Appendix 3, Section 6.0 – Guidelines for Higher Buildings in Areas of Historic Sensitivity

The City Designer response document notes that *"the development site is at a point of change in the quays where the townscape transitions from historical to modern."* The response document also goes on to state the following:

"It is debatable as to whether the site is within a historic setting since all the buildings surrounding it are of late 20th century origin. Clearly these sites have a history but it is only evident within the open space of the Liffey Quays, which do not require a specific neighbouring height of building for their significance to be seen and appreciated."

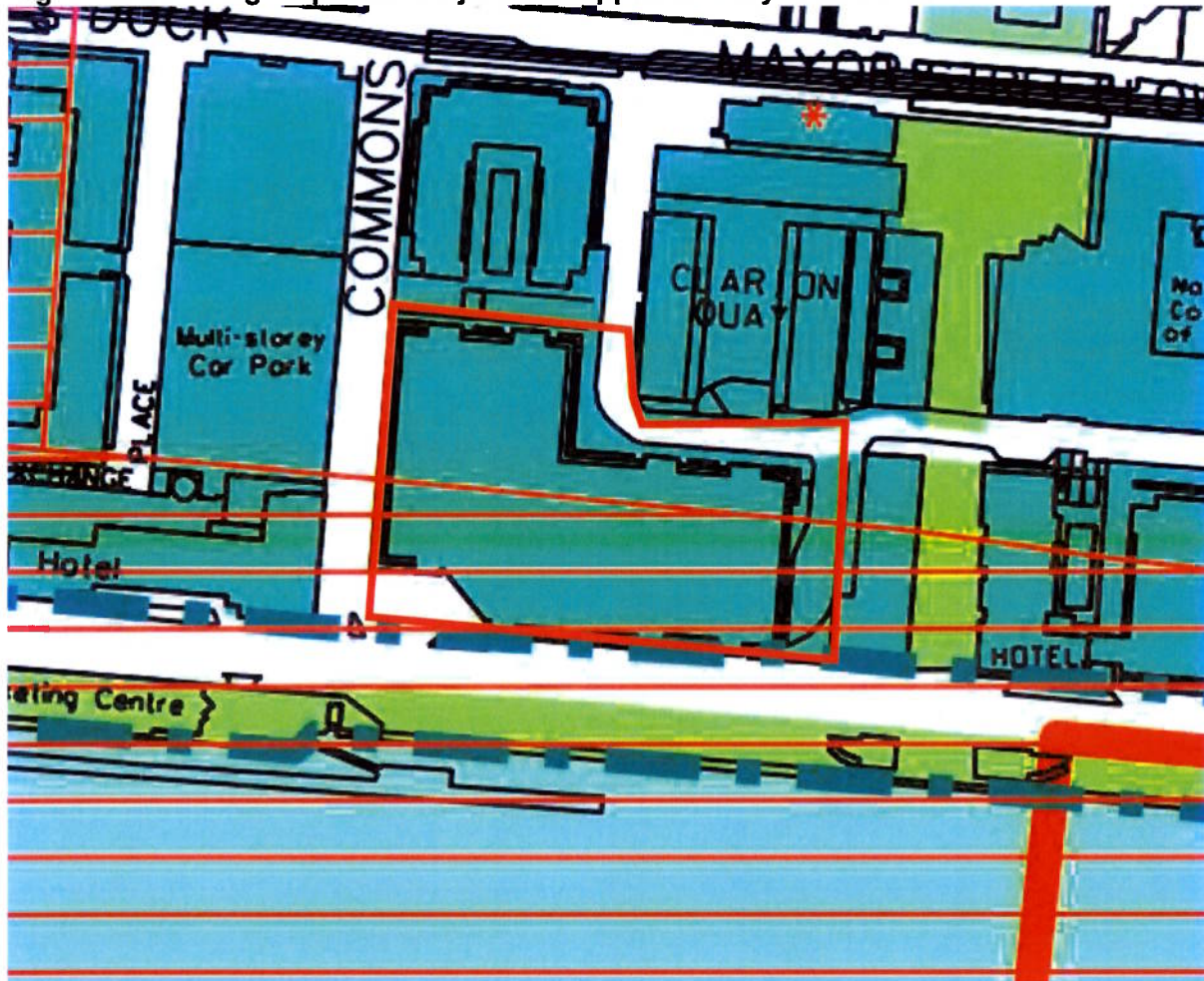
Section 6.0 of Appendix 3 is addressed in Appendix 2 of this document. The document addresses both Table 3 and Table 4 of Appendix 3 of the Development Plan 2022-2028. Please refer to this document for further detail.

4.2.2.5 Contravention of the Zoning Objective

The subject site is zoned Z5 'City Centre' under the Plan. The Land-Use Zoning Objective for the site is *"to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity."*

Office, artistic, creative, community, cultural uses and shop uses are all permissible under the Z5 zoning.

Figure 4.2: Zoning Map with Subject Site approximately outlined in red



Source: Dublin City Development Plan 2022-2028

The Development Plan states that 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. Ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage. A general mix of uses e.g. retail, commercial, residential will be desirable throughout the area and active, vibrant ground floor uses promoted.

The proposed development provides for a mixed-use development consisting primarily office space, as well as arts/community/cultural spaces in the form of the 'Liffey Experience' as described above, and space to be occupied by the Gaiety School of Acting. A café/restaurant/retail unit will also be provided at ground floor level as well as a new landscaped park.

It is considered that the proposed development will provide for a dynamic mix of uses vertically and horizontally, particularly with the provision of the 'Liffey Experience' at 16th floor level which will provide for panoramic views over the city. The 'Liffey Experience' will be a unique cultural attraction which will have significant benefits to the city as a whole during the day and into the evening.

The landscaped park to the east of the building will also be a significant gain for the surrounding area as it will provide for a social areas on a site which currently do not exist and will provide a

in connection between Clarion Quay and North Wall Quay. The landscaped park alongside the café/restaurant/retail units will create activity along this frontage throughout the day while the arts/cultural/community uses will bring activation to the building with the opportunity to host exhibition events in the evenings. It is therefore considered that the proposed development does not contravene the zoning objective of the site.

4.3 REASON FOR REFUSAL NO. 3

The third reason for refusal issued by Dublin City Council for the proposed development was:

“Having regard to the condition of the existing building and in the absence of a comprehensive justification for demolition where not all options were investigated, the proposed wholesale demolition would be considered premature and contrary to Policy CA6 and Section 15.7.1 of the Dublin City Development Plan 2022-2028 which seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction. The proposed development would set an undesirable precedent for wholesale demolition on similar sites across the city and would therefore be contrary to the proper planning and sustainable development of the area.”

A Heritage Significance & Adaptive Capacity Assessment was prepared by Henry J Lyons Architects and submitted at application stage. The document appropriately justifies the proposed demolition of the existing building. The document states the following in relation to the rationale for demolition:

“The layout, form, facilities, spatial typologies, services, environmental and technical design of the existing building would be considered not to fully comply with the current regulations and best practice guidance and is unsuitable to effectively support today’s work environment.

The design team undertook extensive modeling and wide-ranging studies. These include looking at operational life, tenant attractiveness and whole-life carbon, together with an assessment of the civic contribution.

The higher density that can be achieved in the new building facilitates a greater number of people working from the building, with access to public transport and increased bicycle parking facilities, combined with the removal of approximately 100 car spaces and introduction of a new landscaped park reduces the overall carbon footprint of the building.”

The document also includes a Buildability Assessment prepared by PJ Hegarty’s. The report assesses the buildability of a New Build versus a Retain and Extend option. The assessment concludes the following:

“Having completed the assessment regarding the buildability of the proposed development and comparing the two options below, the conclusion is a preference for Option A.

A. The new build option which consists of full demolition of the existing 5-storey building on the site at present. The building is understood to be of reinforced concrete (RC) flat slab and concrete columns (there are some areas of precast beams and steelwork to be demolished also).

B. The ‘retain and extend’ option, which involves partial demolition of the existing buildings on the site, after which construct new cores and adding new structure/strengthening the existing structure to carry a vertical extension similar in the scale of the new build option.

- 1. Option A offers a safer approach to completing the project. The full demolition of the building provides for greater control of the work when compared to “cut-and-carve” projects.*

Environmental nuisances such as noise and dust, are much more likely to be controlled to the satisfaction of the neighbours on a full demolition site.

3. *There is more opportunity to re-use crushed concrete and avoid landfill due to the scale and speed of availability of waste concrete when compared with the slower processes of partial demolition.*
4. *The absence of a secant pile wall around the perimeter of the existing basement presents a number of problems such as safety issues relating to uncertainty of performance of the existing structure once localised concrete cutting takes place for strengthening works and water ingress to the existing basement. This has environmental impacts due to the need for pumping, de-watering and wastewater treatment. The structural instability of the retained perimeter RC retaining walls once the RC Basement & Ground floor slabs have been demolished. This instability transfers into the retained RC frame overhead also being structurally unstable.*
5. *Structural performance of the composite slab and pad footings once localised slab is removed to allow for strengthening works. Deflection and other implications cannot be accurately predicted. Temporary works required to overcome this uncertainty will be hugely significant.*
6. *The need to demolish the Ground Floor slab entirely to enable piling rigs to install the new load-bearing piles. The retained RC columns and RC walls will then be free standing and spanning from Basement Level to 1st Floor Level – a height of 8.2 meters. Substantial temporary propping required to all retained columns and walls.*
7. *Logistics within a fully demolished building footprint can be managed to successfully meet the needs of the Local Authority and neighbours."*

An additional Response to 1 North Wall Quay Refusal has been prepared by BPC and submitted as Appendix 8 of this appeal, which addresses the reason for refusal and referenced policies.

5.0 PROVISIONS FOR LANDMARK BUILDINGS

5.1 DEVELOPMENT PLAN PROVISIONS

The definitions of 'locally higher buildings and 'landmark/tall buildings' in the City Development Plan are set out below:

"Locally Higher Buildings: These are buildings that are significantly higher than their surroundings and are typically up to 50 metres in height. Higher buildings can act as Local or District landmarks."

"Landmark/Tall Buildings: A landmark or tall building is one that is a significant intervention in the cityscape and skyline. They are typically located in an area that denotes a specific function such as a public transport interchange or a key urban quarter/ regeneration site. Landmark/tall buildings are typically in excess of 50 metres in height, of exceptional architectural quality, can help people navigate through the City and form memorable reference points."

The subject site is not identified as a site for a 'Locally Higher Building' or 'Tall/Landmark Building' in the DCC Development Plan. The proposed development would be considered a landmark/tall building under the above definitions.

Section 5 *Landmark/Tall Buildings* of Appendix 3 includes the *Identification of Areas for Landmark/Tall Buildings*. It states:

"In terms of suitable locations, it is considered that landmark/tall building proposals are most appropriate in locations that are identified as a significant public transport interchange and/or areas for large scale regeneration and redevelopment; that are well connected centres of

employment, which have the capacity to create their own character and identity and where the existing character of the area would not be adversely affected by the scale, mass and height of a landmark/tall building.”

The subject site is located within the north Docklands area of the city and within the International Financial Services Centre (IFSC). The IFSC is one of the key employment locations in the city and is Dublin's primary financial district and home to a range of international and domestic companies.

The subject lands are centrally located within Dublin and are highly accessible with the Connolly Station and Red Line Luas interchange within walking distance of the site. Tara Street Station is also within walking distance of the subject site which will provide links via the proposed MetroLink. It is demonstrated in this document that the proposal is an area with capacity to create its own character and identity and will not adversely affect the existing character of the area due to scale mass or height.

It is submitted that the subject site, by virtue of its location is supported as a site potentially suitable for a landmark building in the City Plan. It is however acknowledged that the site is not designated to accommodate a 'Landmark/Tall Building'.

Notwithstanding, provision is made in Appendix 3 (Height Strategy) the City Development Plan for a case to be made for exceptional circumstances for a landmark building on a site not expressly identified for such. Certain criteria are set out to be satisfied, which are addressed in the enclosed Appendix 3 document, and therefore it is submitted that there would be no material contravention of the City Development Plan if these criteria are satisfied.

The case under these criteria was made in the application and it was fully acknowledged that the site does not have a designation for a 'landmark' building. The clear purpose of the provision in the Development Plan is to allow for a case to be made for a landmark building on sites which are not identified explicitly for such, and therefore reference in the Planner's Report to the site not being designated for a landmark building in the Docklands SDRAs does not give due consideration of the provisions under which a landmark building was clearly applied for.

The Planner's Report states:

“The Planning Authority highlight that it was clearly communicated at the pre-planning meeting that a 17 storey building would be considered excessive and not be appropriate in this location. Further, the notion that the development of a landmark/tall building of this scale in this location should be considered in 'exceptional circumstances' was not accepted by the Planning Authority.”

There is no further consideration of the proposal in the Planner's Report against the exceptional circumstances/criteria for a landmark building. The applicant therefore requests An Bord Pleanála to consider the proposal in light of this provision, with the Appendix 3 compliance of the scheme, including the exceptional circumstances/criteria set out in the Appendix 3 document which accompanies this appeal. The accompanying letter from Arthur Cox confirms that the exceptional circumstances provision may be utilised.

5.2 HEIGHT STRATEGY

Appendix 3 of the Dublin City Development Plan sets out a height strategy, with certain locations identified explicitly for locally higher or landmark buildings in SDRAs, LAPs and SDZs. There is no evidence of a comprehensive review having been undertaken of the potential for additional height in the city context as part of the plan making process. For example, the former George's Quay LAP area provisions were brought forward into SDRAs; however, that LAP was originally

proved in 2012, prior to the current National Planning Framework and Urban Development and Building Height Guidelines.

SPPR1 of the Urban Development and Building Height Guidelines states:

“SPPR 1 - In accordance with Government policy to support increased building height and density in locations with good public 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.”

Further supporting extracts from the Urban Development and Building Height Guidelines are set out below:

“1.10 The rationale above for consolidation and densification in meeting our accommodation needs into the future must also be applied in relation to locations that development plans and local area plans would regard as city and town centre areas; for example, within the canal ring in Dublin and analogous areas in Cork, Limerick, Galway and Waterford and other major towns as identified and promoted for strategic development in the National Planning Framework and Regional Spatial and Economic Strategies. In such areas, it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of the objectives and criteria laid out in Sections 2 and 3 of these guidelines, for example on suitably configured sites, where there are particular concentrations of enabling infrastructure to cater for such development, e.g. very significant public transport capacity and connectivity, and the architectural, urban design and public realm outcomes would be of very high quality.”

“1.17 Securing compact and sustainable urban growth means focusing on reusing previously developed ‘brownfield’ land, building up infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.”

“2.3 While achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.”

2.4 The Government has also committed to substantial investment in public transport infrastructure as a key tenet of Project Ireland 2040, particularly in our cities and towns through investment in a range of modal solutions, including rail, Metrolink, LUAS, Bus Connects and walking and cycling networks. In order to optimise the effectiveness of this investment in terms of improved and more sustainable mobility choices and enhanced opportunities and choices in access to housing, jobs, community and social infrastructure, development plans must actively plan for and bring about increased density and height of development within the footprint of our developing sustainable mobility corridors and networks.

2.5 Furthermore, while taller buildings will bring much needed additional housing and economic development to well-located urban areas, they can also assist in reinforcing and contributing to a sense of place within a city or town centre, such as indicating the main centres of activity, important street junctions, public spaces and transport interchanges. In this manner, increased

Building height is a key factor in assisting modern placemaking and improving the overall quality of our urban environments."

"2.7 To give effect to these broad policy directions and a more active land management-centred approach as set out in the NPF, the preparation of development plans, local area plans and Strategic Development Zone (SDZ) Planning Schemes and their implementation in city, metropolitan and wider urban areas must therefore become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights, while also being mindful of the quality of development and balancing amenity and environmental considerations. Appropriate identification and siting of areas suitable for increased densities and height will need to consider the environmental sensitivities of the receiving environment as appropriate, throughout the planning hierarchy. The Environmental Sensitivity Mapping online tool, developed by the EPA, can be a useful guide in this regard."

"2.15 In light of the above, planning authorities should critically evaluate the existing written statements and development objectives of their statutory development plans, local area plans and planning schemes for consistency of approach and where any policy departures arise, to undertake the necessary reviews, variations or amendments to ensure proper alignment of national and local planning policies."

National Policy Objective 13 (NPO13) of the National Planning Framework states:

"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."

There is no indication that DCC carried out any specific assessment of the potential of the Docklands Strategic Development and Regeneration Area and particularly the North Wall Quay area, to the west of the SDZ, for increased heights and density. The Docklands has long been identified, in documents such as *Maximising the City's Potential – A Strategy for Intensification and Height* and subsequent Development Plans, as an area suitable for landmark buildings and increased height and density for the city due to its capacity for change and location at the waterfront and public transport investment in the area.

While DCC note that the development plan incorporates the Docklands SDRA and this identifies a number of sites for landmark or locally higher buildings (outside the SDZ), it is noted that these buildings that were identified were generally previously identified as such in the George's Quay Local Area Plan, the previous Development Plan or reflective of permitted development. There has been no new assessment undertaken following the issuing of the guidelines.

There is therefore a basis to consider a landmark building at this location on its merits, particularly having regard to the exceptional criteria for a landmark building which are satisfied by the subject proposal, as set out in the accompanying response to Appendix 3.

RESPONSE TO ADDITIONAL CONCERNS FROM DCC AND 3RD PARTY SUBMISIONS

The following provides a response to additional concerns that were raised in the DCC Planner's Report as well as other issues raised in 3rd party submissions which were not included in the DCC Planner's Report.

6.1 CONCERNS RAISED BY DCC

The following responds to additional concerns raised in the DCC Planner's Report.

6.1.1 PLANNER'S REPORT

6.1.1.1 Section Drawings

The Planner's Report notes that "It is noted that the Section drawings submitted are limited and do not clearly show the impact of the massing of the proposal on the Clarion Quay Apartments. Due to the proximity of the new building to the residential blocks, and limited separation distance provided only by a laneway, the overbearing impacts are likely to be considerable."

Additional section drawings have been prepared by Henry J Lyons Architects and submitted as Appendix 5 of this 1st party appeal.

6.1.1.2 Environmental Impact Assessment

Having regard to the comments made in the DCC Planner's Report with respect to Environmental Impact Assessment, AWN Consulting have prepared the below two documents to accompany this 1 party appeal:

- Addendum – Chapter 3: Alternatives
- Response to DCC Refusal

The 'Response to DCC Refusal' and 'Addendum – Chapter 3: Alternatives prepared by AWN Consulting have been conducted to identify whether there have been any alterations to the findings presented in the EIAR that was submitted with the application with respect to the alternative proposal present in this appeal and referenced in Section 4.1.3 of this document. Therefore in carrying out the EIA exercise on the proposed development, these documents should form part of the assessment.

6.1.2 TRANSPORTATION PLANNING DIVISION

The Transportation Planning Division set out the following concerns in relation to the proposed development with respect to servicing, bicycle access and car parking.

6.1.2.1 Servicing

"This division have concerns with the reliance on the servicing area on Clarion Quay to meet the servicing needs for a development of this scale. The applicant is requested to re-examine the proposed servicing arrangements with a view to ensuring that servicing arrangements can be carried out without impact on pedestrians and vulnerable road users alike. Whilst this division has no objection to surface level area being used on Clarion Quay for servicing, it is preferred that servicing is within the site itself, with priority given to pedestrians in this regard."

A response to the above concerns has been included the Appeal Response (Transportation) Letter provided by CS Consulting and included as Appendix 9 of this 1st party appeal. An alternative arrangement has been presented by CS Consulting which may be included in any grant of permission by way of a condition. A drawing has also been provided by HJL Architects which illustrates this possible modification. Please refer to this document by CS Consulting for further details.

Should the Board consider it necessary for the servicing arrangements to be revised in line with the potential revisions put forward as part of this appeal, the wording of such a condition is set out below:

Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, a revised servicing arrangement within the development.

6.1.2.2 Bicycle Parking Access

"There are concerns relating to the proposed access to the bicycle parking area. Access is considered unsuitable for a development of this scale with the proposed 2 no. bicycle lifts to serve almost 1000 no. spaces is not supported by this division as it will lead to a creation of queuing and waiting for cyclists. The bike lift waiting area also creates conflict with vehicles accessing the vehicle lift. It is recommended that the bicycle parking for each use on the development should all be segregated, with bicycle for office use, given the number required shall also be segregated for each of the 4 no. office blocks (A, B, C & D). There is concern with relation to the location and access arrangements to the bicycle parking area require re-examination. A cyclist once having reached basement level will be required to navigate 4 no. doorways. This layout and design is considered unacceptable to this division."

A response to the above concerns has been included the Appeal Response (Transportation) Letter provided by CS Consulting and included as Appendix 9 of this 1st party appeal. An alternative proposal has been presented by CS Consulting which may be included in any grant of permission by way of a condition. The alternative arrangement would provide an internal bicycle stair with wheeling ramp to the bicycle parking at basement -1 which will be accessed from the landscaped park to the east. The bicycle lift would also be relocated further west to reduce any potential conflict with the car lift.

Should the Board be minded to grant permission subject to this modification, this may be addressed by way of an appropriately worded condition, with the potential wording as follows:

Prior to commencement of development, the developer shall submit a revised cycle access strategy within the building, to include cycle stairs and access from the landscaped park to the east, for the written agreement of the planning authority.

6.1.2.3 Car Parking

"The proposal for 32 no. car parking spaces exceeds Development Plan Standards. Taking into consideration that office and retail use have no provision for car parking, the community/cultural use allows for a provision of 7 no. spaces, therefore this division has no objection therefore to the provision of 7 no. spaces in total with the omission of 25 no. car parking spaces from the development."

A response to the above concerns has been included the Appeal Response (Transportation) Letter provided by CS Consulting and included as Appendix 9 of this 1st party appeal. An alternative proposal has been presented by CS Consulting which may be included in any grant of permission by way of a condition. The alternative arrangement would reduce the car parking provision to 30 no. spaces of which 7 no. would be allocated to the arts/community/cultural uses.

; remaining spaces would provide 20 no. car share spaces and 3 no. disabled parking spaces. The letter states the following in relation to the car share spaces:

“The 20no. ‘motor pool’ car parking spaces shall serve to accommodate a shared fleet of vehicles to be used by office tenants who require the use of a car for business trips during the working day. These shared vehicles shall be owned and maintained by the development’s facilities management entity or by an appointed contractor and shall remain within the development overnight; they shall therefore not be used for commuting to and from the development at the beginning and end of the working day. The provision of this shared fleet and associated parking spaces shall therefore not promote car use for travel to and from the development. On the contrary, it shall allow more efficient use of cars for necessary business trips and permit those office tenants who require the use of a car during the day to commute by other modes of transport, rather than having to bring an external vehicle with them when travelling to work.”

Please refer to this Appeal Response (Transportation) Letter prepared by CS Consulting for further details.

Should the Board be minded to grant permission subject to this modification, this may be addressed by way of an appropriately worded condition, with the potential wording as follows:

The 30 no. basement car parking spaces shall be allocated as follows:

- 7 no. spaces for the arts/cultural/community uses
- 3 no. accessible spaces for office use
- 20 no. car share spaces for office use

6.1.3 DRAINAGE DIVISION

The DCC Drainage Division raised the following concerns in relation to the proposed development.

6.1.3.1 FLOOD RISK ASSESSMENT

“The CFRAM flood maps indicate the site is located in Flood Zone B. Additionally, the DCC Strategic Flood Risk Assessment states that underground offices are not permitted in this area. A revised Site Specific Flood Risk Assessment is required which addresses these points.”

An Appeal Response (Drainage) Letter has been prepared by CS Consulting which has been included as Appendix 10 of this 1st party appeal. Please refer to this document for further details.

6.1.3.2 Basement Impact Assessment

“The submitted Basement Impact Assessment (BIA) is not considered to be acceptable. The report does not provide sufficient information on the risks associated with the basement development. In particular, the following issues have not been adequately addressed:

- *Baseline ground and groundwater conditions*
- *Impact on neighbouring structures and utilities*
- *Key hazards and risks associated with the proposed basement*
- *Basement construction sequence and interaction with existing basement structure and proposed temporary restraints*
- *Ground movement and damage assessment*
- *Impact on groundwater, including upstream and downstream of proposed basement*
- *Cumulative impact of proposed basement*

- *igation measures for ground movements and groundwater impacts*

A revised BIA is required which fully addresses the above items and those listed in the Dublin City Development Plan 2022-28 -Appendix 9 Basement Development Guidance."

An updated Basement Impact Assessment has been prepared by CS Consulting addressing the points raised by Dublin City Council and is included as Appendix B of the Appeal Response (Drainage) Letter prepared by CS Consulting and included with this 1st party appeal. Please refer to this document for further details.

6.1.3.3 SuDS Measures

"In accordance with policy SI23 of the Dublin City Development Plan 2022-2028, the DCC requirement for green roof coverage is 50% intensive or 70% extensive. Given the small provision of green/blue roof, additional Sustainable Drainage Systems (SuDS) measures such as rainwater harvesting shall be incorporated. In the proposed public realm areas, a more comprehensive use of SuDS is required for the management of surface water, providing an integrated approach with the landscaping proposals."

An Appeal Response (Drainage) Letter has been prepared by CS Consulting which has been included as Appendix 10 of this 1st party appeal. Please refer to this document for further details.

6.2 CONCERNS RAISED IN 3RD PARTY SUBMISSIONS

It is considered that the significant issues raised in the 3rd party submissions during the public consultation period have been addressed above in this 1st party appeal and supporting documents. Where issues haven't been addressed above, they are dealt with below.

6.2.1 RESIDENTIAL USE

Cllr Declan Meenagh made an observation on the application during the public consultation stage stating that there is an insufficient mix of uses proposed and that residential use should be incorporated into the scheme. The proposed development is predominantly office use and provides for arts/community/cultural spaces at ground and lower ground floor in the form of The Gaiety Acting School. It is proposed to provide a public viewing platform at 16th floor level which will be open to the public and provide panoramic views across the city. Additionally, a landscaped community space will be provided to the east of the site which will be a significant gain for the surrounding community. It is also proposed to provide a retail/café/restaurant unit at ground floor level on the southeast corner.

It is considered that the proposed development provides for an appropriate mix of uses vertically and horizontally through the scheme in comparison with the existing scheme which is solely office use. The mix of uses will also provide for activity in the building throughout the day and into the evening which is not provided for currently. The arts/community/cultural uses will provide a significant gain for the surrounding community and city as a whole, while the office element of the building will be of the highest-quality which is in high demand within the city centre.

The original Planning Scheme for this area of the Docklands provided for an appropriate mix of uses in this area, with the residential component in the city block provided for by the existing apartment schemes in Clarion Quay and apartments to the north on Mayor Street. The proposed development is considered to complement the existing uses in the surrounding area with tourist accommodation, residential accommodation and smaller-scale office units in the immediate area.

Uisce Éireann

Uisce Éireann made an observation at application stage seeking Further Information as follows:

"The applicant is requested to engage with Uisce Éireann's Diversions team at Diversions@water.ie to confirm Uisce Éireann's separation distances for existing public water and wastewater infrastructure has been achieved within the development proposal designs and layouts and; assess feasibility of diversion(s) of public infrastructure, where separation distances cannot be achieved. The outcome of this engagement with Uisce Éireann's diversions team shall be submitted as a response to this Further Information request to Dublin City Planning Authority."

An updated Basement Impact Assessment has been prepared by CS Consulting addressing the points raised by Dublin City Council and is included as Appendix C of the Appeal Response (Drainage) Letter prepared by CS Consulting and included with this 1st party appeal. Please refer to this document for further details.

6.2.3 NATIONAL TRANSPORT AUTHORITY

The submission made by the NTA raised concerns with regards to bicycle access to the basement parking, capacity of the lifts to accommodate the number of arrivals, the double-stacking bicycle racks and the car parking provision. Bicycle access and car parking provision have been dealt with in Sections 5.1.2.2 and 5.1.2.3 above respectfully. The below deals with the other matters raised in the observation.

6.2.3.1 Lift Capacity

An Appeal Response (Transportation) Letter has been prepared by CS Consulting which has been included as Appendix 9 of this 1st party appeal. Please refer to this document for further details.

6.2.3.2 Double-Stacked Bicycle Parking

An Appeal Response (Transportation) Letter has been prepared by CS Consulting which has been included as Appendix 9 of this 1st party appeal. Please refer to this document for further details.

7.0 CONCLUSION

This 1st party appeal is submitted on behalf of the applicant, NWQ Devco Limited, against the decision of Dublin City Council dated 16th April 2024 to refuse planning permission for a mixed-use development at a site at 1 North Wall Quay, Dublin 1, D01 T8Y1.

The proposed development is for a mixed-use landmark development comprising office accommodation, arts, cultural and community uses and a retail unit with a GFA of 87,209 sq.m. over 17 no. storeys. The proposed development has been designed to a high architectural standard in accordance with the policies and objectives of the Dublin City Development Plan 2022-2028.

The proposed development is in accordance with the recent national policy objectives and will provide for significant enhancement to the overall area providing for a number of beneficial outcomes to the city in terms of economic activity, tourism and significant improvements to the public realm, within walking distance of a two major public transportation interchange (Dart / MetroLink at Tara Street Station and Dart / Luas at Connolly Station) and will provide for a unique landmark to the city skyline.

1000

We respectfully request An Bord Pleanála overturn the decision of Dublin City Council and grant permission for the proposed development in accordance with the proper planning and sustainable development of the area and is consistent with the policies and objectives of the statutory planning framework nationally and locally for the subject site.

Yours sincerely,



John Spain Associates

APPENDIX 1: DECISION TO REFUSE PERMISSION BY DUBLIN CITY COUNCIL



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine

Bloc 4, Urlár 3, Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Planning & Property Development Department

Dublin City Council, Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

T: (01) 222 2288

E: planning@dublincity.ie

17-Apr-2024

John Spain Associates
39 Fitzwilliam Place,
Dublin 2,
D02ND61



Application No. 3274/24
Registration Date 23-Feb-2024
Decision Date 16-Apr-2024
Decision Order No P3004
Location CitiGroup Building, 1 North Wall Quay, Dublin 1, D01T8Y1
Proposal We, NWQ Devco Limited, intend to apply for a 10-year planning permission for development at a site consisting of the CitiGroup Building, 1 North Wall Quay, Dublin 1, D01 T8Y1. The site is bound by North Wall Quay to the south, Commons Street to the west, Clarion Quay/Alderman Way to the north and an access ramp to the existing basement to the east. The site area is c. 0.88 ha.
The proposed development comprises:
• Demolition of existing 6 no. storey office building and single-level basement;
• Construction of a mixed-use development ranging in height from 9 no. to 17 no. storeys in height (73.4m) over lower ground floor and double basement comprising office accommodation, arts/community/cultural spaces and retail/cafe/restaurant uses;
• The development is divided into 4 no. buildings ranging in heights of 12 no. storeys (Block A), 17 no. storeys (Block B), 10 no. storeys (Block C) and 9 no. storeys (Block D);
• The overall gross floor area of the development comprises 87, 209 sq.m. (excluding double basement of 14, 420 sq.m.) including 69, 258 sq.m. of office space, 2, 371 sq.m. arts/community/cultural uses and 196 sq.m. of retail/café/restaurant space;
• Office accommodation is proposed at lower-ground floor to 15th floor with 4 no. double-height office entrance/receptions areas provided at GF level;
• 3 no. internal arts/community/cultural spaces are provided in total. 1 no. arts/community/cultural space is provided over lower ground and ground floor level in Block A, 1 no. at 1st floor level with a GF entrance space in Block B and an arts/community/cultural use with viewing deck is provided at 16th floor level in Block B;
• External arts/community/cultural space will be provided on the new landscaped park located to the east of the site;



- 1 no. retail/café/restaurant unit is provided at GF level in Block D;
 - Outdoor landscaped terraces are provided at 8th, 9th, 10th, 11th, 15th and 16th floor level;
 - Provision of winter terraces at 4th, 6th and 9th floor level;
 - Provision of a shared atrium between Block B and Block C;
 - Green roofs and blue roofs are provided across the scheme;
 - Provision of a double basement comprising 30 no. car parking spaces, 923 no. bicycle parking spaces, 6 no. motorbike parking spaces and male & female shower and changing facilities at B1 level and plant across B1 & B2 levels;
 - 2 no. car parking spaces located at street level (32 no. total);
 - Provision of 2 no. vehicle lifts and 2 no. bike lifts to the basement accessed from Clarion Quay;
 - The development includes the fill and cover of existing access ramp to existing basement to provide a landscaped park (including external arts/community/cultural space) to the east of the building connecting North Wall Quay with Clarion Quay. The park will include a pedestrian link from North Wall Quay to Clarion Quay
 - Provision of upgrades to existing public realm within application site including public footpaths along North Wall Quay, Commons Street and Clarion Quay;
 - All ancillary and associated works to facilitate the development including plant, switch rooms, generators, water tanks, sprinkler plant, ESB substations, landscaping, telecommunications infrastructure, utilities connections and infrastructure.
- An Environmental Impact Assessment Report and Natura Impact Statement have been prepared in respect of the proposed development and have been submitted with the planning application.

| | |
|------------------|-------------------|
| Applicant | NWQ Devco Limited |
| Application Type | Permission |

- If you have any queries regarding this Decision, **please contact the email shown above**

NOTIFICATION OF DECISION TO REFUSE PERMISSION

In pursuance of its functions under the Planning & Development Acts 2000 as amended, Dublin City Council, being the Planning Authority for the City of Dublin has by order dated 16-Apr-2024 decided to REFUSE PERMISSION for the development described above, for the following reason(s).



REASON(S)

1. The proposed development by virtue of its height and excessive bulk and scale would constitute an insensitive form of development adjacent to existing residential development, resulting in a significant and unacceptable loss of daylight/sunlight and resultant overshadowing to these properties and amenity areas, adversely impacting their residential amenity. The proposed development would therefore set an undesirable precedent, would devalue properties in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would constitute an overly dominant form causing serious injury to the visual amenities of the Liffey Quays; a (red hatched) Conservation Area. The proposed development would contravene Policy BHA9, Policy SC17, Section 15.2.2.2 and Appendix 3 Section 6.0 Guidelines for Higher Buildings in Areas of Historic Sensitivity of the Dublin City Development Plan 2022-2028, adversely impacting key views and vistas along the river corridor and the amenities of properties in the vicinity. The proposed development would therefore be contrary to the Z5 zoning objective and to the proper planning and sustainable development of the conservation area.

3. Having regard to the condition of the existing building and in the absence of a comprehensive justification for demolition where not all options were investigated, the proposed wholesale demolition would be considered premature and contrary to Policy CA6 and Section 15.7.1 of the Dublin City Development Plan 2022-2028 which seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction. The proposed development would set an undesirable precedent for wholesale demolition on similar sites across the city and would therefore be contrary to the proper planning and sustainable development of the area.

- Any observations or submissions received by the Planning Authority in relation to this application have been noted.
- Appeals must be received by An Bord Pleanála within **FOUR WEEKS** beginning on 16-Apr-2024. (N.B. not the date on which the decision is sent or received). This is a strict statutory time limit and the Board has no discretion to accept late appeals whether they



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine
Bloc 4, Urlár 3, Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Planning & Property Development Department
Dublin City Council, Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

T: (01) 222 2288

E: planning@dublincity.ie

are sent by post or otherwise. The appeal **MUST BE FULLY COMPLETE** in all respects - including the appropriate fee - when lodged. It is not permissible to submit any part of it at a later date, even within the time limit.

- Refund of Fees submitted with a Planning Application. Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months, where the full standard fee was paid in respect of the first application, and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of the Planning Authority's decision on the second application.

Signed on behalf of the Dublin City Council


For Administrative Officer

Advisory Note:

Please be advised that the development types shown below can now be submitted via our online service

Domestic Extensions including vehicular access, dormers /Velux windows, solar panels

Residential developments up to & including four residential units (houses only)

Developments for a change of use with a floor area of no more than 200 sq. m

Temporary permission (e.g. accommodation for schools)

Outdoor seating / smoking areas.

Shopfronts / signage

**APPENDIX 2: COMPLIANCE WITH APPENDIX 3 OF THE DUBLIN CITY DEVELOPMENT
PLAN 2022-2028 PREPARED BY JOHN SPAIN ASSOCIATES, HENRY J LYONS
ARCHITECTS AND CITY DESIGNER**

4/15/20
4/15/20
(

OG

**APPENDIX 3: RESPONSE TO POLICIES & OBJECTIVES SET OUT IN THE DCC
PLANNER'S REPORT PREPARED BY JOHN SPAIN ASSOCIATES**

1.0 INTRODUCTION

The Dublin City Council's Planner's Report outlines national, regional and local planning policy which were deemed relevant in the assessment of the subject development proposal. The following document has been prepared to respond to each of the policies referenced by Dublin City Council and to demonstrate compliance with each policy. Each of the policies referenced by DCC are in *bold & italics* below with the response underneath.

2.0 NATIONAL PLANNING POLICY

2.1 NATIONAL PLANNING FRAMEWORK

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

The proposed development will provide for high quality office accommodation alongside retail and café/restaurant units and community, arts and cultural uses, therefore all of the uses proposed will encourage employment growth within the city. As part of the proposal, a landscaped park is proposed to the eastern side of the development, creating a new public place and planning gain. The proposed materials and finishes will also be of a high-quality standard in order to create a unique quality urban place.

National Policy Objective 5: Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

The proposed development will provide for an increased choice of high-quality commercial floorspace within the city centre within a high-quality designed building in an appropriate location in the city centre. It will be key to attracting multinational companies setting up their headquarters here as numerous companies have done so already. The proposed development will provide for large footplate offices within the IFSC and will encourage the further regeneration of the city centre.

This is supplemented by the provision of arts/cultural/community uses including the 'Liffey Experience' at 16th floor level which will form a significant public gain to the entire city. This space will provide unrivalled views across the city and is believed to become one of the city's most important visitor and popular tourist destinations, similar to other European cities including London, Paris and Berlin.

National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

The proposed development will regenerate and rejuvenate the subject site which currently provides for a mono-use of solely office. The proposed development is a more intensive use of the site in a city centre and highly accessible location while also providing for a greater number of uses which will diversify the building and provide uses during the weekend and into the evening. The development will increase employment activity in an area with significant public transport connections. The public realm upgrades, including a new landscaped park, will significantly enhance the levels of amenity around the site currently.

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.

The proposed development will be capable of accommodating significant more employment numbers than the current building which is considered an underutilisation of the site given its location within the IFSC and the Docklands, and in close proximity to multiple forms of public transport. The proposed building will generate more jobs and will also generate greater activity into the evenings and on weekends given the variety of uses proposed compared with the existing building.

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.

The proposed development is located in close proximity (c. 350m) to one of the main transportation hubs in the country, Connolly Station, which is served by Dart, Luas Red Line and Inter City rail services. The subject site is also situated within c. 150m of the Mayor Square – NCI Luas Stop which serves the Red Luas Line. The site is located c. 585m from Tara Street Station which will provide the only interchange between Dart and Metro in the city centre. The subject site is therefore highly accessible by high-quality public transport links.

Given the height of the proposed development (73.4m), the proposed development has been assessed against the performance-based criteria for a landmark building (50m+) detailed in Appendix 3 of the Dublin City Development Plan 2022-2028. It is considered important in this instance to have regard to National Planning Policy in relation to increased building heights at locations adjacent to high-quality, high-capacity public transport.

National Policy Objective 60: Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

The impacts of the proposed development on the surrounding cultural heritage was assessed as part of Chapter 11 of the EIAR submitted with the application. Please refer to this chapter of the EIAR for further details.

2.2 NATIONAL DEVELOPMENT PLAN (2018-2027)

National Strategic Outcome 1. Compact Growth

The proposed development is located within the IFSC and the Docklands which will further intensify the employment use on the subject site but also within the surrounding area. Significant public transport is also located in close proximity to the site at Connolly Station and Tara Street Station. The redevelopment of the subject site is therefore considered important allowing it to play a vital role in the long-term development of Dublin City as a compact city where public transport plays a major role. The proposed development will act as a key destination for employment in the city, therefore, consolidating urban development in close proximity to key public transport interchanges.

National Strategic Outcome 4. Sustainable Mobility

The proposed development is in close proximity to a high-quality, high-capacity public transport node in the city centre of Dublin with a small amount of car parking provided. The subject site is within 800m of a Dart, Luas and MetroLink stop as well as being a Bus Connects spine route (Route G). As identified in the figure below, the subject site is located at the heart of all existing and proposed rail projects to be developed over the lifetime of the GDA Transport Strategy and beyond.

Figure 2.1: Post 2042 Rail Connections surrounding the Subject Site



Source: National Transport Authority

National Strategic Outcome 5. A Strong Economy, supported by Enterprise, Innovation and Skills

The proposed development will provide for an increased choice of high-quality commercial floorspace within the city centre within a high-quality designed building in an appropriate location in the city centre. It will be key to attracting multinational companies setting up their headquarters here as numerous companies have done so already.

National Strategic Outcome 6. High-Quality International Connectivity

The proposed development is considered to be key to attracting multinational companies to Dublin who may wish to set up their headquarters here as has been the case with numerous companies previously. The provision of high-quality office space within the city centre will be more appealing to these types of companies and which will increase the international connectivity of the city.

National Strategic Outcome 7. Enhanced Amenity and Heritage

The proposed development will include the provision of a new landscaped park to the east of the building which will significantly increase the amenity on site which currently does not comprise any social areas for the surrounding community. Similarly, the 'Liffey Experience' at 16th floor level will focus on the heritage of the River Liffey and house a permanent exhibition featuring educational and informative content on the history and evolution of the city's primary watercourse, the River Liffey.

3.0 REGIONAL POLICY

3.1 REGIONAL SPATIAL AND ECONOMIC STRATEGY FOR THE EASTERN AND MIDLAND REGION (2019-2031)

RSO 2: Compact Growth and Urban Regeneration - Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.

The proposed development will regenerate the existing site which is currently considered to be an underutilisation of land given its location with the IFSC and in close proximity to significant public transport connections such as Dart, Luas and the proposed MetroLink. The development will also provide for a mix of uses which is an improvement on the existing building which for solely office use.

The proposed development will positively contribute to urban consolidation, creating a more compact urban form in Dublin City Centre, reducing the need for future car based outward development on the fringe of the city.

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

The proposed development, consisting of office, arts/community/cultural uses and retail/café/restaurant use, will contribute to the sustainable growth, land-use mix and choice in the city centre in close proximity to a wide range of other high-quality facilities and services, which will benefit future employees even further. The proposed development seeks to consolidate employment growth at the heart of the city and within the IFSC, thus providing responses to both national policy, existing site characteristics and the surrounding context. The proposed development is in close proximity to existing and proposed public transport infrastructure, particularly the Luas Red Line and Connolly Station, as well as the proposed MetroLink at Tara Street Station. The proposed development is therefore compliant with the overall policies and objectives of the RSES in this regard.

4.0 LOCAL PLANNING POLICY

4.1 DUBLIN CITY DEVELOPMENT PLAN 2022-2028

4.1.1 ZONING

The zoning objective for the subject site is Z5 – ‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.’

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. As a balance, and in recognition of the growing residential communities in the city centre, adequate noise reduction measures must be incorporated into development, especially mixed-use development, and regard should be given to the hours of operation (see also Chapter 15: Development Standards).

Ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage. A general mix of uses, e.g. retail, commercial, residential, will be desirable throughout the area and active, vibrant ground floor uses promoted.

In the interests of promoting a mixed-use city, it may not be appropriate to allow mono office use on Z5 zoned lands, particularly on large scale development sites, or to allow an overconcentration of hotel uses in a particular area. Therefore, where significant city centre sites are being redeveloped, an element of residential and other uses as appropriate should be provided to complement the predominant office use in the interests of encouraging sustainable, mixed-use development.

As stated by DCC, the subject site is zoned Z5. Office, artistic, creative, community, cultural uses and shop uses are all permissible under the Z5 zoning.

The Development Plan states that 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. Ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage. A general mix of uses e.g. retail, commercial, residential will be desirable throughout the area and active, vibrant ground floor uses promoted.

The proposed development provides for a mixed-use development consisting primarily office space, as well as arts/community/cultural spaces in the form of the ‘Liffey Experience’ as described above, and space to be occupied by the Gaiety School of Acting. A café/restaurant/retail unit will also be provided at ground floor level as well as a new landscaped park.

It is considered that the proposed development will provide for a dynamic mix of uses vertically and horizontally, particularly with the provision of the ‘Liffey Experience’ at 16th floor level which will provide for panoramic views over the city. The ‘Liffey Experience’ will be a unique cultural attraction which will have significant benefits to the city as a whole during the day and into the evening.

The landscaped park to the east of the building will also be a significant gain for the surrounding area as it will provide for a social areas on a site which currently do not exist and will provide a new connection between Clarion Quay and North Wall Quay. The landscaped park alongside

the café/restaurant/retail units will create activity along this frontage throughout the day while the arts/cultural/community uses will bring activation to the building with the opportunity to host exhibition events in the evenings. It is therefore considered that the proposed development does not contravene the zoning objective of the site.

The proposed development is therefore considered to accord with the zoning objective.

4.1.2 CONSERVATION AREA

The front portion of the site is designated as a red hatched conservation area.

The surrounding IFSC and North Lotts area has undergone significant redevelopment and regeneration over recent years. The existing building on site was constructed prior to the majority of the surrounding redevelopment which has taken place. It is considered that the redevelopment of the site will be a significant improvement on the existing building which currently provides solely for office accommodation. The proposal will incorporate a mix of uses such as office, arts/community/cultural uses and retail/café/restaurant use. The high-density development is being provided within walking distance of high-quality, high-capacity public transport which is in accordance with national and regional policy guidance. It is considered that the proposed development will provide significant improvements to the surrounding area, particularly through the provision of a significant new public amenity in the 'Liffey Experience' interactive public gallery and a viewing deck at 16th floor level.

The HTLVIA is included as Appendix 3 of the EIAR and states the following:

"The proposed development is located partly within the Development Plan's Conservation Area. The improvements to the public realm and high quality of the architecture would enhance the significance of the Conservation Area at this point of the quays by providing a more appropriate scale and larger public spaces. The proposed development would form part of the wider setting of O'Connell Street Architectural Conservation Area (ACA), from where the ACA meets the River Liffey at the O'Connell Bridge, without dominating it. It would not adversely affect views from O'Connell Street ACA."

4.1.3 STRATEGIC DEVELOPEMNT & REGENERATION AREA

The site is located within SDRA 6 – Docklands. This SDRA has significant potential for further regeneration with a number of key development sites throughout the area. These sites can make a valuable contribution to the future physical and social regeneration of this part of the city, consolidating the area as a vibrant economic, residential, cultural and amenity quarter of the city, whilst simultaneously nurturing sustainable well-integrated neighbourhoods and communities. The overall approach aims to encourage mixed use development in order to achieve a balance between residential and commercial uses, with other community and cultural uses encouraged throughout.

The proposed development will significantly regenerate the subject site to provide for a more people-intensive building in a highly accessible location next to significant public transport connections such as Dart, Luas and proposed MetroLink. The redevelopment of the site will allow for a greater mix of uses on site than is currently experienced and will also provide for a new landscaped park that will be of benefit to the wider community.

The development will help consolidate this part of the city, within the IFSC, as a vibrant economic, residential, cultural and amenity quarter of the city whilst also providing for a more sustainable building which will have benefits for the surrounding community.

4.1.4 CHAPTER 3 – CLIMATE ACTION

Section 3.5.2 It is vital that the current and future form of the built environment will respond, and be resilient to the impacts of climate change. As a result, there is a need for both new and existing development not only to mitigate against climate change, but also to adapt to such changes.

Another key mitigation measure in relation to the built environment is to ensure that proposals for substantial demolition and reconstruction works can be justified having regard to the 'embodied carbon' of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.

All applications for significant new developments, or for significant refurbishment projects, shall be required to submit a Climate Action Energy Statement as part of any overall design statement for a proposed development (see Chapter 15, Section 15.7 for further detail). This statement shall also provide outline information relating to the anticipated energy performance and CO2 emissions associated with the development as well as information outlining how the potential of district heating and other low carbon energy solutions have been considered in relation to the development.

A Heritage Significance & Adaptive Capacity Assessment has been prepared by Henry J Lyons Architects and was submitted at application stage which provides a justification for demolition as outlined in Section 4.1.4.1 below.

A Climate Action Energy Statement has been prepared by BPC Engineers and submitted with this application. The statement outlines the various mitigation measures that have been incorporated into the building's design to reduce its impact on the climate during the construction and operational phase. Please refer to this report for a detailed description of the measures incorporated.

In terms of renewables incorporated into the proposal, a series of renewable technologies have been assessed for this development. Not all of the technologies have been incorporated into the proposal, however, an Air Source (4-pip3e) Heat Pump (ASPH), Ground Source Heat Pump (GSHP) and Photovoltaics have been incorporated. Please see the Climate Action Energy Statement for further details.

In relation to embodied carbon, the Climate Action Energy Statement prepared preliminary embodied carbon and whole life carbon assessment for both the proposed new build and the refurbish and extend options. The assessment states the following:

"There is not a significant difference in whole life carbon emissions between the new build and the 'R&E' option. This is largely due to the fact that the R&E option still requires a significant amount of new structure to create the same floor area. Also, elements like the raised access flooring systems and the building façade still need to be replaced in the R&E option and these make up a significant portion of the overall embodied carbon. The results show that depending on the operational energy, the new building is only likely to have 3-8% additional carbon associated with it compared to the R&E option. It's also worth noting that the R&E option did not consider the additional structural columns, etc. that will be required at the lower floors to support the additional upper floors, because this information was not available at the time of the assessment. If these additional structural elements were considered in the R&E option, the difference in carbon between the new build and R&E options would reduce further."

4.1.4.1 Policy CA6 Retrofitting and Reuse of Existing Buildings

To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible. See Section 15.7.1 Re-use of Existing Buildings in Chapter 15 Development Standards.

A Heritage Significance & Adaptive Capacity Assessment has been prepared by Henry J Lyons Architects and submitted with this application. The document appropriately justifies the proposed demolition of the existing building. The document states the following in relation to the rationale for demolition:

“The layout, form, facilities, spatial typologies, services, environmental and technical design of the existing building would be considered not to fully comply with the current regulations and best practice guidance and is unsuitable to effectively support today’s work environment.

The design team undertook extensive modeling and wide-ranging studies. These include looking at operational life, tenant attractiveness and whole-life carbon, together with an assessment of the civic contribution.

The higher density that can be achieved in the new building facilitates a greater number of people working from the building, with access to public transport and increased bicycle parking facilities, combined with the removal of approximately 100 car spaces and introduction of a new landscaped park reduces the overall carbon footprint of the building.”

The document also includes a Buildability Assessment prepared by PJ Hegarty's. The report assesses the buildability of a New Build versus a Retain and Extend option. The assessment concludes the following:

“Having completed the assessment regarding the buildability of the proposed development and comparing the two options below, the conclusion is a preference for Option A.

A. The new build option which consists of full demolition of the existing 5-storey building on the site at present. The building is understood to be of reinforced concrete (RC) flat slab and concrete columns (there are some areas of precast beams and steelwork to be demolished also).

B. The 'retain and extend' option, which involves partial demolition of the existing buildings on the site, after which construct new cores and adding new structure/strengthening the existing structure to carry a vertical extension similar in the scale of the new build option.

- 1. Option A offers a safer approach to completing the project. The full demolition of the building provides for greater control of the work when compared to “cut-and-carve” projects.*
- 2. Environmental nuisances such as noise and dust, are much more likely to be controlled to the satisfaction of the neighbours on a full demolition site.*
- 3. There is more opportunity to re-use crushed concrete and avoid landfill due to the scale and speed of availability of waste concrete when compared with the slower processes of partial demolition.*
- 4. The absence of a secant pile wall around the perimeter of the existing basement presents a number of problems such as safety issues relating to uncertainty of performance of the existing structure once localised concrete cutting takes place for strengthening works and water ingress to the existing basement. This has environmental impacts due to the need for pumping, de-watering and wastewater treatment. The structural instability of the retained perimeter RC retaining walls once the RC Basement & Ground floor slabs have been demolished. This instability transfers into the retained RC frame overhead also being structurally unstable.*

5. *Structural performance of the composite slab and pad footings once localised slab is removed to allow for strengthening works. Deflection and other implications cannot be accurately predicted. Temporary works required to overcome this uncertainty will be hugely significant.*
6. *The need to demolish the Ground Floor slab entirely to enable piling rigs to install the new load-bearing piles. The retained RC columns and RC walls will then be free standing and spanning from Basement Level to 1st Floor Level – a height of 8.2 meters. Substantial temporary propping required to all retained columns and walls.*
7. *Logistics within a fully demolished building footprint can be managed to successfully meet the needs of the Local Authority and neighbours.”*

Please refer to this document for further justification for the proposed development.

4.1.4.2 Policy CA7 Energy Efficiency in Existing Buildings

To support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro-fitting of appropriate energy efficiency measures in the existing building stock, and to actively retrofit Dublin Council housing stock to a B2 Building Energy Rating (BER) in line with the Government’s Housing for All Plan retrofit targets for 2030.

The above policy relates to existing buildings as opposed to the proposed new build in this application, however, high levels of energy conservation, energy efficiency and the use of renewable energy sources have been incorporated into the proposed building. Please refer to the Climate Action Energy Statement for further details.

4.1.5 CHAPTER 4 – SHAPE AND STRUCTURE OF THE CITY

4.1.5.1 Policy SC1 Consolidation of the Inner City

To consolidate and enhance the inner city, promote compact growth and maximise opportunities provided by existing and proposed public transport by linking the critical mass of existing and emerging communities such as Docklands, Heuston Quarter, Grangegorman, Stoneybatter, Smithfield, the Liberties, the North East Inner City and the south and north Georgian cores with each other, and to other regeneration areas.

The proposed development will be located in close proximity to multiple public transport networks including key interchanges such as Connolly Station and Tara Street Station providing links to Dart, Luas and proposed MetroLink. The redevelopment of the subject site is therefore considered important allowing it to play a vital role in the long-term development of Dublin City as a compact city where public transport plays a major role, particularly in area such as the Docklands. The proposed development will act as a key destination for employment in the city, therefore, consolidating urban development in close proximity to key public transport interchanges which is considered to be compliant with the above policy.

4.1.5.2 Policy SC2 City’s Character

To develop the city’s character by:

- ***cherishing and enhancing Dublin’s renowned streets, civic spaces and squares;***
- ***developing a sustainable network of safe, clean, attractive streets, pedestrian routes and large pedestrian zones lanes and cycleways in order to make the city more coherent and navigable and creating further new streets as part of the public realm when the opportunities arise;***
- ***protecting the grain, scale and vitality of city streets and encouraging the development of appropriate and sustainable building heights to ensure efficient use of resources,***

services and public transport infrastructure and that protects the heritage and natural assets of the city;

- **revitalising the north and south Georgian squares and their environs and realising their residential potential;**
- **upgrading Dame Street/College Green as part of the Grand Civic Spine;**
- **promoting the development of Moore Street and the Parnell Quarter as major new cultural and historical attractions for the city.**

The proposed development will include the provision of a new landscaped park to the east of the building which will significantly increase the amenity on site which currently does not comprise any social areas for the surrounding community. The park will provide areas for people to socialise which does not currently exist on the site. The park will also improve permeability through the site by providing anew pedestrian connection between Clarion Quay and North Wall Quay, making the area more coherent and navigable. The development includes for significant improvements to the surrounding public realm.

The justification for the building height is provided in the separate document which addresses the building height criteria set out in Appendix 3 of the DCC Development Plan.

4.1.5.3 Policy SC6 Urban Design and Architectural Principles

To promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a climate resilient, quality, compact, well-connected city and to ensure Dublin is a healthy and attractive city to live, work, visit and study in.

The proposed development at 1 North Wall Quay will provide a significant new commercial building of high quality architecture adding to the emerging new profile of the Dublin City skyline. The provision of a viewing deck at 16th floor level will also provide a unique use to the building which will benefit the entire city. The carefully considered building form has evolved in response to its immediate context as well to its impact on the wider City. It will provide a significant building at a key location within the IFSC and close to two major public transport hubs and become a significant structure in the emerging cluster of tall buildings in Dublin City Centre's premier commercial district. The development will also provide for a new street and other significant public realm upgrades.

4.1.5.4 Section 4.5.4 – Landmark/Tall Buildings

The spatial approach to landmark/tall buildings in the city is in essence to protect the vast majority of the city as a predominantly low-rise city, including established residential areas and conservation areas within the historic core, while also recognising the potential and the need for taller landmark buildings to deliver more sustainable compact growth.

It is considered that landmark/tall buildings are most appropriately located in areas identified for large scale regeneration and redevelopment; that are well connected centres of employment; which have the capacity to create their own character and identity and where the existing character of the area would not be adversely impacted by the scale, mass and height of such tall building/s. Clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are likely to be achieved in a limited number of areas only.

In all cases, all proposals for enhanced scale and height, including landmark/tall buildings must respect their context and address the assessment criteria set out in Appendix 3, to ensure that such developments achieve high standards in relation to

design, sustainability, amenity, impacts on the receiving environment and the protection or framing of important views.

The assessment criteria set out in Appendix 3 has been addressed in a separate document which has been included with this appeal. This document outlines the reasons why the subject site is suitable for a landmark/tall building. Please refer to this document for further details.

4.1.5.5 Policy SC14 Building Height Strategy

To ensure a strategic approach to building height in the city that accords with The Urban Development and Building Height Guidelines for Planning Authorities (2018) and in particular, SPPR 1 to 4.

The Urban Development and Building Height Guidelines 2018 were addressed as part of the Planning report prepared by John Spain Associates and submitted at application stage. Please refer to this document for further details.

4.1.5.6 Policy SC15 Building Height Uses

To support the development of an adequate mix of uses in proposals for larger scale development which are increasing height or proposing a taller building in accordance with SPPR 2.

The proposed mixed-use development will provide for 3 no. internal arts/community/cultural spaces at various levels throughout the building as well as a retail/café/restaurant unit to the southeast corner at ground floor level and a new landscaped park. Office use will be provided from lower-ground to 15th floor level. The existing site comprises of a solely office development up 6 no. storeys. The proposal includes for retail/café/restaurant spaces as well as 3 no. internal arts/community/cultural spaces which will increase the number of uses on site. The proposed development will therefore significantly enhance the uses on site which is currently in a single use, and is underutilised given the site's location within the city centre and within walking distance of major public transport.

The retail/café/restaurant unit on the southeast corner will provide for greater activation fronting onto North Wall Quay and the new pedestrian street proposed to the east of the building. The office accommodation will provide for high-quality large floorplates which are not in high supply within the city centre. The proposed development will provide for greater consolidation of the workforce within Dublin and will help achieve the national policy objectives regarding compact growth within walking distance of major public transport nodes. The proposed development is considered to complement the existing uses in the surrounding area with tourist accommodation, residential accommodation and smaller-scale office units in the immediate surrounding area.

4.1.5.7 Policy SC16 Building Height Locations

To recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre, Strategic Development Zones, Strategic Development Regeneration Areas, Key Urban Villages and other locations as identified in Appendix 3, provided that proposals ensure a balance with the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.

A separate document has been prepared by John Spain Associates, in conjunction with Henry J Lyons Architects and City Designer, which addresses the performance-based criteria set out

in Table 3 and Table 4 of Appendix 3 of the DCC Development Plan. Please refer to this document for a justification on the provision of a landmark/tall building at this location.

It is noted that this objective recognises SDRAs as suitable for increased height and the subject site is located within SDRA 6 (Docklands).

4.1.5.8 Policy SC17 Building Height

To protect and enhance the skyline of the city, and to ensure that all proposals with enhanced scale and height:

- ***follow a design led approach;***
- ***include a masterplan for any site over 0.5ha (in accordance with the criteria for assessment set out in Appendix 3);***
- ***make a positive contribution to the urban character of the city and that responds positively to the existing or emerging context;***
- ***deliver vibrant and equitable neighbourhoods that are walkable, compact, green, accessible, mixed and balanced;***
- ***Do not affect the safety of aircraft operations at Dublin Airport (including craneage); and have regard to the performance-based criteria set out in Appendix 3.***

All new proposals in the inner city 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 and civic spaces of local and citywide importance.

The above policy refers to the performance-based criteria which is set out in Appendix 3 of the Development Plan. The criteria set out in both Table 3 and Table 4 of Appendix 3 have been addressed in a separate document which is included with this appeal. Please refer to this document for further details.

The response document prepared by City Designer states the following in response to the above policy:

“The proposed development will comply with the criteria for exceptional cases at Appendix 3 of the Development Plan by contributing to the legibility of this part of the Liffey Quays and making a positive contribution to the skyline, as well as complying with the performance criteria at Table 4. The proposed development will offer a unique landmark office building and a beneficial public realm and public access. The local area will be reinvigorated, increasing pedestrian legibility, and adding sense of place to this popular location in the city. While not a site allocated for a tall building, the exceptional architecture being proposed is justified under the provision in Table 4 of Appendix 4 of the Development Plan.”

4.1.5.9 Policy SC18 Landmark/Tall Buildings

To promote a co-ordinated approach to the provision of landmark/tall buildings through Local Area Plans, Strategic Development Zones and the Strategic Development and Regeneration Area principles, in order to prevent visual clutter or cumulative negative visual disruption of the skyline and that such proposals comply with the performance based criteria set out in Appendix 3.

A separate document has been prepared by John Spain Associates, in conjunction with Henry J Lyons Architects and City Designer, which addresses the performance-based criteria set out in Table 3 and Table 4 and the exceptional circumstances/criteria for landmark buildings of

Appendix 3 of the DCC Development Plan. Please refer to this document for a justification on the provision of a landmark/tall building at this location.

4.1.6 CHAPTER 6 – CTY ECONOMY AND ENTERPRISE

4.1.6.1 Policy CEE8: The City Centre

To support the development of a mix of office, retail, tourism related and cultural activities in the city centre and to facilitate the regeneration and development of key potential growth areas.

The proposed development provides for a mix of office, retail, tourism and cultural activities at a city centre location in close proximity to significant public transport connections. This is achieved through the regeneration of the subject site which currently provides solely for office use and is considered an underutilisation of the subject site.

4.1.6.2 Policy CEE9: The Docklands

To support the continued regeneration of the Docklands area and its development as a leading centre of people intensive high tech and services based business.

The proposed redevelopment of the subject site located within the Docklands will provide for a more people-intensive development in a highly accessible location than the existing building provides. The mix of uses proposed will also encourage more activity on the site at the weekends and into the evenings.

4.1.6.3 Policy CEE19: Regeneration Areas

To promote and facilitate the transformation of Strategic Development and Regeneration Areas (SDRAs) in the city, as a key policy priority and opportunity to improve the attractiveness and competitiveness of the city, including by promoting high-quality private and public investment and by seeking European Union funding to support regeneration initiatives, for the benefit of residents, employees and visitors.

The subject site is located within SDRA 6 of the Development Plan and therefore the Development Plan promotes and facilitates the transformation for development. The proposed development will provide for an increased choice of high-quality commercial floorspace within the city centre within a high-quality designed building in an appropriate location in the city centre. It will be key to attracting multinational companies setting up their headquarters here as numerous companies have done so already. The proposed development will provide for large footplate offices within the IFSC and will encourage the further regeneration of the city centre.

4.1.6.4 Policy CEE21: Supply of Commercial Space and Redevelopment of Office Stock

- (i) To promote and facilitate the supply of commercial space, where appropriate, including larger office floorplates suitable for indigenous and FDI HQ-type uses.***
- (ii) To consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.***

The proposed development will provide for an increased choice of high-quality commercial floorspace within the city centre within a high-quality designed building in an appropriate location in the city centre. It will be key to attracting multinational companies setting up their headquarters here as numerous companies have done so already. The proposed development will provide for large footplate offices within the IFSC and will encourage the further regeneration of the city centre.

4.1.7 CHAPTER 7 – THE CITY CENTRE, URBAN VILLAGES AND RETAIL

4.1.7.1 Policy CCUV35: Night Time Economy

To support and facilitate evening / night time economy uses that contribute to the vitality of the city centre and that support the creation of a safe, balanced and socially inclusive evening / night time economy.

The existing development provides for a mono-use with solely office meaning that the site is relatively inactive in the evenings and on weekends. The proposed development will provide for cultural and retail uses which will provide encourage activity on the site into the evening and on weekends therefore supporting the evening / night time economy and contribute to the vibrancy of the city centre as sought by the Z5 zoning objective.

4.1.7.2 Policy CCUV36: New Development

To support uses that would result in the diversification of the evening and night time economy where there is little impact on the amenity of adjoining or adjacent residential uses through noise disturbance and where there are no negative cumulative impacts in terms of other night-time economy uses in the area.

The evening uses which may be generated from the proposed arts/cultural/community uses are not considered to have a significant impact on the amenity of adjoining or adjacent residential properties.

4.1.7.3 Policy CCUV42 Public Realm – City Centre

To move to a low traffic environment generally and to increase the amount of traffic free spaces provided in the city centre over the lifetime of the Plan as well as create new high quality public realm areas where possible taking into account the objective to enhance access to and within the city centre by public transport, walking and cycling.

The proposed development will include the provision of a new landscaped park to the east of the building which will significantly increase the amenity on site which currently does not comprise any social areas for the surrounding community. The park will provide areas for people to socialise which does not currently exist on the site. The park will also improve permeability through the site by providing anew pedestrian connection between Clarion Quay and North Wall Quay, making the area more coherent and navigable. The development includes for significant improvements to the surrounding public realm.

The development takes advantage of its location in close proximity to multiple public transport connections by providing minimal car parking and encouraging more sustainable modes of transport.

4.1.7.4 Policy CCUV44 New Development

That development proposals should deliver a high quality public realm which is well designed, clutter-free, with use of high quality and durable materials and green infrastructure. New development should create linkages and connections and improve accessibility.

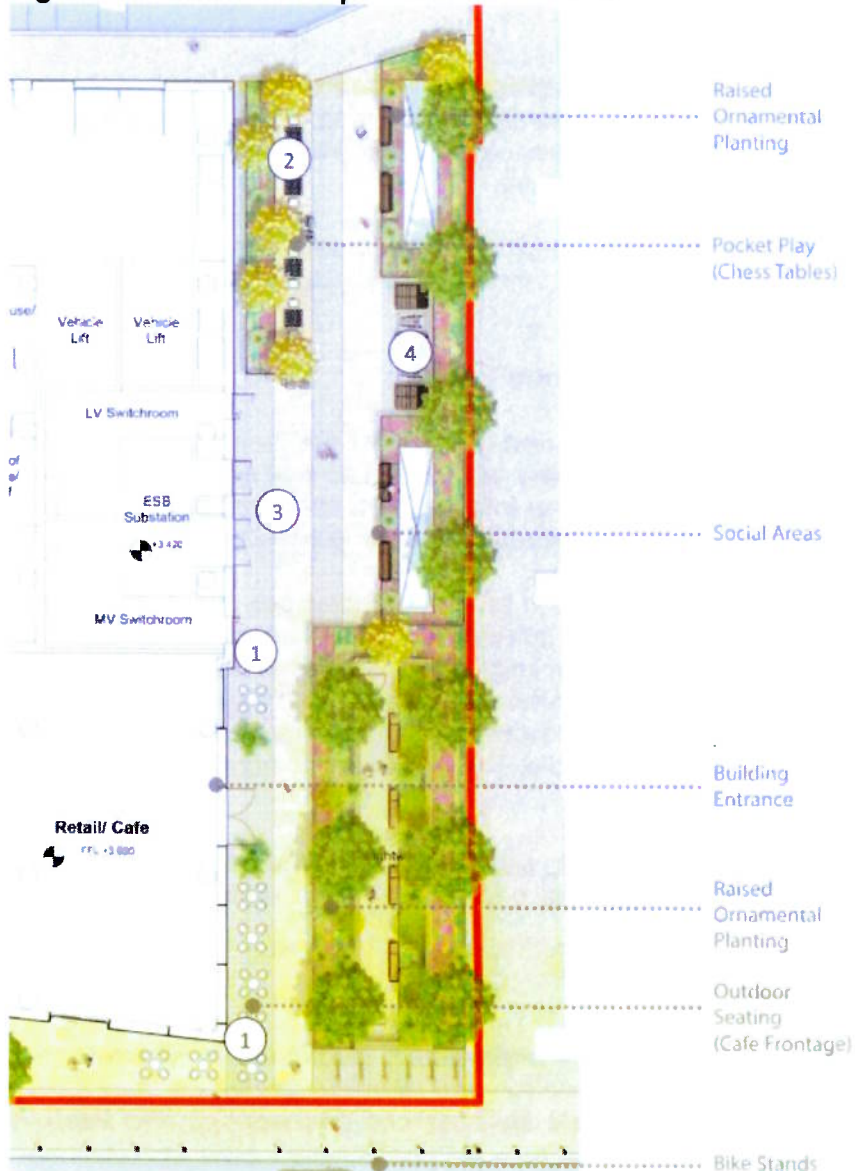
A new landscaped street is proposed to the east of the building which will connect North Wall Quay with Clarion Quay. The provision of the new street will require the fill and cover of existing ramp access to the basement below the building. A new access to the basement will be provided

from Clarion Quay via vehicle lifts. The existing street is blocked from the south by unmanaged planting.

The street will be for pedestrians/cyclists only and will include outdoor seating in addition to those available for the proposed retail/café/restaurant unit. The landscaped street will also include ornamental planting, pocket play areas (chess tables), social areas, and ornamental planting. There will also be a number of bike stands along the footpath to the south.

The key route flows through the space, connecting the north to the south of the development. This major axis through the space links the scheme with the wider site area, and provides the public with a high quality pedestrian route. The public pocket park provides residents with a semi natural environment in which they can play, socialise and/or relax in. It is considered that the new space will be significant addition to the local community.

Figure 4.1: New Landscaped Park to the East



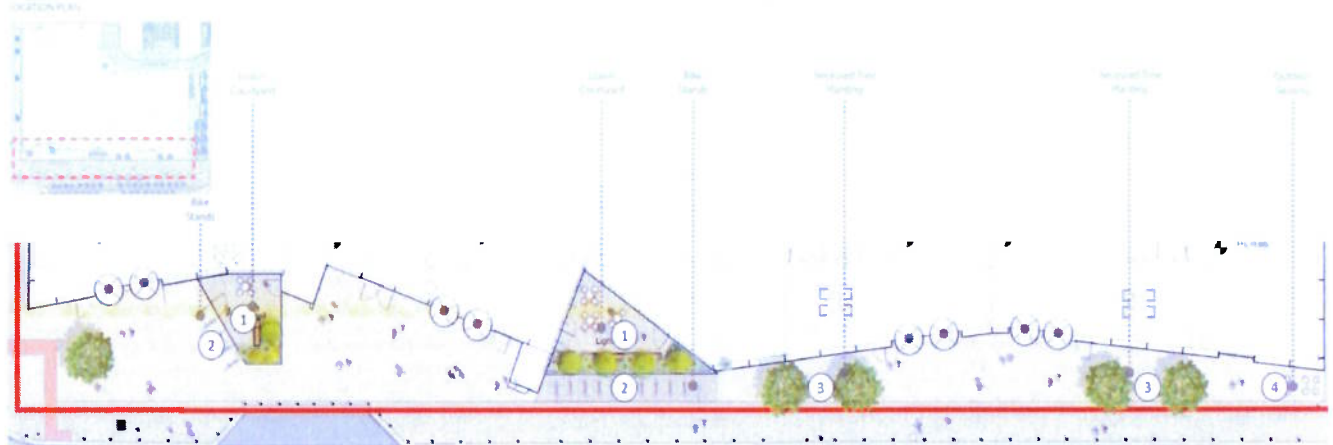
Source: Cameo & Partners

In addition to the new landscaped street to the east of the building, the following public realm upgrades are proposed at ground floor level surrounding the building. Proposals to the public

realm which fronts onto North Wall Quay include 2 no. lowered courtyards which will be accessed from within the building at lower ground floor level, recessed tree planting, bicycle stands and additional seating for the retail/café/restaurant unit.

Please refer to the Landscape Design Statement prepared by Cameo & Partners for further details on landscape proposals.

Figure 4.2: Public Realm Upgrades along North Wall Quay



Source: Cameo & Partners

4.1.8 CHAPTER 11 – BUILT HERITAGE AND ARCHAEOLOGY

4.1.8.1 Policy BHA9: Conservation Areas

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.**
- 2. Re-instatement of missing architectural detail or important features.**
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.**
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.**
- 5. The repair and retention of shop and pub fronts of architectural interest.**
- 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.**
- 7. The return of buildings to residential use.**

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.

The surrounding IFSC and North Lotts area has undergone significant redevelopment and regeneration over recent years. The existing building on site was constructed prior to the majority of the surrounding redevelopment which has taken place. It is considered that the redevelopment of the site will be a significant improvement on the existing building which currently provides solely for office accommodation. The proposal will incorporate a mix of uses such as office, arts/community/cultural uses and retail/café/restaurant use. The high-density development is being provided within walking distance of high-quality, high-capacity public transport which is in accordance with national and regional policy guidance. It is considered that the proposed development will provide significant improvements to the surrounding, particularly through the provision of a significant new public amenity in the 'Liffey Experience' interactive public gallery and a viewing deck at 16th floor level.

The HTLVIA is included as Appendix 3 of the EIAR and states the following:

"The proposed development is located partly within the Development Plan's Conservation Area. The improvements to the public realm and high quality of the architecture would enhance the significance of the Conservation Area at this point of the quays by providing a more appropriate scale and larger public spaces. The proposed development would form part of the wider setting of O'Connell Street Architectural Conservation Area (ACA), from where the ACA meets the River Liffey at the O'Connell Bridge, without dominating it. It would not adversely affect views from O'Connell Street ACA."

4.1.9 CHAPTER 12 – CULTURE

4.1.9.1 Policy CU2 Cultural Infrastructure

To ensure the continued development of Dublin as a culturally vibrant, creative and diverse city with a broad range of cultural activities provided throughout the city, underpinned by quality cultural infrastructure.

The proposed development provides for cultural facilities ground and lower ground floor level which will cater for The Gaiety School of Acting as well as the 'Liffey Experience' at 16th floor level and landscaped park to the east at ground floor level. It is considered that the variety of cultural uses proposed will add to the broad range of cultural activities provided throughout the city.

4.1.9.2 Policy CU4 Cultural Resources

To support the development of new and expanded cultural resources and facilities within the city that enrich the lives of citizens and visitors, provide new opportunities for engagement and celebrate aspects of our history and culture.

The cultural facilities provided are described in detail in Section 4.1.9.6. It is considered that the facilities provided will be of significant benefit to the local community as well as the city as a whole.

4.1.9.3 Policy CU11 Cultural Facilities within Docklands

Support and encourage the growth of cultural facilities within Docklands to include the Poolbeg Peninsula, at community and citywide scale, to enrich the area, generate activity and economic benefits and celebrate the maritime heritage of the Docklands area.

The proposed use of the internal space at 16th floor level is an interactive gallery housing a permanent exhibition entitled 'Liffey Experience' featuring educational and informative content on the history and evolution of the city's primary watercourse, the River Liffey. The external

space will be a landscaped viewing terrace providing 180 degree uninterrupted views across the east, south and west of Dublin.

4.1.9.4 Policy CU12 Cultural Spaces and Facilities

To grow the range of cultural spaces and facilities in tandem with all new developments and across existing developments such as in basement or rooftop spaces where suitable to meet the needs of an increased population within the city.

The proposed development provides for arts/cultural/community uses at lower ground and ground floor level as well at 16th floor level. These spaces have been developed as part of the overall design process.

4.1.9.5 Policy CU15 Cultural Uses in the Design and Uses of Side Streets

To encourage the rejuvenation of quieter urban streets by the inclusion of cultural uses both in the design and uses of side streets.

It is proposed to provide an external arts/community/cultural space in the form of a new landscaped park to the east of the building which will connect North Wall Quay with Clarion Quay. The external space accounts for 23% of the total arts/community/cultural uses proposed as part of the development which is considered acceptable and provides a good variety of uses throughout the site.

The provision of the new landscaped park will require the fill and cover of existing ramp access to the existing basement below the building. A new access to the basement will be provided from Clarion Quay via vehicle lifts. The existing street is blocked from the south by unmanaged planting.

The landscaped park will be for pedestrians only and will include outdoor seating in addition to those available for the proposed retail/café/restaurant unit. The landscaped park will also include ornamental planting, pocket play areas (chess tables), social areas, and ornamental planting. There will also be a number of bike stands along the footpath to the south. It will also provide a new pedestrian link from North Wall Quay to Clarion Quay increasing permeability in the area.

The key route flows through the space, connecting the north to the south of the development. This major axis through the space links the scheme with the wider site area, and provides the public with a high quality pedestrian route. The public pocket park provides residents with a semi natural environment in which they can play, socialise and/or relax in. It is considered that the new space will be significant addition to the local community.

4.1.9.6 Objective CUO25 SDRAs and large Scale Developments

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need. *Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.

It is proposed to provide 1 no. cultural space to the rear of the building located across ground and lower-ground floor. It is proposed that this space will be occupied by the Gaiety School of Acting. This space will be accessed from a dedicated doorway from the existing laneway to the north of the building which provides a pedestrian connection between Commons Street and Alderman Way. A lightwell is provided to the west of the unit fronting Commons Street which will allow light access into the lower-ground floor area of the space.

There is an additional arts/community/cultural space located at 1st floor level. This space will be used as part the 'Liffey Experience' which includes the viewing deck detailed below. The section of the 'Liffey Experience' at 1st floor level will comprise a publicly accessible interactive gallery. Lifts leading to the 16th floor viewing deck are also accessed from this floor. This space is accessed via a ground floor entrance from North Wall Quay with stairs and a lift leading to the 1st floor space. A double height space is provided above the entrance to the space with light accessing the space at 1st floor level through the shared atrium.

The third internal arts/community/cultural space is located at 16th floor level (17th storey) and will include a viewing deck. The viewing deck will include an external landscaped terrace which will provide panoramic views over the River Liffey and South Dublin City towards the Wicklow Mountains. The viewing deck will be accessed by the stair and lift core located within Block B.

The proposed use of the internal space at 16th floor level is an interactive gallery housing a permanent exhibition entitled 'Liffey Experience' featuring educational and informative content on the history and evolution of the city's primary watercourse, the River Liffey. The external space will be a landscaped viewing terrace providing 180 degree uninterrupted views across the east, south and west of Dublin.

It is also proposed to provide an external arts/community/cultural space within the new street proposed to the east of the building which will connect North Wall Quay with Clarion Quay. The arts/community/cultural uses will include pocket play areas such as chess tables, sun loungers and outdoor seating including . This new street is described in greater detail in Section 4.3 below and the Landscape Design Report prepared by Cameo + Associates.

The external space accounts for 23% of the total arts/community/cultural uses proposed as part of the development which is considered acceptable and provides a good variety of uses throughout the site.

4.1.10 CHAPTER 15 – DEVELOPMENT STANDARDS

4.1.10.1 15.4.3 Sustainability and Climate Action

Good design has a key role to play in both reducing waste and emissions which contribute to climate change. These issues must be considered from the outset of the design process. Development proposals will be expected to minimise energy use and emissions that contribute to climate change during the lifecycle of the development with an aspiration towards zero carbon, and ensure the reduction, re-use or recycling of resources and materials, including water, waste and aggregates. To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new build.

A Climate Action Energy Statement has been prepared by BPC Engineers and submitted with this application. The statement outlines the various mitigation measures that have been incorporated into the building's design to reduce its impact on the climate during the construction and operational phase. Please refer to this report for a detailed description of the measures incorporated.

In terms of renewables incorporated into the proposal, a series of renewable technologies have been assessed for this development. Not all of the technologies have been incorporated into the proposal, however, an Air Source (4-pip3e) Heat Pump (ASPH), Ground Source Heat Pump (GSHP) and Photovoltaics have been incorporated. Please see the Climate Action Energy Statement for further details.

In relation to embodied carbon, the Climate Action Energy Statement prepared preliminary embodied carbon and whole life carbon assessment for both the proposed new build and the refurbish and extend options. The assessment states the following:

“There is not a significant difference in whole life carbon emissions between the new build and the ‘R&E’ option. This is largely due to the fact that the R&E option still requires a significant amount of new structure to create the same floor area. Also, elements like the raised access flooring systems and the building façade still need to be replaced in the R&E option and these make up a significant portion of the overall embodied carbon. The results show that depending on the operational energy, the new building is only likely to have 3-8% additional carbon associated with it compared to the R&E option. It’s also worth noting that the R&E option did not consider the additional structural columns, etc. that will be required at the lower floors to support the additional upper floors, because this information was not available at the time of the assessment. If these additional structural elements were considered in the R&E option, the difference in carbon between the new build and R&E options would reduce further.”

The HTLVIA states the following:

“The proposed development will represent an example of ‘best practice’ relating to sustainable design and green credentials. The high-quality design of the building includes this factor as an essential element. The environmental consequences of demolishing the existing building have also been taken into account.”

4.1.10.2 15.5 Site Characteristics and Design Parameters

Development proposals should make the most efficient use of land by delivering an optimum density and scale of development for the site having regard to its location within the city.

Certain areas of the city, such as those located adjacent to high quality public transport will lend themselves to a more intensive form of development. Similarly, brownfield and infill sites can also achieve greater densities subject to the location and proximity to other services. Appendix 3 of the plan sets out guidance regarding density and building height in the city in order to achieve sustainable compact growth.

In considering the appropriateness of a development at a city scale, applicants should demonstrate that the scheme proposed has adopted an appropriate approach to urban intensification broadly consistent with its location.

The proposed development is located in an area with high quality and high capacity public transport as set out and therefore the site is capable of accommodating a high density development in this respect.

The proposed development provides for a site coverage of 73.4% which is within the indicative range outlined in the Development Plan for central areas.

The scheme design has been informed by a contextual analysis and has been justified in the context of the provisions of Appendix 3 of the Development Plan.

4.1.10.3 15.5.4 Height

Appendix 3 identifies the height strategy for the city and the criteria in which all higher buildings should be assessed.

A separate document has been prepared by John Spain Associates, in conjunction with Henry J Lyons Architects and City Designer, which addresses the performance-based criteria set out in Table 3 and Table 4 of Appendix 3 of the DCC Development Plan. Please refer to this document for a justification on the provision of a landmark/tall building at this location.

4.1.10.4 15.5.5 Density

Dublin City Council will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the Section 28 Guidelines which seek to consolidate development within existing urban areas. Higher density development allows land to be used more efficiently, assists in regeneration and minimises urban expansion. Higher densities maintain the vitality and viability of local services and provide for the critical mass for successful functionality of public transport facilities.

New development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity. An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods.

All proposals for higher densities must demonstrate how the proposal contributes to placemaking and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. Refer to Appendix 3 for further details.

The proposed development provides for a building of increased density compared with the existing, as well as providing a greater mix of uses. The increased density is considered appropriate in the context of the public transport connections available within walking distance of the site, such as Dart, Luas and proposed MetroLink. Arts/cultural/communities have been provided both internally and externally across various floors in the development.

A separate document has been prepared by John Spain Associates, in conjunction with Henry J Lyons Architects and City Designer, which addresses the performance-based criteria set out in Table 3 and Table 4 of Appendix 3 of the DCC Development Plan. Please refer to this document for a justification on the provision of a landmark/tall building at this location.

4.1.10.5 15.7.1 Re-use of Existing Buildings

Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7. Where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.

Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed.

A Heritage Significance & Adaptive Capacity Assessment has been prepared by Henry J Lyons Architects and submitted with this application. The document appropriately justifies the proposed demolition of the existing building. The document states the following in relation to the rationale for demolition:

“The layout, form, facilities, spatial typologies, services, environmental and technical design of the existing building would be considered not to fully comply with the current regulations and best practice guidance and is unsuitable to effectively support today’s work environment.

The design team undertook extensive modeling and wide-ranging studies. These include looking at operational life, tenant attractiveness and whole-life carbon, together with an assessment of the civic contribution.

The higher density that can be achieved in the new building facilitates a greater number of people working from the building, with access to public transport and increased bicycle parking facilities, combined with the removal of approximately 100 car spaces and introduction of a new landscaped park reduces the overall carbon footprint of the building.”

The document also includes a Buildability Assessment prepared by PJ Hegarty’s. The report assesses the buildability of a New Build versus a Retain and Extend option. The assessment concludes the following:

“Having completed the assessment regarding the buildability of the proposed development and comparing the two options below, the conclusion is a preference for Option A.

A. The new build option which consists of full demolition of the existing 5-storey building on the site at present. The building is understood to be of reinforced concrete (RC) flat slab and concrete columns (there are some areas of precast beams and steelwork to be demolished also).

B. The ‘retain and extend’ option, which involves partial demolition of the existing buildings on the site, after which construct new cores and adding new structure/strengthening the existing structure to carry a vertical extension similar in the scale of the new build option.

- 1. Option A offers a safer approach to completing the project. The full demolition of the building provides for greater control of the work when compared to “cut-and-carve” projects.*
- 2. Environmental nuisances such as noise and dust, are much more likely to be controlled to the satisfaction of the neighbours on a full demolition site.*
- 3. There is more opportunity to re-use crushed concrete and avoid landfill due to the scale and speed of availability of waste concrete when compared with the slower processes of partial demolition.*
- 4. The absence of a secant pile wall around the perimeter of the existing basement presents a number of problems such as safety issues relating to uncertainty of performance of the existing structure once localised concrete cutting takes place for strengthening works and water ingress to the existing basement. This has environmental impacts due to the need for pumping, dewatering and wastewater treatment. The structural instability of the retained perimeter RC retaining walls once the RC Basement & Ground floor slabs have been demolished. This instability transfers into the retained RC frame overhead also being structurally unstable.*
- 5. Structural performance of the composite slab and pad footings once localised slab is removed to allow for strengthening works. Deflection and other implications cannot be accurately predicted. Temporary works required to overcome this uncertainty will be hugely significant.*

6. *The need to demolish the Ground Floor slab entirely to enable piling rigs to install the new load-bearing piles. The retained RC columns and RC walls will then be free standing and spanning from Basement Level to 1st Floor Level – a height of 8.2 meters. Substantial temporary propping required to all retained columns and walls.*
7. *Logistics within a fully demolished building footprint can be managed to successfully meet the needs of the Local Authority and neighbours.”*

Please refer to this document for further justification for the proposed development.

4.1.10.6 15.14.4 Office

The provision of office accommodation will be supported in appropriate areas of the city. Regard will be had to the scale of such development depending on location. All office proposals shall be accompanied by an architectural design statement which details the internal building design and layout to ensure a high standard of amenity for future employees, in relation to noise impact, daylight and sunlight, ventilation, etc. Applications for large scale office development should demonstrate how the proposal interacts with the public realm at street level to provide for active frontage and a high level of animation.

Large scale office schemes, in excess of 5,000 sq. m., will be required to provide for an element of high quality, public open space or contribute to the public realm of the area through landscaped features such as roof terraces, courtyard gardens and enhanced amenity at street level. For schemes less than 5,000 sq. m, a high quality environment should be provided where feasible through measures such as landscaping and public realm enhancements. Such proposals should be accompanied by a landscape design report in this regard which demonstrates how the proposals contribute to the natural and built environment. As part of the Architectural Design Statement for larger office schemes, an assessment should be provided as to how the development would impact on other buildings in close proximity.

An Architectural Design Statement has been prepared by Henry J Lyons Architects and submitted with the application. Please refer to this document for further details.

In respect of contributing to the public realm, as already detailed, a new landscaped park is provided to the east of the building, which will be accessible to the public. Additionally external, landscaped terraces and winter gardens are provided across various levels within the building. A Landscape Design Statement was prepared by Cameo + Partners and submitted with the application.

4.1.10.7 15.15.2.2 Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city.

All planning applications for development in Conservation Areas shall:

- ***Respect the existing setting and character of the surrounding area.***
- ***Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.***
- ***Protect the amenities of the surrounding properties and spaces.***

- ***Provide for an assessment of the visual impact of the development in the surrounding context.***
- ***Ensure materials and finishes are in keeping with the existing built environment.***
- ***Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.***

As stated in responses to Policy BHA9 in the Cover Letter prepared by John Spain Associates, the surrounding IFSC and North Lotts area has undergone significant redevelopment and regeneration over recent years. The existing building on site was constructed prior to the majority of the surrounding redevelopment which has taken place. It is considered that the proposed redevelopment of the existing building would be in keeping with similar redevelopment which has taken place in the surrounding area in recent years.

A Visual Impact Assessment has been provided by City Designer at application stage and includes in the HTLVIA. The assessment examines a significant number of key views and vistas around the city. The City Designer response document states that *“the key views mentioned are not likely to be significantly impacted other than by the addition of a high-quality prominent building which is intended to invite public participation at the top of the highest part.”*

The material and finishes used on the proposed development are described in the DCC Planner’s Report as follows:

“The Planning Authority consider the finishes and materials to be of a relatively high standard and the interaction of the building at streetlevel with its angular form and ‘movement’ will provide visual interest along the quayside.”

There are no historic trees removed as part of the proposed development.

In response to the Section 15.15.2.2 of the Development Plan, the City Designer response document states that *“due to the emerging townscape of larger scale buildings both inside and outside the Conservation Area, the proposed development would provide a more coherent context for the protected structures in the proximity of the site at North Wall Quay.”* The response document also states that *“the assessments show that the proposed development creates moderate and positive effects to the River Liffey and Quays character area.”* The response document also highlights the below extract from the HTLVIA:

“The sensitivity of this character area, as a combination of its value and susceptibility to change, is medium, the development site being adjacent to a part of the character area that has undergone significant change in recent years. The proposed development would be a high-quality and elegant addition to North Wall Quay that would feature in views from the River Liffey corridor, its bridges and quays. It has been conscious intention of the design team to produce a design which enhances the character of the Liffey Quays and it is considered that this has been successful. The proposed development’s articulation of the plan to the south onto the river enhances the public realm. In relation to the character area as a whole, the magnitude of change is deemed to be medium. The likely effect of the proposed development on the character area is considered, therefore, to be moderate and positive.”

4.1.11 APPENDICES

Appendix 3.0 Understanding Height and Density – the Strategic Approach

A separate document has been prepared by John Spain Associates, in conjunction with Henry J Lyons Architects and City Designer, which addresses the performance-based criteria set out in Table 3 and Table 4 of Appendix 3 of the DCC Development Plan. Please refer to this document for a justification on the provision of a landmark/tall building at this location.

Appendix 16 – Sunlight and Daylight

A Sunlight, Daylight and Overshadowing Assessment has been prepared by BPC Engineers and was submitted at application stage. An additional assessment has been prepared by BPC Engineers and is submitted with this 1st party appeal.

APPENDIX 4: 1ST PARTY APPEAL SUBMISSION PREPARED BY HENRY J LYONS ARCHITECTS.

CG

**APPENDIX 5: ARCHITECTURAL DRAWINGS, SCHEDULES AND DOCUMENT REGISTER
TO ACCOMPANY 1ST PARTY APPEAL PREPARED BY HENRY J LYONS ARCHITECTS**

OG

**APPENDIX 6: RESPONSE TO NOTIFICATION OF DECISION TO REFUSE PERMISSION
PREPARED BY CITY DESIGNER**



CITYDESIGNER

I NORTH WALL QUAY
RESPONSE TO NOTIFICATION OF DECISION TO REFUSE PERMISSION
NWQ DEVCO LTD

MAY 2024

THIS PAGE IS INTENTIONALLY LEFT BLANK

CONTENTS

1.0 Author's Qualifications..... 1

2.0 Introduction..... 3

3.0 Planning Policy 3

4.0 Visual Impact..... 9

5.0 Architects' Additional Information 11

Appendix 1 – Author's Qualifications – Images of projects in Ireland..... 12

Appendix 2 – Key Proposed Views Extracted from HTLVIA 19

THIS PAGE IS INTENTIONALLY LEFT BLANK

1.0 Author's Qualifications

| | | |
|---|---|--|
| <p>1.1 Citydesigner was the first bespoke consultant for integrated townscape and heritage advice serving major projects in the UK and Ireland and the first to put design quality uppermost in its aim to help development achieve an optimum sensitivity to historic environments. It was founded as Richard Coleman Consultancy in 1997 following Richard's 13 years of running the Royal Fine Art Commission, then the only design review panel in England. He and his team are mostly qualified architects so that design collaboration with the appointed architects forms an important part of the role. The consultancy has become an industry leader and over its 27 years has trained many of those now running subsequent competitor townscape and heritage practices.</p> | | <p>1.6 which achieves a balance between conservation, alteration and redevelopment.</p> <p>Citydesigner was first engaged in Irish work in 2007, when it offered design and heritage advice on Foster + Partners proposed redevelopment of Dublin's Clarence Hotel. Since this time and up to the present day, Citydesigner's skills and expertise have been sought on an ever increasing number of Irish schemes, and we have worked for some of Ireland's most prominent developers, and in doing so, have collaborated with many of the country's best architects and designers. We have also offered professional advice and guidance to local authorities in Ireland faced with planning applications for large-scale development proposals in sensitive locations.</p> |
| <p>1.2 Citydesigner provides significance assessments for heritage buildings and areas of all sizes, as well as their settings, from locally listed parks to world heritage sites. It is an expert on townscape landscape and heritage Environmental Impact Assessments and knows how to interpret the rules concerning significant effects, adverse and beneficial effects, and the sensitivities and susceptibilities of human and built receptors.</p> | <p>1.4 I was appointed by the UK Deputy Prime Minister's Office in 2002 to be part of a working group tasked with rewriting the current policy embodies a number of refinements I introduced at that time, concerning contribution/enhancement/harm all categorised on a scale. I was also appointed together with Miller Hare in 2005 by the London Mayor Livingstone to contribute to the draft for the 2006 consultation on the London View Management Framework (LVMF), for the management of views across London as outlined in Section 4 of the then London Plan.</p> | <p>Schemes include;</p> <ul style="list-style-type: none"> • Clarence Hotel, Dublin (2007) • Liberty Hall, Dublin (2011) • National Paediatric Hospital, Dublin (2011) • ESB Fitzwilliam Street HQ, Dublin (2014) • Fitzwilton House, Dublin (2016) • 74-75 Baggot Street, Dublin (2017) • AIB, Dublin (2017) • Spencer Place, Dublin (2017) • Tara Street, Dublin (2017) • Wilton Plaza, Dublin (2018) |
| <p>1.3 As principal of the practice, I am an architect, and heritage expert. My early career was as assistant architect on works to Windsor Castle and Hampton Court Palace. Prior to setting up Citydesigner in 1997, in my role as Deputy Secretary of the Royal Fine Art Commission (precursor of CABE) for 13 years I developed unique skills in architecture, urban design and conservation, giving me the ability to provide objective and informed judgments on</p> | <p>1.5 The consultancy has been commissioned to prepare several independent heritage significance assessments for post-war buildings in both Cork and Dublin. Our involvement in such projects has grown as post-war architecture gains more interest from heritage, planning and design practitioners, as well as the wider public, resulting in a greater desire to see the best examples protected. Through our independent heritage significance assessments, we bring a balanced, well-considered and authoritative voice to the discussion, which seeks to ensure that the significant elements of the very best post-war buildings are preserved, while in the case of less worthy examples of post-war architecture, a pragmatic approach is adopted,</p> | |

- Albert Quay, Cork (2019)
- Kevin Street, Dublin (2020)
- Advice to Galway City Council (2020)
- Albert Quay, Dublin (2021)
- Treasury Building Annex, Dublin (2021)
- Mater Hospital Extension, Dublin (2021)
- Project Waterfront (offices), Dublin (2021)
- Irish Distillers Bottling Plant, Cork (2021)
- 25-28 North Wall Quay, Dublin (2021)
- Carrisbrook House, Dublin (2021)
- Raidió Teilifís Éireann (RTÉ), Dublin (2022)
- Stephen Court, Dublin (2022)

1.7 I have held a number of honorary advisory roles at organisations including: The Architecture Club, Built Environment Media Ltd and Brighton West Pier Trust. I have advised two Surveyors of the Fabric of St Paul's Cathedral and CABE, the latter as design panel member for London and Oxford. I have lectured in the UK, Europe, the USA and the Philippines. I co-founded World Architecture News, the first internet only architectural journal.

| 2.0 Introduction | 3.0 Planning Policy | |
|--|--|---|
| <p>2.1 Citydesigner is disappointed to know that the Dublin City Council has issued a refusal notice on 17th April 2024 in regard to the planning application recently lodged.</p> | <p>3.1 The second reason in the Notification of Decision to Refuse Permission states that:</p> <p><i>"2. The proposed development would constitute an overly dominant form causing serious injury to the visual amenities of the Liffey Quays; a (red hatched) Conservation Area. The proposed development would contravene Policy BHA9, Policy SC17, Section 15.2.2.2 and Appendix 3 Section 6.0 Guidelines for Higher Buildings in Areas of Historic Sensitivity of the Dublin City Development Plan 2022-2028, adversely impacting key views and vistas along the river corridor and the amenities of properties in the vicinity. The proposed development would therefore be contrary to the Z5 zoning objective and to the proper planning and sustainable development of the conservation area."</i></p> | <p>its character and be an opportunity to enhance the character and appearance of the Conservation Area and its setting. One of the enhancement opportunities identified by this policy is <i>"Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area"</i>.</p> |
| <p>2.2 Citydesigner is a team of experienced professionals from the areas of architecture, urban design and heritage. The consultancy was appointed by NMQ Devco Limited to assess both the existing building, the scheme and its effects on townscape and heritage. This took place during the design process following which we were asked to prepare the 'Environment Impact Assessment Report Volume III: Heritage, Townscape, Landscape And Visual Impact Assessment' (HTLVIA) as part of the planning application.</p> | <p>3.5</p> | <p>In chapter 9.0 of the HTLVIA, heritage assets in the immediate surroundings and in the wider setting have been assessed in relation to the proposed development. The assessments show that the prominence of the proposed development creates no adverse effects to the significance or settings of the nearby protected structures and Conservation Areas (see paragraphs 9.6-9.10 of the HTLVIA). In fact, the proposed development would enhance the significance of the River Liffey corridor of the conservation area owing to its exceptional design quality and special position in a transitional river setting from the ancient quays to the 'modern' docks. The proposed development has been appropriately designed in relation to its riverside setting without harming the character of the quays or the protected structures along them.</p> |
| <p>2.3 The Notification of Decision to Refuse Permission of the 17th April 2024 states 3 main reasons for refusal. The second reason relates to overdevelopment, impact on the Liffey Quays and being contrary to the Z5 zoning.</p> | <p>3.2</p> | |
| <p>2.4 This document responds to the concerns raised in the second reason for refusal, the relevant townscape and heritage policies identified in it and the concerns relating to commentary on certain views assessed in the HTLVIA and referred to in the Planner's Report of the 17th April. This response draws from assessments made in the HTLVIA dated February 2024.</p> | <p>3.3</p> | <p>3.6</p> |
| <p>3.4</p> | <p>The following paragraphs refer to each policy listed in the refusal note, and refer to the HTLVIA chapters which provide appropriate assessments.</p> | <p>Policy BHA9 – Conservation Areas</p> <p>Policy BHA9 is set out in 'Chapter 11: Built Heritage and Archaeology' of the Development Plan 2022-2028. It seeks to protect the special interest and character of all of Dublin's Conservation Areas represented by red hatching on the zoning maps. It is mentioned that development within or affecting a Conservation Area must contribute positively to</p> |
| | | <p>To clarify, paragraph 9.9 of the HTLVIA stated: "The development site at a point of change where the river widens and becomes formal with parallel quays. The transition is from the ancient quays to the 'modern' docks. The tight urban grain of the quays is replaced by a more appropriate scale and larger public spaces. The new building will provide a stronger, more coherent context for the protected structures that stand within the vicinity of the site along North Wall Quay and will become part of the emerging townscape of larger scale buildings both inside and outside the Conservation</p> |

Area." It concludes the proposed development would therefore **enhance** the character of the conservation area and, therefore, **its significance** at this point of the quays.

3.7 The conservation area north boundary along the quays includes the front bays of the 20th century buildings across and at either side of the development site. The proposed undulating plan of the south edge of the development improves the public realm of the quays, makes a more active frontage and enhances the character by making the single existing building four distinctive elements of architecture.

Policy SC17 – Building Height

3.8 Policy SC17 is set out in 'Chapter 4: Shape and Structure of the City' of the Development Plan 2022-2028. It seeks to protect and enhance the skyline of the inner city and ensure that all proposals for tall buildings follow a design led approach and make a positive contribution to the urban character of the city.

3.9 Policy SC17 refers to guidance in Appendix 3 of the Development Plan which outlines the development standards required by emerging development. These design standards and criteria have been fully considered throughout the design development and a detailed response to the objectives set out in Table 4 of Development Plan Appendix 3 is described in the HTLVIA at Chapter 6.0 (see paragraphs 6.24-6.40).

3.10 The Planner's report at page 8 refers to the criteria for tall buildings in Appendix 3 of the Development Plan and states that:

"In all cases, all proposals for enhanced scale and height, including landmark/tall buildings must respect their context and address the assessment criteria set out in Appendix 3, to ensure that such developments achieve high standards in relation to design, sustainability, amenity, impacts on the receiving environment and the protection or framing of important views."

3.11 The proposed development will comply with the criteria for exceptional cases at Appendix 3 of the Development Plan by contributing to the legibility of this part of the Liffey Quays and making a positive contribution to the skyline, as well as complying with the performance criteria at Table 4. The proposed development will offer a unique landmark office building and a beneficial public realm and public access. The local area will be reinvigorated, increasing pedestrian legibility, and adding a sense of place to this popular location in the city. While not a site allocated for a tall building, the exceptional nature of the site and the exceptional architecture being proposed is justified under the provision in Table 4 of Appendix 3 of the Development Plan. This is expanded upon at paragraph 3.20 of this document.

Section 15.15.2.2 – Conservation Areas

3.12 Section 15.15.2.2 of 'Chapter 15: Development Standards' of the Development Plan 2022-2028 refers to Conservation Areas, including the Development Plan Conservation Area which includes the River Liffey corridor. It states that these areas do not have statutory protection but have been recognised for adding to the special historic character of the city. These areas encompass groups of buildings, streetscapes and

features such as rivers and associated open spaces of historic merit. It is also mentioned that all planning applications should respect the existing setting and character of the area, provide an assessment of visual impact of the development in the surrounding context and positively contribute to the streetscape.

3.13 In chapter 9.0 of the HTLVIA the significance of the Development Plan Conservation Area, including the Liffey corridor, and the contribution made by the setting to that significance has been assessed (see paragraphs 9.6-9.10 of the HTLVIA). The site lies partially within the red hatch which denotes the Conservation Area. Due to the emerging townscape of larger scale buildings both inside and outside the Conservation Area, the proposed development would provide a more coherent context for the protected structures in the proximity of the site at North Wall Quay.

3.14 In chapter 8.0 of the HTLVIA, character areas in the immediate surroundings and in the wider setting have been assessed in relation to the proposed development. The assessments show that the proposed development creates moderate and positive effects to the River Liffey and Quays character area.

3.15 The below is extracted from paragraph 8.12 of the HTLVIA referring to the River Liffey and Quays character area: "The sensitivity of this character area, as a combination of its value and susceptibility to change, is medium, the development site being adjacent to a part of the character area that has undergone significant change in recent years. The proposed development would be a high quality and elegant addition to North Wall Quay that would

feature in views from the River Liffey corridor, its bridges and quays. It has been the conscious intention of the design team to produce a design which enhances the character of the Liffey Quays and it is considered that this has been successful. The proposed development's articulation of the plan to the south onto the river enhances the public realm. In relation to the character area as a whole, the magnitude of change is deemed to be medium. The likely effect of the proposed development on the character area is considered, therefore, to be **moderate and positive.**"

Appendix 3, Section 6.0 – Guidelines for Higher Buildings in Areas of Historic Sensitivity

3.16 Section 6.0: 'Guidelines for Higher Buildings in Areas of Historic Sensitivity' of Appendix 3: Height Strategy' of the Development Plan 2022-2028, refers to the identification of sites suitable for tall buildings and the need to consider environmental sensitivities. It is mentioned that tall buildings are generally not considered suitable in historic settings such as Conservation Areas, the River Liffey and the quays.

3.17 The site lies partially within the Development Plan Conservation Area. As described in Chapter 9.0 of the THLVIA (paragraphs 9.6-9.10), the development site is at a point of change in the quays where the townscape transitions from historical to modern.

3.18 The Planner's Report states at page 17: "Section 6 of Appendix 3 'Guidelines for Higher Buildings in Areas of Historic Sensitivity' of the plan states that

developments of significant height and scale are generally not considered appropriate in historic settings including conservation areas, the River Liffey and Quays, amongst others.

The subject proposal albeit 'divided' into 4 build elements (A, B, C, D) spanning over 106 metres of the North Wall Quay frontage and with heights of 12, 17, 10 and 9 stories respectively across this frontage in addition to the extended form 8-10 stories to the rear (albeit with some setbacks) would provide a very significant volume of building on this site. As such, the proposal by virtue of its scale, bulk and massing would likely be visually dominant and overbearing adversely impacting on the existing residential properties in close proximity and would likely have a serious negative visual impact on the Conservation Area.

While the Planning Authority would consider a taller element on this site all conditions would need to be balanced in terms of scale, building height and massing and where residential amenity and setting is duly protected."

3.19 It is debateable as to whether the site is within a historic setting since all the buildings surrounding it are of late 20th century origin. Clearly these sites have a history but it is only evident within the open space of the Liffey Quays, which do not require a specific neighbouring height of building for their significance to be seen and appreciated.

3.20

Furthermore, neither the officer's nor the refusal letter refer to the extensive justification for exceptional circumstances in our chapter 6 of the HTLVIA submitted with the application (paras. 6.18-6.40). This is repeated below for the benefit of the Bord.

Tall Building Statement – Height Justification and Exceptional Circumstances (Extracted from Chapter 6 of the HTLVIA)

6.18

Given that there is strong case for a new building, the question of what form it should take arises. Should it conform to the generality of quayside horizontality or is there an opportunity for it to have a vertical emphasis and some height? Were it higher, what height best serves the City? On the one hand there is the compelling argument to optimise the use of the site as part of the commercial centre of Dublin. On the other hand, the site is not part of the central and more ordered emerging clusters of tall buildings. What are the exceptional circumstances, therefore, which allow a 'tall' building of modest height on this site?

6.19

First, it is on the Liffey quayside at the start of the widened part of the Liffey. It addresses a large-scale context, and in the context of the City as a whole is an exceptional site, see Fig.6.18.

6.20 Second, as a City centre prominent site with a wide frontage, it could provide an animated and harmonious composition of elements incorporating variation and verticality, it could potentially be a special moment along the quay much like the Convention Centre. But to fulfil an exceptional purpose, it would need a meaning and a civic role to justify its prominence.

6.21 Third, at the 'right' height, a rooftop viewing platform could provide panoramic views of the river and the south quarter of Georgian Dublin. This could be an exceptional publicly accessible facility and a space with a rich and diverse landscape of its own, as part of the 'Liffey Experience'.

6.22 Fourth, the portion of the site which would be high would relate in near geometric accuracy to both Trinity College, 'on the diagonal' and the Georgian streets and squares 'on grid', as illustrated at Fig.6.19. While visible from parts of Merrion Square and Merrion Street, but from no other Georgian space, from normal eye level, its visible publicly available level would make it a legible public asset from there, providing townscape legibility and orientation.

6.23 In reaching up to this very specific level on a limited part of the site, the opportunity is then to step down with other portions of the building. Thus,

an attractive composition of vertical elements of varying heights can be achieved. Reflected on the surface of the Liffey this could become a popular City Centre landmark. It becomes a cluster in its own right.

Landmark/Tall buildings – criteria for assessment

6.24 DCC's Development Plan includes in Table 4 (page 232) of Appendix 3 a set of seven performance criteria under which to assess proposals for a landmark/tall building. These have been assessed in detail by the consultancy at paragraphs 6.28-6.40 of this chapter. Appendix 3 of the Development Plan also includes, on page 236, nine additional criteria to be assessed in exceptional circumstances where it can be demonstrated that there is a "compelling architectural and urban design rationale" for a landmark/tall building outside of locations specifically identified as being suitable by DCC. Of the nine additional criteria the first and the second are relevant to a visual assessment. The remaining are covered by other members of the team.

Relevant additional criteria for exceptional cases

6.25 The two relevant criteria of the nine set out on page 236 of Appendix 3 of the Development Plan are presented below followed by the consultancy's response.

- That the landmark/tall building complies with all of the performance criteria set out in Table 4.

6.26 **Response:** Refer to responses in paragraphs 6.28-6.40.

- The landmark/tall building/s will emphasise a point of particular civic of visual significance and that such a proposal will contribute in a meaningful way to the legibility of the city and contribute positively to the skyline. Any such proposal for a landmark/tall building must be supported by a detailed spatial analysis demonstrating that the design and location of the landmark/tall building is appropriate and optimal.

6.27 **Response:** The point of particular significance and exceptional circumstances is the site's broad river frontage at the transition of the Liffey from a relatively narrow, meandering river to a consistently broad and straight river, leading to docklands and the sea. The site is also at a strategic position in regard to the South Dublin Georgian Quarter, by being virtually on axis with Merrion Street as well as having a 'diagonal' relationship to Trinity College quadrangles. The proposed development's height specifically relates to the legibility of the city in providing a civic use for the public at the upper level. The varied heights of the development's four parts ensure a beneficial addition

to the skyline in the form of a cluster of varied elements. The spatial analysis has been studied first by using VU.CITY software and second using accurate verified views by a specialist in order to optimise the opportunity.

Performance criteria in assessing proposals for landmark/tall buildings

6.28 In the following paragraphs the consultancy responds to the seven performance criteria for all tall buildings, set out in Table 4 of the Appendix 3 of the DCC Development Plan 2022-2028:

1. *Exemplary Architecture*

6.29 The proposed development's form seeks to embrace an elegant landmark formed by the interconnection of four non-orthogonal volumes of different heights, the highest providing views in different directions of the city centre. The visual impact in Chapter 10.0 of this THLVIA demonstrates that the proposed development does not have a detrimental effect on strategic views and important visual corridors in central Dublin, owing to its high-quality design, landmark role, limited height, public accessibility, and urban legibility.

6.30 The proposed development is a complex, yet harmonious, group of volumes. The overall envelope is perceived as a light crystalline aesthetic due to the angular

articulation of the different planes, mainly in the south, east and west elevations. The angular breaks in the facades allow for the design to express 'visual movement' harmonious with the moving water of the Liffey. The stepping of the volumes creates an interesting skyline which results in a landmark-worthy public facility at the top.

6.31 The building form has evolved through numerous iterations, where the emphasis towards creating a building of elegance, design purity and timeless quality was prioritised. The progressive evolution of the building form is illustrated in detail in the Architectural Design Statement by Henry J Lyons Architects.

2. *Sustainable Design and Green Credentials*

6.32 The proposed development will represent an example of 'best practice' relating to sustainable design and green credentials. The high-quality design of the building includes this factor as an essential element. The environmental consequences of demolishing the existing building have also been taken into account.

3. *Public Realm*

6.33 The proposed development enhances the currently corporate perimeter of the site and a revitalised public realm space

around the building will be enhanced by the increased number of entrances including multiple office entrances, retail and for public/community use.

6.34 One of the key purposes of the proposal is to achieve a landmark quality which the public can fully engage with. As a tall building complex, the proposed development will be seen from certain parts of the city, and will, in those cases, provide visual delight, urban legibility and public enjoyment. The provision of community space at lower ground, ground and first floor in addition to the viewing platform with a landscaped terrace at the sixteenth floor will make this building an asset to the community. The uniqueness of this viewing terrace provides opportunity for leisure and education about the city.

4. *Environmental Impact*

6.35 Detailed technical analysis and supporting reports have been included in the EIAR.

5. *Public Safety and Functional Impacts*

6.36 An important purpose of the project is to transform the ground level public realm in a safe and functional manner.

6. *Visual Impact and Cityscape Analysis*

6.37 The EIAR fully considers the heritage, townscape, landscape, and visual effects of the proposed development. It uses the methodology developed by the consultancy, which draws upon best practice guidance set out in the 'Guidelines on the Information to be contained in Environmental Impact Statements' produced by the Environmental Protection Agency (EPA) in 2022; DHPLG, Guidelines for planning authorities and An Bord Pleanála on carrying out the Environmental Impact Assessment, 2018; the 'Guidance for Landscape and Visual Impact Assessment (GLVIA) Third Edition' published by the Landscape Institute and Institute of Environmental Management and Assessment within the UK in 2013; and national, regional and local planning guidance. This TLHVIA assesses the effects on four character areas, the Development Plan's Conservation Area (including the Liffey corridor and Pearse Square), one architectural conservation area, 10 groups of protected structures, and townscape views from 22 positions. These assessments offer a holistic representation of the effect of the proposed development on the surrounding townscape and landscape.

6.38 The impact on townscape views by the proposed development has been explored in Chapter 10 of this TLHVIA.

Of the proposed verified views from 22 positions a selection has been rendered to provide images representing the quality of the design and its likely effect on views. The 22 views represent a spread of close, medium and long-distance views that will illustrate the urban relationships that are likely to arise between the proposed development and its urban context, including built heritage receptors and other important landmarks in the townscape and landscape.

6.39 Built heritage receptors in the immediate surroundings and in the wider setting have been assessed in relation to the proposed development. The assessments show the visibility of the proposed development in relation to protected structures, the settings of conservation areas and architectural conservation areas. It is predicted that the significance and setting of protected structures will not be adversely affected by the development proposal. The proposed development would not be visible from the courtyard squares within Trinity College campus nor over the Custom House from the west. It would only be marginally visible across Trinity playing fields and in conjunction with the Custom House in acute views along the Liffey Quays. Such conjunctions are not considered harmful owing to the present context and the redeeming quality of the design. The accessible viewing platform

at the top of the proposed development will also provide new views of heritage assets in the City, including elevated views of the main Georgian Core to the south, to Trinity College, to the Custom House and the special transitional river setting.

7. *Tall Building Clusters*

6.40 Though part of the clustering of commercial activity in the City Centre, the site does not relate to a specific tall buildings cluster. It is an exceptional case for a tall building as policy allows for and as set out in paragraphs 6.26 and 6.27 of this document. The nature of the design, in four elements means it forms its own cluster.

4.0 Visual Impact

| | | | | | |
|-----|--|-----|--|-----|--|
| 4.1 | Within the Planner's report (pages 32-35) a commentary is given against certain representative views which were assessed in the HTLVIA. The assessment together with the proposed view of the selection of views can be found in Appendix 1. It is important to note that the assessments carried out by Citydesigner follow a thorough assessment of the design quality of the proposal determining that the design has attributes of quality appropriate for a high building in Dublin City centre, which can be seen to be a qualitative addition to the city centre and therefore a welcoming addition, capable of providing an enhancement to the city. | 4.4 | <u>"View 1 Sheriff Street Upper, looking southwest</u> The Planning Authority note that 4 storeys of the building in addition to a plant area appear to be visible from this view, however the impact is considered to be relatively neutral from this location." Response: No response necessary. | 4.7 | <u>"View 6 Custom House Quay, near World Poverty stone</u> The Planning Authority consider that the view demonstrates that there is a significant transition in scale between the existing buildings and the new development with the bulk and massing evident at the upper levels." |
| 4.2 | "While the Planning Authority considers these viewpoints appropriate in terms of providing the necessary wider/longer views, the assessment however lacks more short range views including those from the vicinity of the residential blocks to the rear. Considering the potential impact on the sensitive receptors located to the rear it is erroneous that shorter range views such as these have not been included." | 4.5 | <u>"View 3 Sheriff Street Lower, looking south</u> The Planning Authority note the view which demonstrates the significant bulk and massing of the building which is likely to be significantly more dominant when viewed from the adjacent residential blocks to the rear of the site." Response: This is not a comment on the actual view, which can be assumed to be acceptable. But on a closer view which has not been included in the set. | 4.8 | <u>"View 7 Talbot Memorial Bridge</u> The Planning Authority consider that the view demonstrates that there is a significant transition in scale between the existing buildings and the development. The building dominates the view of the Conservation Area and the excessive scale and massing of the volumes evident to the side and rear of the site." |
| 4.3 | Of the 22 views assessed in the HTLVIA, the Planning Authority provided comments on 15 of them: | 4.6 | <u>"View 5 La Touche House, looking east</u> The Planning Authority consider that the view demonstrates the very significant mass and scale of the building volumes which dominates every other building in the vicinity, and in effect appears excessive in scale and out of character in the area." Response: The breakdown of scale, to no more than four visible storeys in this view is explained in the view assessment. The architecture is no more out of character with the area than that of the existing building. | 4.9 | <u>"View 8 Custom House Quay</u> The Planning Authority note the bulk of the tallest element which is clearly visible from this view." Response: It is a notable addition of high quality and its visibility is not seen as a negative fact. |

| | | | |
|------|---|--|--|
| 4.10 | <p><u>"View 9 O'Connell Street Bridge"</u></p> <p><i>"The Planning Authority note the significant change in the landscape which is considered to be transformational and the new building form dominates the view and city skyline. The excessive scale, bulk and mass of the building is evident in this view."</i></p> <p>Response: Again, the criticism of dominance does not take into account the actual panorama from this point. While in the photograph it is the focus of the view, the former Ulster Bank is dominant. The development while indeed transformational, is transforming in a positive way.</p> | <p>Response: This assumption is not founded on evidence. The visibility and tone will vary with light conditions, but will generally be reflective of the sky, contrary to the Authority's opinion.</p> | <p>Response: The composition and representation of scale together with the varied heights, allow the development to sit comfortably within its large scale setting.</p> |
| 4.11 | <p><u>"View 14 Merrion Street South"</u></p> <p><i>The Planning Authority note that the visibility of the upper levels of the building from this view which are likely to be more obvious as the tone of the building is likely to appear as a darker form than the depiction in the photograph which portrays the building similar in colour to the sky.</i></p> <p>Response: The visibility and tone will vary with light conditions, but will generally be reflective of the sky, contrary to the Authority's opinion.</p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> |
| 4.12 | <p><u>"View 15 Merrion Street Upper, near junction with Fitzwilliam Lane"</u></p> <p><i>Similar to View 14, the Planning Authority note that the visibility of the building from this view is likely to be more obvious as the tone of the building will likely appear as a darker form than the depiction in the photograph."</i></p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> | <p>Response: This is a fact.</p> |
| 4.13 | <p><u>"View 17 Ely Place"</u></p> <p><i>The Planning Authority note that the impact of the proposed development may be considerably more visible in winter when the trees have no leaves."</i></p> <p>Response: Visibility of a landmark, publicly accessible space, is beneficial in urban legibility terms.</p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> |
| 4.14 | <p><u>"View 18 City Quay near Seán O'Casey Bridge"</u></p> <p><i>The Planning Authority note the very significant change of the setting which is considered to be transformational. The excessive scale, bulk and mass of the building is evident in this view. The transition in scale between the existing buildings is stark and the volume of development appears out of character in this setting."</i></p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> |
| 4.15 | <p><u>"View 19 Sir John Rogerson's Quay"</u></p> <p><i>The Planning Authority consider that this view demonstrates the dominance and overbearance of the building which overwhelms adjacent properties including residential to the east."</i></p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> |
| 4.16 | <p><u>"View 20 Samuel Beckett Bridge"</u></p> <p><i>"The Planning Authority consider that the bulk of the tallest element is clearly evident in this view as is the significant volume of development towards the rear of the site which is adjacent to residential."</i></p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> |
| 4.17 | <p><u>"View 21 Sir John Rogerson's Quay near Cardiff Lane"</u></p> <p><i>The Planning Authority consider that the bulk of the tallest element is clearly evident in this view as is the significant volume of development towards the rear of the site."</i></p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> |
| 4.18 | <p><u>"View 22 Sir John Rogerson's Quay near Forbes Street"</u></p> <p><i>The Planning Authority consider that the bulk of the tallest element is clearly evident in this view."</i></p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> | <p>Response: This is a statement of fact. There is no comment on the qualitative effect of the composition which is positive.</p> |

| | | | |
|------|---|-----|--|
| 4.19 | "As set out in Section 4.5.4 of the CDP, all proposals for enhanced scale and height, including landmark/tall buildings must respect their context, the impacts on the receiving environment and the protection or framing of important views. Figure 4-1 of the CDP indicates the key views and prospects in the city including views towards the Custom House, towards the Docklands and along the River Liffey and Quays which are likely to be significantly impacted by the proposed development." | 5.0 | Architects' Additional Information |
| | | 5.1 | Drawings showing subtle changes to the design are set out in the architects' Architectural Design Statement with an explanation of what has motivated them. |
| | | 5.2 | In order to improve daylight amenity and proximity of the building to residential neighbours, the architects have proposed a design adjustment to the eastern most element. Rather than simply remove part of the block, the whole block has been recomposed in terms of composition, proportion and architectural detail. |
| | Response: The key views mentioned are not likely to be significantly impacted other than by the addition of a high-quality prominent building which is intended to invite public participation at the top of the highest part. | 5.3 | Of the four elevational gestures facing the river the easternmost was and remains the smallest. The four vary in height and width and the proposed change will maintain that compositional approach. In order to keep each block as a simple expression this does mean, however, that a further fifth element is added to the composition in the position where mass has been reduced. This has been handled with great skill by the architects and though different from the submitted scheme, it retains the same level of quality in townscape and architectural terms. |

APPENDIX I:AUTHOR'S QUALIFICATIONS - IMAGES OF PROJECTS IN IRELAND



Clarence Hotel, Dublin (2007)



National Paediatric Hospital, Dublin (2011)



Liberty Hall, Dublin (2011)



ESB Fitzwilliam Street HQ, Dublin (2014)



Fitzwilton House, Dublin (2016)



74-75 Baggot Street, Dublin (2017)



AIB, Dublin (2017)



Spencer Place, Dublin (2017)



Tara Street, Dublin (2017)



Wilton Plaza, Dublin (2018)



Albert Quay, Cork (2019)



Kevin Street, Dublin (2020)



Advice to Galway City Council (2020)



Albert Quay, Cork (2021)



Treasury Building Annex, Dublin (2021)



Mater Hospital Extension, Dublin (2021)



Project Waterfront (offices), Dublin (2021)



Irish Distillers Bottling Plant, Cork (2021)



25-28 North Wall Quay, Dublin (2021)



Carrisbrook House, Dublin (2021)



Raidió Teilífis Éireann (RTÉ), Dublin (2022)



Stephen Court, Dublin (2022)

APPENDIX 2: KEY PROPOSED KEY VIEWS EXTRACTED FROM HTLVIA

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 1 - SHERIFF STREET UPPER, LOOKING SOUTHWEST (PROPOSED)

Proposed

The top three storeys of the proposed development will be visible above the Custom House Square residential buildings. At this height its plan form is much reduced.

Magnitude of Change

The magnitude of change is low.

Residual Effect

The effect is very slight and neutral.



VIEW 1

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 3 - SHERIFF STREET LOWER, LOOKING SOUTH (PROPOSED)

Proposed

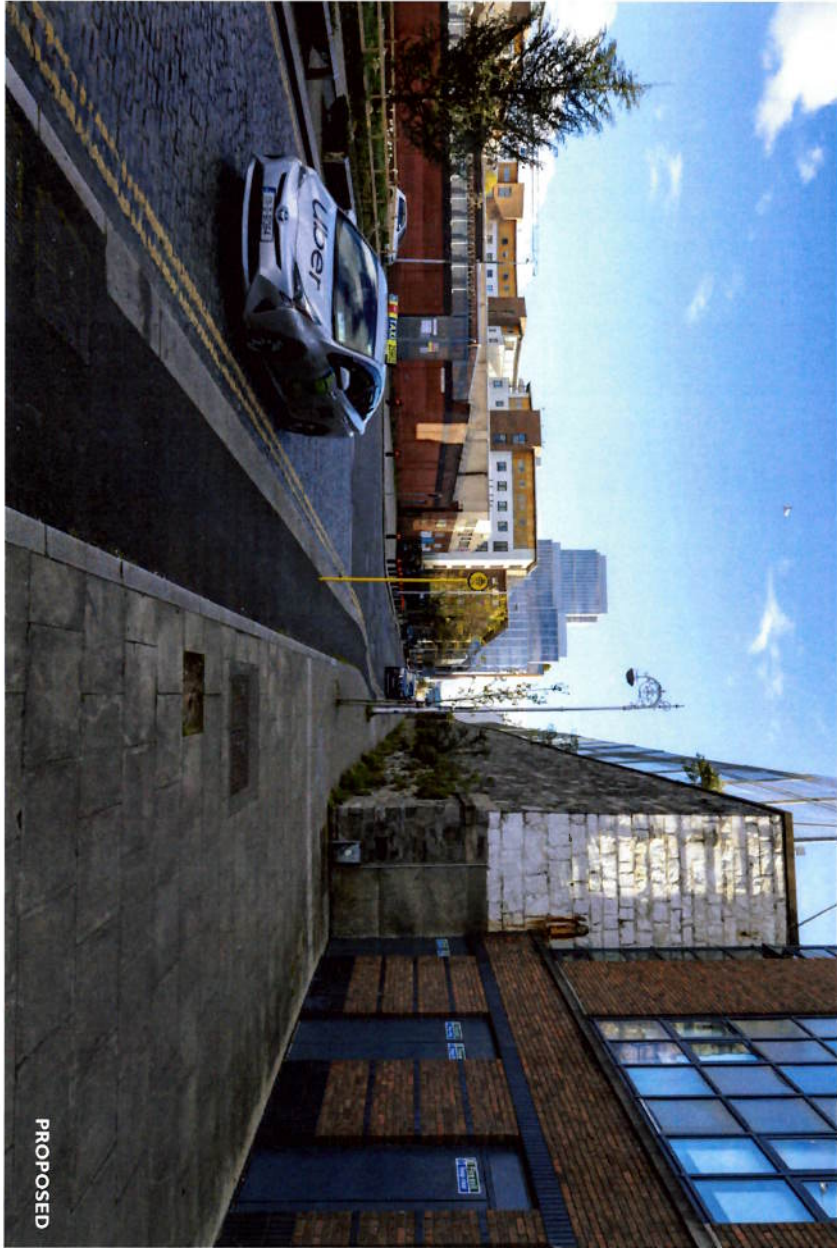
The proposed development provides a substantial backdrop to the Custom House Square buildings. It can be seen to step up towards the south, culminating in the top three storeys of a narrower, higher, but smaller in plan, part of the development. Its presence indicates the location of the river and of the commercial nature of the riverfront.

Magnitude of Change

The magnitude of change is medium.

Residual Effect

Since the architecture has been determined as being of high quality, the effect is **slight and positive**.



VIEW 3

10.0 VISUAL IMPACT ASSESSMENT (CONTD.)

VIEW 5 - LA TOUCHE HOUSE, LOOKING EAST (PROPOSED)

Proposed

The proposed development makes a noticeable contribution to the view. It is stepped and articulated, successfully breaking down the apparent mass and bulk. Eight upper storeys of the building can be seen, but no part is more than four storeys and most are three. Though a large building, its apparent scale is diminished through its skilful modelling.

Magnitude of Change

This is a medium magnitude of change.

Residual Effect

The architectural modelling and careful detailing, as explained in Chapter 6.0 of this report makes a skilful composition. The effect is moderate and the high-quality architecture makes it **positive**.



VIEW 5

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 6 - CUSTOM HOUSE QUAY, NEAR WORLD POVERTY STONE (PROPOSED)

Proposed

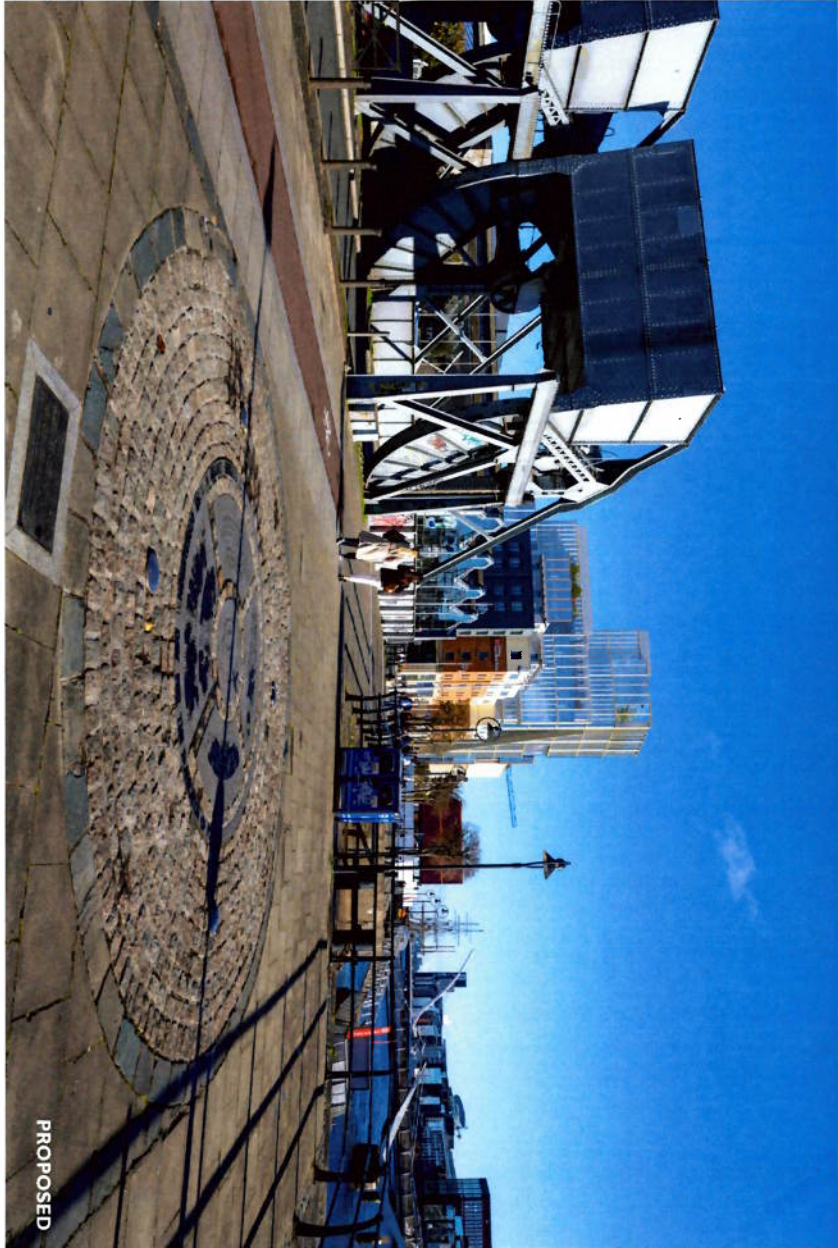
The proposed development will be a prominent structure with a townscape status similar to the Convention Centre. The top of the building will be publicly accessible to the public. The design adopts a fenestration pattern that varies in order to express the different parts and layers of the architecture. It steps down from the prominent publicly accessible space, which is suitably expressed, towards the north. The scale of the building builds up to the high part such that the scale is appropriate in addressing the River Liffey valley.

Magnitude of Change

Within this broad view the magnitude of change is medium.

Residual Effect

The effect is **moderate** and owing to the high-quality of the architecture and the publicly accessible space is **positive**.



VIEW 6

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 7 - TALBOT MEMORIAL BRIDGE (PROPOSED)

Proposed

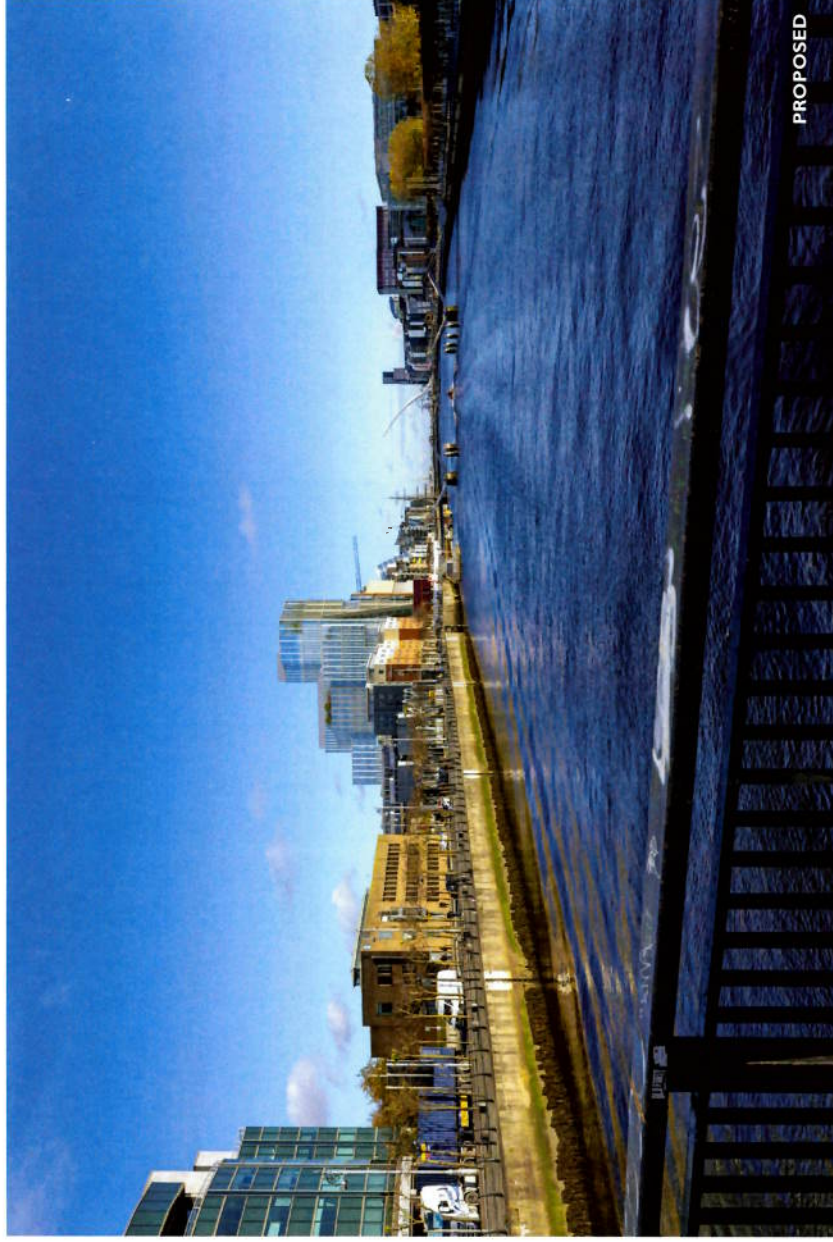
The proposed development clearly intensifies the site and increases height incrementally, with a small portion of the plan at the riverside rising to 17-storeys and the top storey incorporating a publicly available space. Other elements step down towards north, west and east. The scale responds to the wide part of the River Liffey where the North and South Quays also become parallel. This enables the height and massing to be comfortably accommodated.

Magnitude of Change

This is a medium level of change.

Residual Effect

The effect is **moderate** within the view, and **positive** in terms of design quality and public benefit.



VIEW 7

10.0 VISUAL IMPACT ASSESSMENT (CONTD)
VIEW 8 - CUSTOM HOUSE QUAY (PROPOSED)

Proposed

The proposed development will appear of a no greater height than the IFSC building, nor that of the 13-18 City Quay building. Its glazed and emphasised stone fins applied to a series of articulated surfaces, break down the overall scale and assist in it being a more positive part of the Custom House setting. The small part of the building reaching the height of 17 storeys breaks the otherwise uneventful skyline of the Quayside which has, up to now, taken no inspiration from the vertical feature of the Custom House.

Magnitude of Change

The change to the view is low.

Residual Effect

This is a slight effect but the high-quality of the architecture in concept and in detail gives rise to a **positive** rating.



VIEW 8

10.0 VISUAL IMPACT ASSESSMENT (CONTD)
VIEW 9 - O'CONNELL BRIDGE (PROPOSED)

Proposed

The proposed development fills a gap. Visible are three principal forms stepping up in height from the north to the south. These forms are further articulated such that the scale of the parts is no greater than other buildings in the view. The glazed and vertically emphasised elevations provide a calm presence in this view while the higher element with the upper public use presents a more dynamic riverfront angular element. Of primary recognition is the publicly available viewing platform at the top and central to this view as an indication the high quality of the likely view from the platform, in this direction of the foreground historic quays.

Magnitude of Change

This is a medium level change

Residual Effect

This is a **moderate** effect in the view, its architecture, modelling, approach to scale and provision of public access making it also a **positive** effect.



VIEW 9

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 14 - MERRION STREET SOUTH (PROPOSED)

Proposed

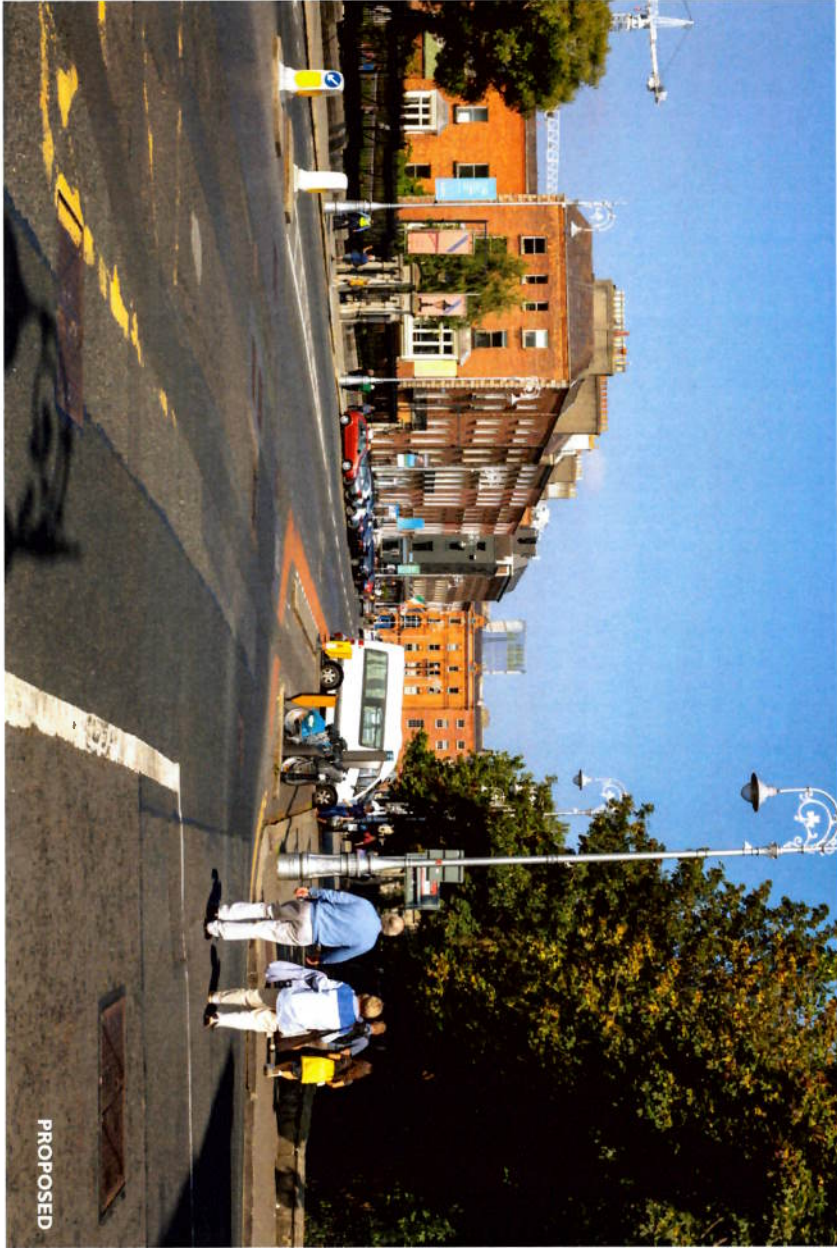
The upper five floors of the development are visible, the two at the top displaying planted levels, affording a public level at the higher position. The apparent height, though beyond the square's perimeter level, is below most of the rooftops of the west flank of the square. While intruding into the square, it does so with the purpose of providing urban legibility, thus reducing any adverse effects on the Georgian townscape.

Magnitude of Change

The change within the view is low, however the townscape legibility role and architecturally interesting appearance moves this into a medium rating.

Residual Effect

A poorly designed building at this level of visibility with no public use, would give rise to a moderate effect which would be adverse. However, the architectural quality is of a high level, the public purpose is valuable, and the urban legibility is positive. The ratings are therefore judged to be **moderate** and adverse effects mitigated by design such as to create more than a balanced effect which is rated as **positive**.



VIEW 14

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 15 - MERRION STREET UPPER, NEAR JUNCTION WITH FITZWILLIAM LANE (PROPOSED)

Proposed

The proposed development is now more prominent, with the seven upper storeys visible of the high element and one storey of the lower element rising above the already backdropped Oniel House. The architecture contrasts with the historic foreground but is of high quality for its own time. Its unique quality is the public upper level and the richly planted garden at the top two levels. The landmark and urban legibility role is honoured by the architectural quality and public accessibility, and the ability to know from this position, where the River Liffey is positioned.

Magnitude of Change

The change is low though the townscape role and architecturally interesting appearance moves this into a medium rating.

Residual Effect

The effect is **moderate** in consideration of the sensitivity of the view. Its attributes described above mean that the effect on the view is **positive**.



VIEW 15

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 17 - ELY PLACE (PROPOSED)

Proposed

The higher part of the proposed development is occluded by the trees of Leinster Lawn. The lower elements have increased in visibility above the already backdropped Oriel House and alongside the tower of St. Andrew's Church and the Davenport Hotel's dome. The limited visibility no longer provides clear urban legibility but nevertheless is part of the townscape layering, contributing an element which is of high-quality architecture.

Magnitude of Change

The change is low.

Residual Effect

The effect is **slight** in quantum and **neutral** in its qualitative effect.



VIEW 17

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 18 - CITY QUAY NEAR SEAN O'CASEY BRIDGE (PROPOSED)

Proposed

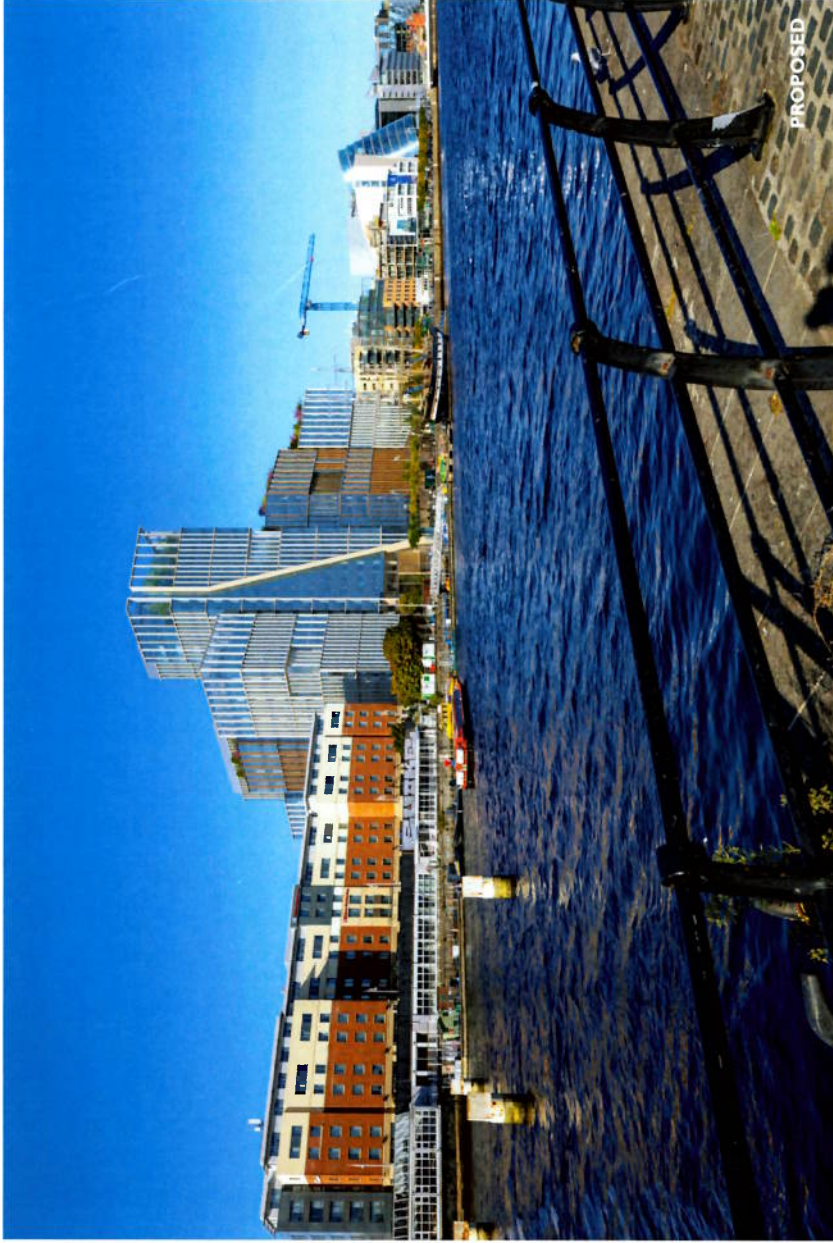
The proposed development brings significant change in size, scale and visual interest to this currently uneventful stretch of the quay. It expresses the four principal units of function by variations of height and architectural expression. While partly a high building, it does not compromise the visual setting of nearby buildings. It responds well to the scale of the river and constitutes a well composed 'visual accent' to the view, the highest element announcing its status with a striking diagonal and open garden at the top for public use.

Magnitude of Change

The change is high.

Residual Effect

The effect is **substantial** both through size and architectural expression. This is skilfully accomplished with high quality architecture and is therefore **positive**.



VIEW 18

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 19 - SIR JOHN ROGERSON'S QUAY (PROPOSED)

Proposed

The development transforms the existing approach of a building compliant in height to a particular datum, into a much more prominent, overtly vertical, group of buildings, each with its own entrance. Architectural gestures within the height of the buildings emphasise a sensitive relationship with the neighbouring building heights. This is achieved by the inclusion of 'waist' elements which also step up in relation to their full heights. Planted roofs are a common theme, with that atop the highest building, which is also angled in plan, marks the position of a viewing platform to be made available to the public.

Magnitude of Change

This is a high level of change.

Residual Effect

The effect is **substantial** both through size and architectural expression. This is skilfully accomplished with high architectural quality and is therefore, **positive**.

Note: A night-time version of this view is shown in Fig. 6.18 in Chapter 6 of this document



VIEW 19

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 20 - SAMUEL BECKETT BRIDGE (PROPOSED)

Proposed

The development responds to the large scale setting and provides a break in the monotony of the existing non-eventful, over compliant skyline. The four forms are all varying heights, and the angularity of the highest element is now also seeming to step down also to the north and east. At this angle the deep mullions within the elevations, reduce the degree of visible glass, appearing more solid, apart from the higher angled element which helps draw attention to the public level at the top.

Magnitude of Change

This is a high level of change.

Residual Effect

The effect is **moderate** in quantum and **positive** in qualitative terms and a positive contribution to the riverscape.



VIEW 20

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 21 - SIR JOHN ROGERSON'S QUAY NEAR CARDIFF LANE (PROPOSED)

Proposed

The proposed development is central to the bridge from a point along the quay from where the bridge is most enjoyed from the east. It is at such a distance from the bridge, however, not to dominate it. It contributes to an intensification of commercial activity at a position in the City appropriate for commercial activity. The architectural composition, detail and use of materials in different ways gives rise to a rich visual representation of four elements which themselves form a cluster.

Magnitude of Change

This is a medium change to the riverside panorama.

Residual Effect

The effect is **moderate** given its change in scale and position in relation to the Beckett Bridge. Its interesting composition and high quality of architecture gives rise to a **positive** effect.



VIEW 21

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 22 - SIR JOHN ROGERSON'S QUAY NEAR FORBES STREET (PROPOSED)

Proposed

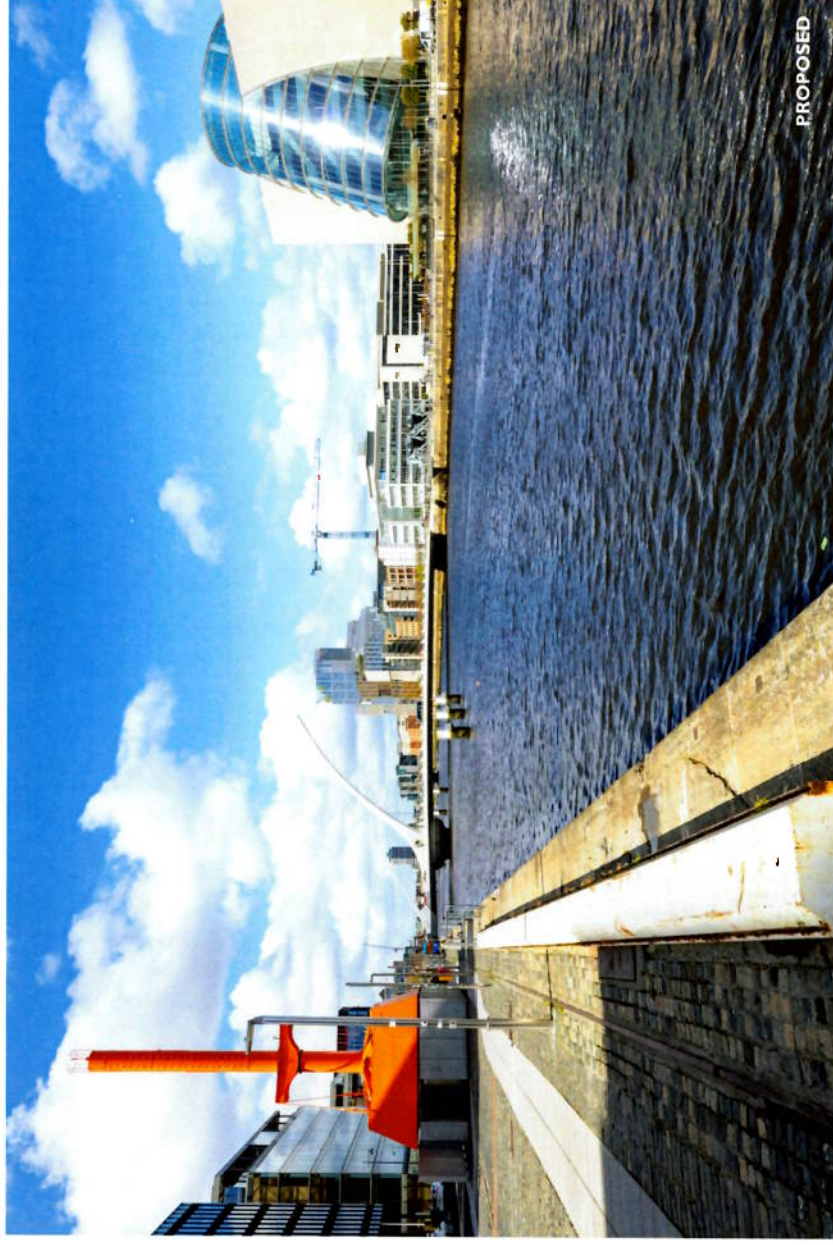
The proposed development appears lower than the Beckett Bridge superstructure and very much smaller than the Convention Centre. From here the differing heights of the elements within the development's composition step up in a natural way from the quay buildings to its east. The high element culminates in the heavily planted public space.

Magnitude of Change

This is a low change in the extensive panorama.

Residual Effect

The effect is **slight** as a change in the view but **positive** as the development's positive features remain apparent.



VIEW 22