

File With

SECTION 131 FORM

Appeal No

ABP— 319719

Defer Re O/H



Having considered the contents of the submission dated/received

10-06-24 on line.

from S. Kelly + A. MacLaran (obs) I recommend that section 131 of the Planning and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

no new material planning issues.

Section 131 not to be invoked at this stage.



Section 131 to be invoked — allow 2/4 weeks for reply.



Signed

Liz Cullen

Date

03-07-24

EO

Signed

Date

SEO/SAO

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

Signed

Date

EO

Signed

Date

AA

BP

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

10th June 2024

An Bord Pleanála Case reference: PL29N.319719
Location: CitiGroup Building, 1 North Wall Quay, Dublin 1, D01T8Y1
Dublin City Council Plan No. 3274/24

Dear Sir/madam

We the undersigned wish fully to support Dublin City Council planners in their refusal of the planning application for the redevelopment of the CitiBank site.

The reasons given for DCC's refusal to grant planning permission are key and clear and there exists no basis in the appeal upon which to change this refusal.

In short, the three reasons given by the planning authority include that the proposed development would:

- 1) "by virtue of its height and excessive bulk and scale 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"
- 2) "constitute an overly dominant form causing serious injury to the visual amenities of the Liffey Quays... and be contrary to the Z5 zoning objective and to the proper planning and sustainable development of the conservation area"
- 3) "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."

The re-submission by the applicant is lacking in substance and completely fails to address or deal with the City Council's substantive reasons for its refusal. The suggested design changes (Appendix 4: 1st Party Appeal Submission prepared by Henry J Lyons Architects) submitted by the appellant are very minimal compared to the original planning application which was refused, especially in relation to the enormous scale of the proposed redevelopment. There are no fundamental design modifications proposed.

Thus, the fact remains that in spite of the minor design alterations proposed by the appellant to the planned redevelopment of the CitiBank site, the application still seriously contravenes the rules regarding building heights, Dublin City Council's Development Plan policies and the Conservation Area status of the location.

To reiterate, the proposed minor design changes included in the appeal do nothing fundamentally to alter the basis of the Refusal. The key grounds for refusal remain intact. Furthermore, the grounds of the observations we made to DCC in March 2024 remain just as valid now as then. Thus, Dublin City Council's original refusal should be confirmed.

Further Observations on the Proposed Redevelopment of the Current CitiBank Offices, 1 North Wall Quay:

1: A "Landmark" Building?

There is no compelling planning, or urban-design rationale and no 'exceptional circumstances' exist which should lead to the acceptance of this scheme or the demolition of the existing building. Every urban space is, of course, spatially unique and the site of the existing CitiBank is no more outstanding than any other geographical location in the docklands or along the Liffey Quays. Indeed, the site already accommodates one of the better-designed office buildings in the docklands, which is the current CitiBank building itself which is at an appropriate scale, fitting in well with and enhancing the quality of its immediate environs. Moreover, as all sites are by definition spatially unique, any claim that this site is particularly special would render all sites open to the argument of 'exceptionality' and completely emasculate the function of urban planning.

The application stresses the '*landmark building*' features of the proposed development, a significant element in a Lynchian 1960s reading of city imageability (Lynch, K. "The Image of The City" 1960). However, urban planning has moved on from an analysis of the visual form of cities, in terms of landmarks, nodes, edges, paths and districts, to a more fundamental recognition of the imperative needs of residential communities and of the importance to address their well-being. There is nothing in the current application which relates positively in any manner to the substantial neighbouring residential community. In fact, it is seriously injurious (see points 3 and 4 below).

In any case, proposing the redevelopment as a landmark building has no planning basis and directly contravenes the Dublin City Council Development Plan as this site is not designated for a Tall/Landmark Building. Indeed, this location, by the planning authority's own Tall/Landmark Building criteria would be completely inappropriate because it fails to meet two basic principles because:

- 1) It is not an area designated "for large-scale regeneration and redevelopment" as this was already undertaken under the DDDA Masterplans (1996, 2002), and
- 2) It directly contravenes the principle "where the existing character of the area would not be adversely affected by the scale, mass and height of a landmark/tall building".

Furthermore, the appeal grossly overstates the urban-design credentials of the proposed development, drawing on the notional idea of the '*landmark building*'. This reference serves to obscure the substantive features of the project, when it is abundantly clear that the proposed project is driven fundamentally by the property-development imperative, that is, to maximise the rentable floor space of the site and its capital value. As is evident in the details of the application and subsequent appeal, the proposal includes the demolition of the existing 6-storey building which has approx. 22,000 sqm of office space and its replacement with buildings ranging from 9 to 17 storeys in height, incorporating a vast 69,258 sqm of rentable office space (79.4% of proposed total floor space of 87,209 sqm, excluding basement). It is the excessive height, bulk and scale of the proposed redevelopment that is the striking feature, not its claims to compelling architectural or urban-design prowess (Appendix 11: Letter from Arthur Cox). Indeed, rather than contributing positively architecturally to the surrounding urban fabric, as does the existing CitiBank building, the sheer size and scale of this project would greatly damage the appearance and character of the Liffey Quays and directly contravene the Conservation Area status.

2: Contravention of Environmental Policy

The proposed demolition of the existing CitiBank office building (topped out in March 1999) and the redevelopment of its site at 1 North Wall Quay, Dublin 1, flies grotesquely in the face of current environmental policies. The current building represents an enormous embodiment of energy, material resources and human labour power required in the excavation of its underground parking, in the creation of the building materials (steel, glass, concrete, granite, etc.) and in their use to construct the existing CitiBank building. For example, how many households would need to switch from diesel- or petrol-engined vehicles to "*environmentally friendlier*" electric or hybrid vehicles simply to make good the monstrous squandering of the existing resources (energy, materials and human labour) which are embodied in the existing CitiBank building, simply in order to enhance the personal wealth of those now applying for its redevelopment?

It seems that concern for environmental standards is not a matter of any importance to the applicant(s). For example, the proposed increase in the capacity of the proposed building's basement area, if intended and permitted for an increased amount of car parking, would have a major impact on traffic congestion in the local area and encourage the use of cars for commuting. Given DCC's policy regarding the use of cars for commuting, the parking provision in any redevelopment should actually be very severely *reduced* rather than expanded.

If any upgrading were to be deemed essential in order to attract a new occupier to the existing CitiBank building, which is not yet 25 years of age, surely retrofitting and refurbishment would be environmentally preferable to its demolition, as has been achieved very recently in other office buildings in the neighbourhood, including to Grade A standard, examples being *The Exchange* building (Bank of Ireland) directly adjacent to the CitiBank building and also the Liffey-facing A&L Goodbody/NWQ building located a little way eastwards on North Wall Quay.

3: Inappropriate Scale in this Locality

The proposed colossal increase in building scale and height in the redevelopment of the CitiBank office building would be totally inappropriate in the immediate vicinity of the existing neighbouring residential apartment blocks at Clarion Quay.

Moreover, the proposed redevelopment at 1 North Wall Quay would be horribly out of scale with and highly detrimental to the character and fabric of this city quarter. As part of the Dublin Docklands Masterplan 1997, this urban neighbourhood underwent highly detailed and considered planning (see Custom House Docks Planning Scheme and sub-area IFSC II), a mere 27 years ago. The sheer scale of the proposed redevelopment so blatantly contravenes the DDDA's Masterplan and is so grossly out-of-keeping with the existing neighbourhood surroundings, that it would risk bringing the planning system into total disrepute. The planning authority, DCC has refused planning permission and if planning permission were now to be granted, how could anyone justifiably have trust in the Irish urban planning system or in An Bord Pleanála?

4: Overlooking and Shadowing

The proposed scheme would have significant and serious negative consequences for Clarion Quay's residential blocks numbers 1 to 3 if the 6-storey height of the existing CitiBank office building were to be replaced by a nine-storey building and, especially so, were a 17-storey building to be permitted. It would create a significant degree of overlooking from the new

building and, for those Clarion Quay apartments at the lower levels, it would reduce the quality of their living conditions to those similar to living at the bottom of a gorge or a well. We therefore strongly urge the planning authority to insist on the current six-storey height of the CitiBank building being retained.

The proposed height of the redeveloped CitiBank building would also lead to serious levels of overlooking and shadowing of those Clarion Quay residential blocks lying to the north of the redeveloped CitiBank site, especially in wintertime when the sun is at a low elevation.

5: Changed Use of Planted Area to a Pedestrian Walkway with Café

The idea of creating on the eastern end of the CitiBank site a pedestrian route between the Liffey quays and Alderman Way which would possibly accommodate (*inter alia*) a café gives no consideration whatsoever to the fact that the west-facing bedrooms of the even-numbered apartments in Clarion Quay blocks 1 to 3 all currently face onto this calm area of landscaped planting or onto the vehicle entry ramps to underground parking. These would be replaced by functions which would potentially generate noise disturbance for residents, especially at night. Such disturbance is already a problem for the odd-numbered east-facing apartments in Blocks 1-6 Clarion Quay, but these were occupied in the knowledge that such disturbance from commercial activities and the pedestrian thoroughfare of Excise Walk might be likely. However, on purchasing our apartments, we were obviously not aware that such a public right of way and access to non-office-related functions might become a possibility.

6: Rising Sea Levels

The creation of an additional basement level (or levels) is extraordinary in a zone which is little above existing sea level at high tide and strange indeed given the predicted future rise in sea levels globally.

7: Pollution

The pollution from noise and dust during demolition and construction and from the vehicles engaged during the demolition of the existing CitiBank building, the digging out of a second or possibly third level of basements, followed by a lengthy process of construction for up to 10 years (for which the planning permission is being sought) is completely unacceptable in a settled residential area.

Concluding Remarks

The statement that the developers "believe that the proposed development performs at an exemplar level *for a scheme of this scale*" clearly exposes the inherent problem with the proposed development which is, in fact, its very scale.

Its consequences for the local residential community are seriously detrimental with regard to the reduction in natural light which would be received by neighbouring properties.

This proposed scheme contributes nothing towards the creation of a fine piece of modern twenty-first century urban development. Rather, it would be seriously damaging to this important conservation area and the valuable amenity offered by the Liffey Quays. This project is driven by money and profit, as evidenced in the proposed more-than-tripling of rentable office space on the site.

The contravention and general lack of awareness or consideration of a raft of local, national and supra-national environmental policies and concerns evidenced by this proposed demolish-and-rebuild scheme is truly shocking to come across in 2024! To grant planning permission for this redevelopment with its blatant disregard for the environment would be irresponsible and set a dangerous precedent, the consequences of which would have major local, city-wide and national costs.

Moreover, if the appeal were to be granted, despite its utter failure to conform with the proper planning of the area and with its flagrant disregard for wider environmental policies (see point 2 above), such a decision would bring the Irish urban land-use planning system into wide disrepute. This should be avoided at all costs.

Finally, the application for a ten-year planning permission for demolition and redevelopment is itself problematic and cuts to the very heart of the deficiencies in this planning appeal. As immediate neighbours of the current CitiBank building, who reside in Block 1, Clarion Quay, in an apartment which abuts onto the CitiBank site, the thought of spending the next ten years (quite probably the last ten years of my life as I, Andrew MacLaran am now aged 73) living adjacent to an enormous construction site fills us with absolute horror as it will certainly not be possible to sell our apartment and move to somewhere more peaceful.

To conclude, this appeal to An Bord Pleanála fails utterly to address the clear and justified reasons given by DCC for the refusal of planning permission. Indeed, we are astounded that the applicant seems to possess such a degree of disrespect for the democratic planning process regarding the delimitation of the Conservation Area, the building height regulations and the planning authority's own development plan, each of which this proposed project clearly contravenes. The key grounds for refusal remain intact and it is clear that An Bord Pleanála must reject this appeal.

Yours sincerely,



Sinéad Kelly and Andrew MacLaran
Apartment 12 Block 1 Clarion Quay
North Wall Quay
D01 KF62

[Dr Sinéad Kelly
Ass. Prof., (Urban Studies)
Maynooth University]

[Dr Andrew MacLaran*
Ass. Prof. (retired)
Trinity College Dublin]

*Recipient of the **Manning Robertson Award, 1995**. Royal Town Planning Institute (Irish Branch)
'in recognition of the contribution made by "Dublin: the shaping of a capital" (Belhaven, 1993) to a better understanding of Irish urban planning'.

Att: 1) a copy of the planning authority decision 2) DCC's acknowledgement letter of our submission/observation, planning ref: 3274/24

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigi 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

Date 17-Apr-2024

Sinead Kelly & Andrew MacLaran
Apartment 12, Clarion Quay
North Wall Quay
IFSC
Dublin
D01KF62

DESCRIPTION:

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.

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.

LOCATION:

CitiGroup Building, 1 North Wall Quay, Dublin 1, D01T8Y1

PLAN NO:

3274/24

To Whom It May Concern,

I wish to inform you that by Order dated 16-Apr-2024 it has been decided to REFUSE PERMISSION for the above proposal. Please refer to the related conditions/reasons attached.

- **An appeal may be made against this decision within 4 weeks, beginning on 16-Apr-2024. (The date of the decision).** Appeals must be received by An Bord Pleanala within FOUR WEEKS of the decision. Please check www.pleanala.ie for the last day to submit an appeal,
- **All appeals relating to the decision issued by the Planning Authority & correspondence in relation to new and existing appeals, should be addressed the Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1. (Tel: (01) 8588100).**

Submissions/observations made to the Bord in relation to an appeal must be accompanied by the correct fee. Fees in respect of appeals and submissions may be ascertained by contacting An Bord Pleanala.

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Reminder – In order to lodge an appeal with An Bord Pleanala you must present the letter issued by the Planning Authority in acknowledgement of your submission. Copies of your acknowledgement letter are available from this office.

Yours faithfully,

For Administrative Officer

CONDITION(S) AND REASON(S) FOR CONDITION(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.

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
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D01KF62

IMPORTANT: Please retain this letter. You will be required to produce it should you wish to appeal the decision issued by the Planning Authority to An Bord Pleanála in relation to this development

PLAN NO.
DATE RECEIVED:
LOCATION :
PROPOSAL :

3274/24
23-Feb-2024
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 - 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.

Note: Submissions/Observations may be made on line at:

<https://www.dublincity.ie/residential/planning/planning-applications/object-or-support-planning-application>

To Whom It May Concern,

The Planning Authority wishes to acknowledge receipt of your **submission/observation** in connection with the above planning application. It should be noted that the Dublin City Council as the Planning Authority will consider this application strictly in accordance with the provisions of the Dublin City Development Plan. The contents of your submission/observation will be considered by the **Case Officer** during the assessment of the above application, and you will be notified of the decision in due course.

- All queries should be submitted to the e mail address shown above.
- Please note that a request for Further Information or Clarification of Further information is not a decision.

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
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- **You will not be notified**, if Further Information or Clarification of Further information is requested by the Planning Authority.

Please also note that a weekly list of current planning applications and decisions is available for inspection at the planning public counter.

Opening Hours 9 a.m. - 4.30 p.m. Monday to Friday (inclusive of lunchtime)

A weekly list of planning applications and decisions is available for inspection at all Dublin City Council Libraries & on **Dublin City Council's website**. www.dublincity.ie.

Yours faithfully,

For ADMINISTRATIVE OFFICER