

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

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
09 JAN 2024	
Fee: €	Type: _____
Time: 14:55	By: Hand

Date: 9 January, 2024
Our Ref: BC JN 21155

Dear Sir / Madam,

RE: SECTION 137 REQUEST RESPONSE IN REGARD TO 1ST PARTY APPEAL AGAINST DECISION TO REFUSE PERMISSION FOR A PLANNING APPLICATION, INCLUDING ENVIRONMENTAL IMPACT ASSESSMENT REPORT, FOR PROPOSED MIXED USE DEVELOPMENT AT 1-4 CITY QUAY, DUBLIN 2, D02 KT32, 23-25 MOSS STREET, DUBLIN 2, D02 F854 AND 5 CITY QUAY, DUBLIN 2, D02 PC03.

ABP Ref.: ABP-315053-22

DUBLIN CITY COUNCIL REG. REF.: 4674/22

INTRODUCTION

On behalf of the applicant, Ventaway Limited, Park Chambers, 13 St. Stephen's Green, Dublin 2, we, John Spain Associates of 39 Fitzwilliam Place, Dublin 2, wish to submit a response Section 137 request by An Bord Pleanála, dated 4th December in regard to the first party appeal against the decision of Dublin City Council dated 11th October 2022 to refuse planning permission for a mixed use development at a site at 1-4 City Quay, Dublin 2, D02 KT32, 23-25 Moss Street, Dublin 2, D02 F854 and 5 City Quay, Dublin 2, D02 PC03.

In their letter (Appendix 1), ABP requested the Applicant take the following into account:

- "The Board noted that since the receipt of the appeal and response to same, including observations on the appeal, that the Dublin City Development Plan 2022-2028 has come into effect.*
- In this regard, the Development Plan now includes Appendix 3, which sets out performance criteria by which proposals for the landmark/tall buildings must be assessed.*
- You are therefore invited to provide a commentary in relation to the consideration outlined above, as they relate to the subject appeal, or any other Development Plan matters you may consider of relevance."*

Managing Director: John P. Spain
Executive Directors: Paul Turley | Rory Kunz | Stephen Blair | Blaine Cregan | Luke Wymer

Senior Associate Directors: Meadhbh Nolan | Kate Kerrigan
Associate Directors: Ian Livingstone | Tiarna Devlin

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

It is noted at the outset that a comprehensive suite of documentation was submitted as part of the application (the Dublin City Development Plan 2022-2028 was at draft stage when the application was submitted) and the first party appeal (the Development Plan was adopted but not yet in effect).

The accompanying document, Appendix 3 Response to Section 137 Request from An Bord Pleanala, addresses Appendix 3 of the Dublin City Development Plan 2022-2028. The document has been prepared in collaboration with Mahoney Architecture, the project architects. Compliance with all of the criteria is set out.

It is noted that the response to the Appendix 3 criteria had been set out in the documentation as part of the application and appeal. A response to the performance criteria for buildings taller than the prevailing heights and landmark buildings was included in the Tall Building Statement and Appeal document (Appendix 1/Section 6) prepared by Urban Strategies. The accompanying document supplements the documents previously submitted, having regard to the adopted Dublin City Development Plan 2022-28, and identifies where each criterion is addressed in detail within the documentation submitted with the application and the appeal and should be read in conjunction with these detailed reports.

In summary, as widely demonstrated in the application documentation and indeed as set out in the Appendix 3 Response document (that accompanies this Section 137 response) which addresses the exceptional criteria required for landmark buildings on sites which are not designated specifically for such a building, there is a compelling architectural and urban design rationale for the proposed development at this location. The applicant has met the necessary criteria set out within Appendix 3 of the Development Plan 'Achieving Sustainable Compact Growth'.

The following documents are enclosed with this covering letter as part of the response to the Section 137 letter:

- Enclosure 1: Appendix 3 Response to Section 137 Request from An Bord Pleanala prepared by John Spain Associates with input from Mahoney Architecture
- Enclosure 2: Whole Lifecycle Carbon Assessment prepared by BPC Consulting Engineers
- Enclosure 3: Letter regarding Surface Water Management Plan prepared by Bakkala Consulting Engineers
- Enclosure 4: Letter regarding office market prepared by Knight Frank

The following are appended to this document:

- Appendix 1 – ABP Correspondence
- Appendix 2 – Dublin City Development Plan 2022-2028
- Appendix 3 – GKCE Existing Building Structural Condition Survey

Additionally, a response to the wider policies and objectives of the Dublin City Development Plan 2022-2028 was contained in the Appeal. This is included and updated to reflect the final adopted and in effect Development Plan as Appendix 2 of this cover letter.

Increased Height and Density within the Dublin City Development Plan

We note the 2022-2028 Dublin City Development Plan, as compared to the 2016-2022 Development Plan is more progressive in respect of increased height and density and is generally in accordance with national policy set out in the National Planning Framework and the Urban Development and Building Height Guidelines. Blanket building heights are not

carried forward from the 2016-2022 Development Plan. The general principle of the Development Plan is to support and promote compact growth through increased height and higher density schemes in the city centre, in particular within Strategic Development Regeneration Areas close to high frequency public transport and other areas (as identified) considered suitable for increased intensity of development.

Section 4.5.3 states:

"Higher densities will be promoted in the city centre, within KUVs, certain SDRAs and within the catchment of high capacity public transport. The goal is to provide for a compact city with attractive mixed-use neighbourhoods, a variety of housing types and tenure, adequate social and community infrastructure and adaptable housing, where people of all ages will choose to live as a matter of choice."

"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."

The subject site is located within the city centre, a Strategic Development and Regeneration Area and within the catchment of high capacity public transport. The site is therefore a location supported by the Development Plan for increased height and density.

Further, we note Section 4.5.4 of the Development Plan supports 'Increased Height as Part of the Urban Form and Spatial Structure of Dublin'.

Section 4.5.4 states:

"The Urban Development and Building Height Guidelines for Planning Authorities published in December 2018 state that increasing prevailing building heights has a critical role to play in addressing both the scale and density of development. The guidelines also note that increased building height is a factor in assisting modern place-making and improving the overall quality of our urban environments. The strategic approach, therefore, is to promote more intensive forms of development, including increased height, whilst ensuring that high quality places and a good quality of life are achieved."

In accordance with the Urban Development and Building Height Guidelines for Planning Authorities, the Development Plan states that increasing prevailing building heights has a critical role to play in addressing both the scale and density of development. The guidelines also note that increased building height is a factor in assisting modern place-making and improving the overall quality of our urban environments. The strategic approach, therefore, is to promote more intensive forms of development, including increased height, whilst ensuring that high quality places and a good quality of life are achieved.

Detailed policy and guidance regarding building height is set out in Appendix 3 of the Development Plan, the application has responded in detail to Table 3 and Table 4 as part of this response to Section 137 response.

The applicant has had careful regard to the prevailing context and potential impacts such as overshadowing and overlooking.

In regard to Landmark/Tall Buildings the Development Plan states that:

“Dublin City Council acknowledges that taller landmark buildings can play an important visual role and can make a positive contribution to the skyline of a city. A landmark/tall building is defined as a building that is substantially taller than its surroundings and that causes a significant change to the skyline. As such, landmark/tall buildings shall be used to signal major urban functions such as high capacity public transport interchanges or to create a civic statement. Dublin City Council recognises the merit of taller buildings, including landmark/tall buildings, in a very limited number of locations, at a scale appropriate for Dublin.”

The proposal meets the necessary criteria set out in the Development Plan to justify the provision of Landmark/Tall Building at this location (see summary checklist below). The scale of the building has been carefully considered to address its visibility from all significant vistas and to deliver on its legibility as a new focal point in the city. It is an innovative addition to the city scape which will enhance the skyline and create a new landmark, expressing Dublin's ambition to be a sustainable and prosperous global city.

The distinctive form and scale of the building will make a positive contribution to the legibility of the area. It will create a visual destination and become a key reference point as one navigates the city. It will play a particularly important visual role for people travelling into the City centre from the northside of the city, including visitors arriving from the airport.

As set out below, we have prepared a table summarising compliance with the various objectives within Table 3 and Table 4. As is demonstrated, the site is appropriate for a landmark building and the proposed development satisfies the criteria.

Table 3 Checklist: ‘Performance Criteria in Assessing Proposals For Enhanced Height, Density and Scale’

Section	Objective	Page No. (Appendix 3 Response document)	Scheme Compliance
1	To promote development with a sense of place and character	15	✓
2	To provide appropriate legibility	21	✓
3	To provide appropriate continuity and enclosure of streets and spaces	21	✓
4	To provide well connected, high quality and active public and communal spaces	23	✓
5	To provide high quality, attractive and useable private spaces	25	✓
6	To promote mix of use and diversity of activities	27	✓












7	To ensure high quality and environmentally sustainable buildings	28	
8	To secure sustainable density, intensity at locations of high accessibility	34	
9	To protect historic environments from insensitive development	34	
10	To ensure appropriate management and maintenance	35	

Table 4 Checklist: 'Performance Criteria In Assessing Proposals For Landmark Tall Building/S'

Section	Objective	Page No. (Appendix 3 Response document)	Scheme Compliance
1	Exemplary Architecture	36	
2	Sustainable Design and Green Credentials	42	
3	Public Realm	43	
4	Environmental Impacts	44	
5	Public Safety and Functional Impacts	45	
6	Visual Impact and Cityscape Analysis	46	
7	Tall Building Clusters	50	

Executive Summary of Proposed Development

The proposed development will comprise of a 24 no. storey commercial building comprising office accommodation, art gallery and art studios. The City Quay site is one of the most significant brownfield sites in Dublin City centre and presents an excellent opportunity to deliver a high-density development in the city's central core. Located on the south quays of the river Liffey, at the junction of City Quay and Moss Street, and at a key river crossing, the site extends to over 0.2 hectares. The site is also bound to the south by Gloucester Street South.

The arts use is proposed at basement, ground and first floors. The office accommodation begins at first floor level and extends to the top floor of the building providing a total of 22,587 sq.m. net office space. The massing of the building steps as the building rises from a six-

storey shoulder height fronting the quays to the twenty-four storey tower. A series of stepped back terraces at 7th, 9th and 11th floors transition the form of the building from the base of the tower.

The shape and form of the tower has evolved in response to its alignment with the axis of Gardiner Street. The slender diamond plan shape ensures that the building form is elegant and slim when viewed from Gardiner Street where its form is further accentuated by the fluted profile of its prow.

The roof profile of the tower is angled towards the Gardiner Street axis creating a distinctive and unique form on the City's skyline and contributing to the character of the grouping of nearby buildings including Liberty Hall, Busáras and The Custom House.

The lower floors form a base to the tower and are located in a black brick frame with glazing infill. The frame presents two-storey high columns at 3000mm centres. In contrast, the tower is wrapped in curtain walling with 750mm wide vertical aluminium bands also at 3000mm centres. These bands contain patterned louvres which allow air transfer to the on-floor mechanical ventilation system as well as the demand control ventilation system. A similar ventilation arrangement serves the base floors.

The eastern façade bordering the Immaculate Heart of Mary Church and City Quay National School features a trellis of climbing plants set between the brick frame and horizontal louvres on the set-back glazing to ensure the visual privacy of these properties.



CGI of Proposed Development (Source: Mahoney Architecture).

The fenestration pattern extends to the roof-top plant area with the glazing bands replaced by perforated aluminium panels which are backlit to create a lantern effect at light time. This cladding also screens the maintenance craneage system.

The upper basement is occupied by the Arts Centre on the northern end and provides extensive cyclists facilities on the southern end. A gym/spa facility for exclusive use by the office users and the Arts Centre staff is located adjacent to the changing area. Cyclists can access the basement via a double width stair with wheel tracks on each side or via the car lift.

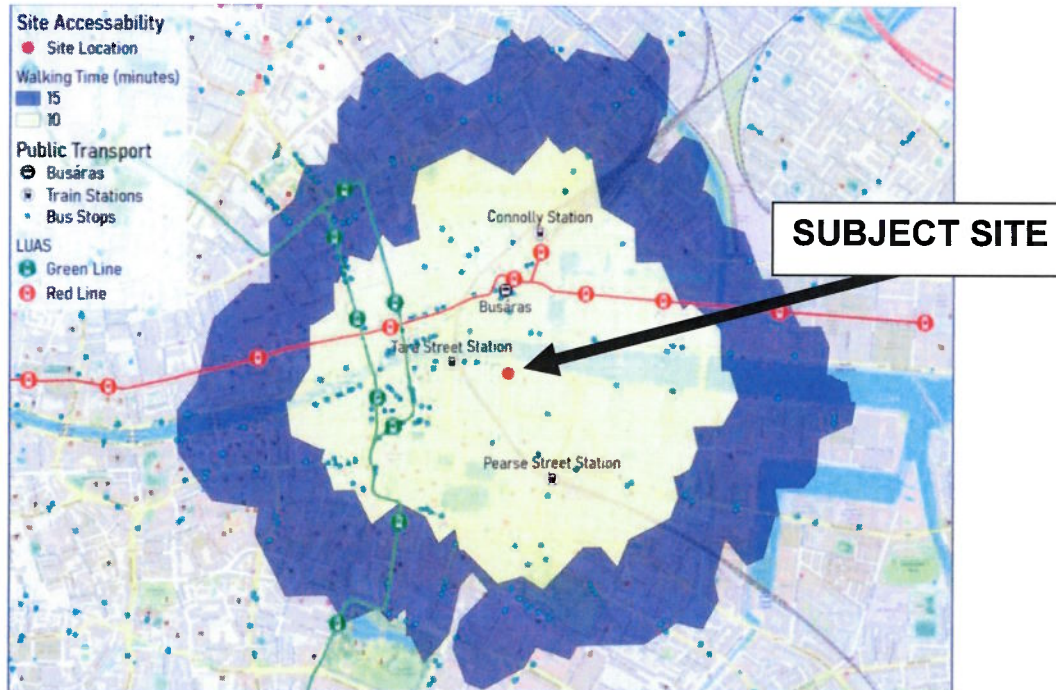
The proposed building is sited at a very busy location at the junction of City Quay, Moss Street and Talbot Memorial Bridge. As such, the envelope of the building at ground floor level, has been pulled back from the boundary line at the northwest corner to increase the size of the open space at the main entrance. A bespoke granite bench aligns with the undercroft of the second floor above and will be the main feature in the space.

It is proposed to upgrade the public realm footpath, along the west side of the building, from brushed concrete to DCC standard granite slabs and continue this surface into the main open space with brass pavement studs installed to de-mark the boundary line. It is also proposed to upgrade the surface of the existing pavement extension to the north of the building from precast paving units to DCC standard granite slabs with the material aim of creating public/private zone suited to the quality of the proposed new building.



CGI of Proposed Development and Public Realm Improvements at the junction of Moss Street and City Quay (Source: Mahoney Architecture).

It is considered that the subject site is a highly appropriate location for the proposed development. It is situated in a pivotal location on the south quays of the River Liffey, which is a point of particular visual importance in the city. The site is located within c. 160m of the Tara Street Station which will have connections to Dart and suburban rail services in addition to the wide range of bus services nearby. Tara Street Station will also be served by Metrolink and it is the location of the only planned interchange between DART and Metrolink in the City Centre. The site is also within walking distance of Busáras bus station, Connolly Station and both Luas lines.



Public Transport connections within 10-15 minutes of the subject site (Source: Modelworks)

The proposed development will provide for the demolition of the existing derelict and vacant buildings and the overall redevelopment of the site resulting in a positive impact on the surrounding area and will act as a catalyst for further investment in the area. Further, it is considered that it is not appropriate for the building to remain in its current state along the quayside where multiple surrounding sites are being redeveloped. The proposed development incorporates a significant new cultural space for the City. It is noted that the proposed development is located in Strategic Development and Regeneration Area 6 (Docklands) and will contribute to the achievement of the regeneration objectives contained within the Development Plan.

The proposal will facilitate a strategic employer by providing for an increased choice of high-quality commercial floorspace within the city centre with a notable landmark building in an appropriate location. 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 a large quantum of office floorspace and will encourage the further regeneration of this area of the city centre.

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 identified for a 'locally higher building' in SDRA6 of the Dublin City Development Plan 2022-2028.

Notwithstanding, provision is made in the City Development Plan 2022-2028 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 appended 'Appendix 3 Response to Section 137 Request From An Bord Pleanála' prepared by JSA, and therefore it is submitted that there would be no material contravention of the City Development Plan if these criteria are satisfied. These criteria are set out and addressed in detail in this submission and it is respectfully submitted that the criteria are satisfied, as explained in the accompanying document.

The proposed development of the City Arts Centre will create a distinctive new profile on the Dublin City's skyline as detailed in the Architectural Design Statement submitted by Mahoney Architecture and Taller Buildings Statement prepared by Urban Strategies. 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 landmark building on the arrival side of one the City's most important river crossing and become a significant structure in the emerging cluster of tall buildings in Dublin City Centre's premier commercial district. The building will also include a significant arts centre, re-establishing a facility which occupied the site during the 1990's, in the form of an expansive new arts and cultural centre for the City.

The distinctive form and scale of the building will mark this highly important location and will aid the legibility of the City from various vistas. It will create a visual destination and become a key reference point as one navigates the city. It will play a particularly important visual role for people travelling into the City centre from the northside of the city, including visitors arriving from the airport. The proposed building is located in close proximity to a key public transport interchange in the city, Tara Street Station, the only interchange in the City Centre between the Dart suburban rail services, and the planned Metrolink project.

The proposed development will provide for a significantly enhanced public realm and pedestrian access to the proposed development, particularly along Moss Street and City Quay. A new public plaza will provided at the building's entrance at the corner of Moss Street and City Quay. The proposed development will therefore increase the accessibility and permeability of the subject area thus improving the resilience of locations in terms of public access and egress at surface level.

The application has carefully considered the existing urban structure, character, and local sensitivity of the area. Chapter 11 of the EIAR, the LVIA prepared by Modelworks contains detailed assessment of individual views. In addition Section 2.1.3 'Sensitive Location in Proximity to the Custom House' of the 'Report on Townscape and Visual Impact for 1st Party Appeal' prepared by Modelworks contains a detailed overview of the surrounding sensitivities and the urban structure of the area noting that Dublin developed along the Liffey and the river is one of the main arranging elements of the urban structure, as well as a key movement corridor. The broad blue/green space provides some of the city's most iconic views, including views of the Custom House.

The proposed design delivers a distinctive slender tower which has been shaped to address the various characteristics of its setting and to deliver on the economic potential of its prominent location in the heart of the city's central commercial core. The scale of the building has been carefully considered to address its visibility from all significant vistas and to deliver on its legibility as a new focal point in the city. It is an innovative addition to the cityscape which will enhance the skyline and create a new landmark, expressing Dublin's ambition to be a sustainable and prosperous global city.

The shape and form of the tower has evolved in response to its alignment with the axis of Gardiner Street. The slender diamond plan shape ensures that the building form is elegant and slender when viewed from Gardiner Street where its form is further accentuated by the fluted profile of its prow.

The roof profile of the tower is angled towards Gardiner Street creating a distinctive and unique form on the City's skyline and contributing to the character of the grouping of nearby buildings including Liberty Hall, Busaras and The Custom House.



CGI of Proposed Development in the context of nearby permitted and existing buildings (Source: Mahoney Architecture).

From the beginning of the design process, the design team identified and acknowledged the site's prominent position in the city, as follows:

- As a riverfront site where it is highly visible from the Docklands and Liffey corridor,
- Its location, diagonally across from the Custom House,
- Its position at the landing place of an important river crossing and
- Its alignment and visibility from Gardiner Street and Kildare Street.

These urban characteristics have informed the design development and shaped the evolution of the building's form and architectural expression.

As set out in the Urban Strategies Taller Building Statement:

"Considerable attention has gone into the articulation and design of the City Quay facades to ensure the building warrants its prominence at both the local and city-wide scale."

The essential massing of the City Quay block involves first sculpting the extruded block of the site to recognise the predominant building scale along City Quay to the west. Step backs are articulated at the 6th, 8th, and 10th floors.

The east face of the tower portion is also set back to defer to the scale and character of the National School and church buildings.

Within the upper tower shaft, the façade has been chamfered to acknowledge the distinct long views of the building from the approach down Gardiner Street from the north north-west and along Kildare Street to the south-west. These triangulated chamfers, acting as 'prows' establishing the presence on the skyline, will act to focus the view rather than extend it across the north and south facades.

Considerable attention has been give to the upper building glazing articulation to ensure its slimness and verticality is emphasised. At the lower levels a masonry façade is introduced to reflect building treatments along City Quay."

The proposed development has been carefully scaled in relation to the surrounding areas. The City Quay National School, St. Marys Crèche & Pre-School and City Quay Church neighbour the site to the east. The St. George's Quay office development (6-13 storeys) is located across Moss Street to the west and the Grant Thornton building is located within the same city block to the east, extending to 5-9 storeys. A hotel and residential development extending to 8 no. storeys is currently under construction to the south. In response to this adjacent recent development the building height at shoulder height is similar.

At shoulder level, the proposed development provides for a street width to building height ratio of 1:2.4 fronting onto City Quay and the River Liffey which is considered an appropriate response to the setting and scale of the River Liffey.

The formation of the plinth along Moss Street and Gloucester Street South creates a parapet shoulder similar to the height of the recently completed buildings directly opposite the City Quay site and forms a street width to shoulder height of between 1:2.3 and 1: 3.25.

The building will form part of an emerging tall building cluster. As set out above the roof profile and design is designed to echo the pyramidal shapes of George's Plaza. In height it forms a grouping with the new Hawkins and Tara St buildings to cleanly define the edges of the cluster.

We trust the above is acceptable however do not hesitate to contact us should any queries arise.

Yours sincerely,



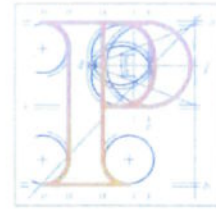
John Spain Associates

APPENDIX 1: LETTER FROM AN BORD PLEANALA

Our Case Number: ABP-315053-22

Planning Authority Reference Number: 4674/22

Your Reference: Ventaway Limited



An
Bord
Pleanála



John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61

Date: 04 December 2023

Re: Demolition of buildings. Construction of 24 storey mixed use building with all ancillary site works. NIS and EIAR submitted to PA
Site bound by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2. The site includes 1-4 City Quay (D02 PC03), 5 City Quay and 23-25 Moss Street (D02 F854)

Dear Sir / Madam,

I have been asked by the Board to refer to the above-mentioned appeal.

The Board proposes to take into account the following:

- a) **The Board noted that since the receipt of the appeal and responses to same, including observations on the appeal, that the Dublin City Development Plan 2022-2028 has come into effect.**
- b) **In this regard, the Development Plan now includes Appendix 3, which sets out performance criteria by which proposals for landmark/tall buildings must be assessed.**
- c) **You are therefore invited to provide a commentary in relation to the considerations outlined above, as they relate to the subject appeal, or any other Development Plan matters you may consider of relevance.**

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In accordance with section 137 of the Planning and Development Act, 2000, (as amended), you are invited to submit any submission or observation that you may have in relation to the matter(s) raised on or before **9th January 2024**. Any submission or observation you make should be confined to the issues specified above as the Board cannot consider comments that are outside the scope of the matter(s) in question. **The provisions of section 251 of the Planning and Development Act, 2000, (as amended), relating to the holiday period between the 24th December and 1st January, both days inclusive, have been taken into account in the calculation of the response date.** Your submission in response to this notice must be received by the Board not later than 5.30 p.m. on the date specified above.

Any submission or observation received by the Board after the expiration of the specified period shall not, in accordance with section 137 of the 2000 Act, (as amended), be considered by the Board.

Yours faithfully,



James Sweeney
Executive Officer
Direct Line:

BP73 - Xmas Registered Post

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APPENDIX 2: DUBLIN CITY DEVELOPMENT PLAN 2022-2028

This Appendix responds to the adopted and in effect Dublin City Development Plan 2022-2028 in relation to the proposed development.

Zoning

The subject site is zoned Z5 'City Centre' under the Dublin City Development Plan 2022-2028. 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, cultural, creative and artistic uses are permissible under the Z5 zoning.



Zoning Extract from the Dublin City Development Plan 2022-2028 (subject site approximately outlined in red)

The 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.

In relation to providing mixed-use developments on Z5 lands, the Plan states:

"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."

The development contains a mix of uses and therefore is not a mono office use.

Section 14.6 of the Development Plan relates to 'Transitional Zone Areas':

"The land-use zoning objectives and control standards show the boundaries between zones. While zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties (see also Appendix 3: Achieving Sustainable Compact Growth Policy for Density and Building Height in the City, Chapter 4: Shape and Structure of the City, and Chapter 15: Development Standards for guiding principles regarding criteria such as height, density, urban design)."

The subject site is subject to 'Z5 City Centre' zoning objective while the directly adjacent to the Immaculate Heart of Mary Catholic Church and City Quay National School to the east and south east, which are subject to 'Z15 Community and Social Infrastructure' zoning objective. This was previously zoned Z5 'City Centre' as part of the Dublin City Development Plan 2016-2022.

The proposed development has considered this proximity carefully from early in the project and has been carefully scaled in relation to the surrounding areas. There is a notable transition in scale with the adjoining Z15 zoning objective as is found in city centre locations well served by high capacity public transport. The Section 14.6 text must be read in the round with the overall Dublin City Development Plan 2022-2028. In particular we note Section 14.2 of the Land-Use Zoning Chapter which sets out the *Strategic Approach* which states:

"The overall zoning strategy is based on the following principles:

- To ensure that land-use zoning across the city spatially facilitates the aims of the core strategy and the objective to develop a compact, connected, low carbon, and climatically resilient city.*
- To ensure that land is appropriately zoned in order to accommodate the expected growth needs of Dublin City within the lifetime of the plan and to ensure the protection of community and social infrastructure, and critical ecosystems services, through the application of appropriate land-use zoning designations in order to provide adequate facilities and amenities to meet the growing needs of the city.*

- *To provide for balanced and sustainable development by promoting, in particular, a mixed-use pattern of development with a move away from more traditional forms of single mono-use zoning.*
- *To ensure that the most efficient use is being made of the city's land in line with the principles of the 15-minute city, and that the redevelopment of under-utilised and brownfield land is promoted in order to consolidate and add vitality to existing centres.*
- *To promote the intensification of development adjacent and close to public transport nodes and corridors in order to minimise trip generation and distribution and to promote sustainable compact urban form.*
- *To ensure that the city's zoned enterprise and employment lands are integrated with key supporting infrastructure to provide for more intensive forms of employment."*

Therefore, it is clear that the zoning strategy supports the efficient use of land, the redevelopment of underutilised brownfield land, the intensification of development on public transport nodes and the delivery of economic development proximate key supporting infrastructure.

In addition, Section 14.6 references Appendix 3 in relation to the assessment of impacts of proposed higher buildings in the city. A detailed response to Appendix 3 accompanies this Section 137 response and sets out compliance with the relevant performance criteria of Table 3 and Table 4 in particular.

The subject site is clearly located at a central and accessible location in the City Centre, and not an outer area where there may be more opportunity for separation and a gradual transition. The adjacent use is considered to reflect a long established existing use which is a small area within the wider City Centre zoned context. The site is located in the commercial core of Dublin City Centre, adjacent to a major public transport interchange. It is a location where the City Development Plan is supportive of office use having regard to its high accessibility in the City Centre.

The proposed development has been carefully scaled in relation to the surrounding areas. The City Quay National School, St. Marys Crèche & Pre-School and City Quay Church neighbour the site to the east. The St. George's Quay office development (6-13 storeys) is located across Moss Street to the west and the Grant Thornton building is located within the same city block to the east, extending to 5-9 storeys. A hotel and residential development extending to 8 no. storeys has recently been completed to the south. In response to this adjacent recent development the building response responds to this adjacent height at shoulder level which is similar. As detailed in the Architectural Design Statement submitted with the application, the massing of the building steps as the building rises from a six-storey shoulder height fronting the quays to the twenty-four storey tower. A series of stepped back terraces at 7th, 9th and 11th floors transition the form of the building from the base of the tower.

As noted by Urban Strategies in their Response to Planning Refusal Report:

"The City Quay building provides an appropriate response to its adjacent streets and properties in terms of scale and enclosure. On its westerly and southerly facades the building responds on its lower floors to the character and scale of Moss Street and Gloucester Street. By creating a stepback or the general streetscale, no 'canyon'-type spaces are created. To the east and north, the building design responds to the presence of the lower scale National School and church structures and to the predominant heights of new development along the south bank of the River Liffey.

The massing is further reduced and cranked on the east side to reduce the massing when viewed from downriver, this also creates a set back from the adjacent school and church buildings.

The Appeal Report prepared by Mahoney Architecture states:

"The massing of the building is broken down by the articulation of the façades into a series of well proportioned volumes defined by the podium and tower The 6 storey podium on City Quay relates to the established shoulder height of recent developments along City Quay The 8 storey podium to the south relates to the scale of the new developments on Moss Street and Gloucester Street South

The oblong footprint of the tower forms a series of folding planes which ensure an appropriate slenderness ratio when viewed from each side

The carefully considered balancing of the podium and tower volumes informs the height of the various elements and the overall massing of the building This has been considered from each of the primary vistas

The contrasting surface material treatment of the podium and tower further articulates the composition The brick surface of the podium responds to the local scale of the streetscape and the glazed surface of the tower responds to the broader city scale and the emerging cluster of tall buildings"

The proposed building contains a range of materials used to add variety to the façade avoiding long slab blocks entirely and therefore is not monolithic. As noted above a translucent interlayer contained within the glazing extends from floor level to a height of 1.8 m on each floor to fully prevent any overlooking of the school property below.

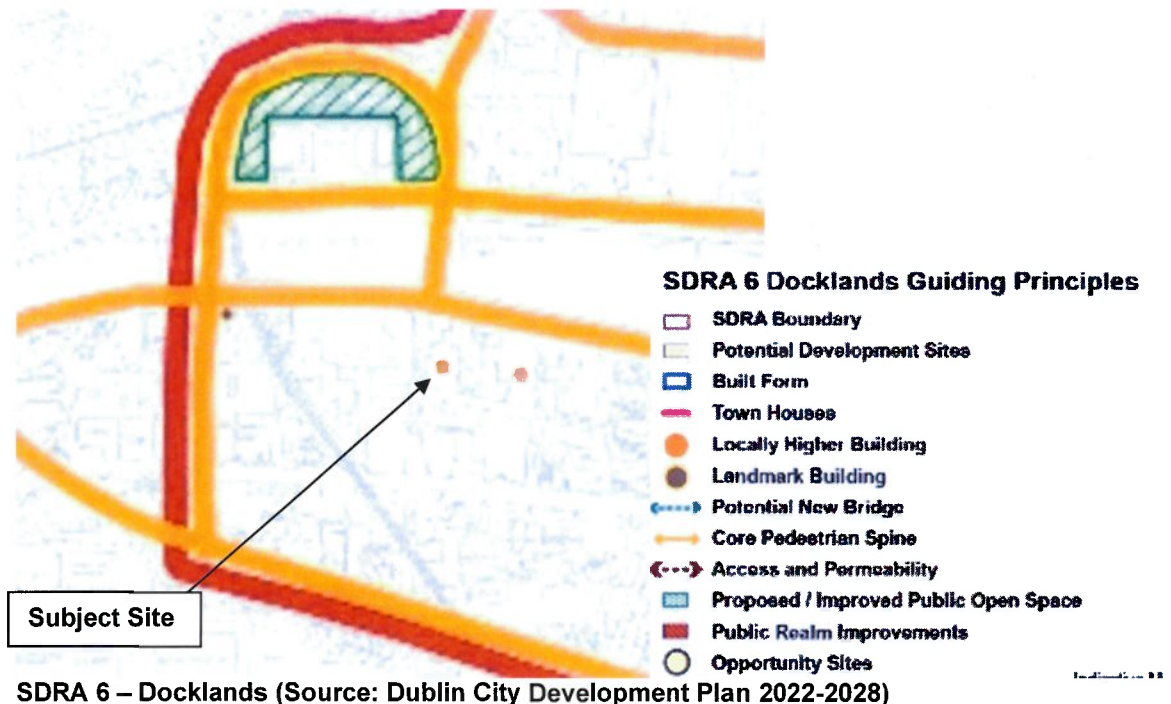


A Daylight Sunlight Assessment of the proposed development has been prepared by John Healy (MSc Environmental Design of Buildings) Digital Dimensions. This report assesses the impact of the development on the daylight and sunlight in accordance with BR 209 2022 3rd edition) BRE guidance document, Site Layout Planning for Daylight and Sunlight (BR 209). Digital Dimensions have included a detailed assessment of surrounding amenity spaces in their appeal document.

The document assesses adjacent National School properties at 7/8 City Quay, Office buildings 1GQ: the Presbytery, Petersons Court, the Immaculate Heart of Mary Church Social housing on Gloucester Street and Grant Thornton. Section 4 relates to Sunlight to gardens and open spaces and Section 5 includes detailed Shadow Diagrams.

Locally Higher Building / SDRA 6

The map for the 'SDRA 6 – Docklands' shows a 'Locally Higher Building' as illustrated on the extract below:



A 'Locally Higher Building' is defined as "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." The proposed development provides for a building of 108m which can act as a local or distinct landmark for Dublin City. It is noted that while the Tara Street Station site has been designated as a site for a 'Landmark Building', the Apollo House/College Square site does not have any designation to provide for a building of up to 22 no. storeys (82m) as permitted. Given the identification of a further 'Locally Higher Building' to the east, it is considered appropriate that a cluster of tall buildings is formed at this location in close proximity to Tara Street Station.

It is important to note that the designation of a site or otherwise, for a landmark building does not preclude one being proposed or being granted permission. The City Development provides assessment criteria for landmark buildings in Table 3 and 4 of Appendix 3, which have been addressed in the accompanying document. The 'exceptional circumstances' criteria for a landmark building on a site which is not designated for such are addressed in the accompanying Appendix 3 Response document and in the related documents submitted with the application and the appeal.

We note the following other relevant provisions of SDRA 6:

Urban Structure

The proposed development maintains the existing urban structure of the area in terms of blocks, building lines and movement however makes an important positive contribution in terms pedestrian permeability through the area.

Land Use and Activity

The proposed development is in accordance with the land use zoning and consistent with the wider use of the area for commercial uses. The proposed modern cultural spaces will replace the existing building which was previously used as an arts centre before the building became disused. These new spaces will be a significant improvement on the previous

building by providing a large art gallery which is capable of hosting events and exhibitions making an important contribution to local community needs.

The proposed development will provide for an increased choice of high-quality office floorspace within the city centre with a notable landmark 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.

Height

The proposed development has paid careful attention to the policy regarding height in the City noting national guidance in this regard. As widely discussed in the enclosed documentation the proposed development will make a positive contribution to an emerging tall building cluster. Please see enclosed response to Section 137 prepared by JSA, in conjunction other application documentation prepared by the design team, for detailed assessment of the proposed development.

Design

The proposed design response is set out in detail in the Mahoney Architects Architectural Design Statement.

Green Infrastructure

The proposed development entails a series of green infrastructure elements and sustainable drainage. The podium massing steps back from the riverside in a series of landscaped terraces which twist and rotate from the geometry of the street lines to settle as an elegant symmetrical form on the Gardiner Street vista.

Movement & Transport

It is considered that the subject site is a highly appropriate location for the proposed development and will utilise existing public transport services. The site is located within c. 160m of the Tara Street Station which will have connections to Dart, suburban rail, city bus services and the proposed MetroLink. The site is also within walking distance of Busáras bus station and both Luas lines. The site is similarly within walking distance of significant areas within the city such as the south City commercial core, the FSC and the Dockland. The development would therefore provide for a suitably scaled development at a sustainable location within the city centre of Dublin in close proximity to necessary services and facilities.

Implementation

The proposed development will result in the regeneration and development of a strategic site in the Docklands SDRA.

City Economy and Enterprise

Dublin is recognised as an international city and gateway to the European Union for many businesses. The city region contributes significantly to Ireland's economy and is a major economic driver for the country. The following policies and objectives in the Plan are of relevance to the proposed development:

"CEE2: To take a positive and proactive approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and also to deliver high-quality outcomes."

The Plan identifies the City Centre as an area to provide increased economic investment by focusing on liveability, enhanced public realm and mobility measures. The city centre will retain and build upon its existing role as one of Ireland's most important employment areas with a mix of office, retail, residential, tourism related and cultural activities. The proposed mixed-use development will significantly enhance the employment offering in the city and will also encourage more sustainable modes of transport due to its location close to major public transport networks and the low provision of car parking spaces.

Regeneration and Vacancy

The Plan states that in addition to contributing to the overall quality and attractiveness of the city, the redevelopment of regeneration areas has the potential to directly benefit the city's economy through the creation of jobs in the construction sector, the provision of new retail, commercial and office floorspace.

The proposed development will provide for the regeneration of this significant site on City Quay. The proposed development will have a positive impact on the surrounding area and will encourage further investment in the regeneration of the surrounding area.

Office and Commercial Floorspace

The Plan (Chapter 6 – City Economy and Enterprise) recognises that *“a choice of good quality and cost-competitive office and commercial space is critical in attracting investment, supporting enterprises and generating employment and there is an ongoing need to encourage the high quality re-development of outdated office stock”*.

Similarly, attracting headquarter type uses to the city is a key foreign direct investment strategy. However, there is a limited supply of the large floor area offices in the city centre and Docklands. Sites of sufficient size to provide such floor-plates are often found in regeneration areas and this represents a significant strategic advantage for Dublin.

The proposed development will provide for an increased choice of high-quality commercial floorspace within the city centre with a notable landmark 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 floor area offices and will encourage the further regeneration of the city centre. CEE21 (i) states the following:

“To promote and facilitate the supply of commercial space, where appropriate, including larger office floorplates suitable for indigenous and FDI HQ-type uses.”

The proposed development will deliver directly on this objective of the Dublin City Development Plan 2022-2028.

Built Heritage

It is noted that the northern part of the site is located within the Liffey Corridor Conservation Area. The Development Plan states that *“as with Architectural Conservation Areas, there is a general presumption against development which would involve the loss of a building of conservation or historic merit within the Conservation Areas or that contributes to the overall setting, character and streetscape of the Conservation Area. Such proposals will require detailed justification from a viability, heritage and sustainability perspective.”*

As noted in the Archaeological, Architectural and Cultural Heritage Chapter of the EIAR prepared by IAC and Rob Goodbody, the existing buildings are not protected, not in an Architectural Conservation Area nor on the National Inventory of Architectural Heritage (NIAH).

The existing buildings on site are not considered to be of any historic significance as identified at application stage and accepted by the City Council. Any existing features on site of historic or cultural importance will be preserved and/or incorporated into the proposed development. The Dublin City Council Planner's Report for the subject application states:

"A demolition Justification Report has been prepared and submitted to provide a rationale for the demolition of the existing buildings on site.

The Report includes amongst the commentary the efficiency of the existing building, the quality of existing buildings, the impact of the retention of the buildings on the land resources, the urban design rationale and environmental considerations.

The Report sets out that the existing derelict buildings face onto City Quay Road and Moss Street and consist of a pair of plain brick faced late Victorian three-bay three-storey over basement semidetached former house and shops. The buildings cover a foot print of 692 sq.m. which is approximately 31% of the available site, the remainder of the site, to the south, is taken up with surface car parking. There is also a small single storey shed located to the rear of the yard.

The internal layout of the buildings is highly fragmented with small rooms and various floor level changes. The layout is considered unsuitable for adaptation to the proposed ground floor uses of the new building, which include an arts venue and office building entrance. The layout of the existing buildings as well as the limited headroom is considered unsuitable to accommodate a generous entrance or arts venue.

The existing 3 storey building has low floor to floor heights at 3.7 metres ground to first floor and 2.8 m first to second and 2.4m first to second. This is considered inadequate for any of the proposed building uses which will require a minimum 6m at ground to first and 4m for upper floors. The existing buildings are in very poor structural condition and are not capable of carrying any additional load overhead. Nor could any basement floors be constructed under the existing structure.

Based on the above analysis, it is considered the existing building constitutes an inefficient use of the site with little opportunity to improve this situation. In addition, the existing buildings are of no particular architectural importance or interest and are not included on the list of Protected Structure in the Dublin City Council Development Plan. The interior of the building is in very poor condition and has been derelict for many years. There are no internal spaces of architectural importance or quality.

On balance, the proposed demolition of the existing building on site may be appropriate to allow for appropriate redevelopment of the subject site."

The submitted Demolition Justification Report includes input from planning, architectural, engineering and environmental consultants, setting out the considerations which justify the demolition of the existing buildings. The Report references a structural report by GKCE, which is included as Appendix 3 for information.

There are 3 no. protected structures located adjacent to the site to the east. These 3 no. protected structures are identified as City Quay (Ref.: 8825), 9 City Quay (Ref.: 1853) and 10-12 City Quay (Ref.: 1854). The protected structures are described as follows:

- *Ref. 8825: City Quay, Dublin 2 – Granite ashlar quay wall, mooring hooks, granite quay steps & Cast-iron ladders.*
- *Ref. 1853: 9 City Quay, Dublin 2 – Presbytery.*
- *Ref. 1854: 10-12 City Quay, Dublin 2 – St. Mary's Church, belfry, and boundary walls and railings*

The impact of the proposed development on the Conservation Area and protected structures has been addressed at application stage within the Archaeological, Architectural and Cultural Heritage Chapter and the Landscape and Visual Impact Chapter of the EIAR. Please refer to this document for further details.

The Plan outlines the following policies with relate to Conservation Areas:

"BHA9: 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 Areas 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.

It is submitted that the proposed development will enhance the character and appearance of the area. The development is considered to be a significant improvement on the current site and existing structures which are not considered to contribute positively to the overall character and integrity of the Conservation Area.

The proposed development will be a significant improvement on the current state of the site which has been vacant since 2001. The proposal will include 3 no. floors of arts space which will restore the cultural uses which previously occupied the site. The development also includes for a gym and a significant amount for high-quality office accommodation located in close proximity to high-frequency, high-capacity sustainable public transport which is in accordance with national and regional policy guidance.

The proposed architecture is contemporary and of exceptional design quality and will provide improvement to the public realm and streetscape.

BHA10: *There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit."*

Notwithstanding the structure does not positively contribute to the character of the Conservation Area, there would be significant public benefit arising from the scheme through the provision of the arts facility and the economic benefits arising from the office element both during construction and operational phases.

BHA11: *"Rehabilitation and Reuse of Existing Older Buildings:*

(a) *To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.*

(b) *Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.*

(c) *Ensure that appropriate materials are used to carry out any repairs to the historic fabric."*

As set out in the Demolition Justification Report submitted with the application and as accepted by Dublin City Council, it was not considered appropriate to retain and reuse the existing building as it was not considered to make a positive contribution to the character and appearance of the area or streetscape.

Chapter 12 of the EIAR (Archaeological, Architectural and Cultural Heritage) provides an assessment of the scheme including the demolition and assesses the impact on the Conservation Area and the site's setting in conservation terms. The Assessment states:

"The proposed development is located within the River Liffey Conservation Area, along with the two landmark developments considered above. When all three developments are considered together, they clearly have a cumulative impact on the Conservation Area, due to the introduction of three multi-storey structures. It is noted that the Docklands as a whole already contains tall buildings and as detailed in Chapter 11, the three structures are within an area that represents a transition zone between the old city and the Docklands. The fact that the structures are grouped relatively close together lends a character type to this area and reduces potential impacts on the Conservation Area; however, when viewed from the east and west, the change in the skyline, which is formed by the three structures, is noticeable, especially from the west, with the structures emerging above the River Liffey and the more consistent line of the Georgian structures fronting onto the quays."

Demolition

Section 15.7.1 of the Dublin City Development Plan 2022-2028 states:

"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 Whole Lifecycle Carbon Assessment prepared by BPC Consulting Engineers is submitted with this Section 137 Response. The report sets out a response to Section 15.7.1 in addition to the commentary provided in the Demolition Justification Report submitted with the application. Details on energy usage are set out in the Climate Action and Energy Statement prepared by PMEP submitted with the application. The material from the demolition is to be reused for fill in construction projects.

Culture

Cultural-specific event spaces are integral to the continued development of the arts throughout the city. Policy CU2 states *"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 city has many existing cultural venues such as the National Gallery and the Abbey Theatre. However, the Council seeks to continue to support the growth and expansion of the many cultural resources within the city, particularly where proposals increase the opportunity for greater engagement with local communities, the young, the marginalised and people with disabilities. Such cultural institutions play an important role in shaping the future of the arts and culture within the city in giving people, particularly children, the opportunity to engage and experience arts and culture and in nurturing future interest and involvement. CU4 states:

"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 proposed development will provide for the demolition of a high quality new cultural space to provide for an art gallery and individual art studios. It is considered that the new arts centre will have a significant, positive impact on the surrounding community by promoting cultural uses at such a prominent location in the city centre. CUO12 states the following:

"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."

CUO25 of the Plan states:

"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.

The proposed development provides for 1,648 sq.m. of arts space which equates to 5% of the Gross Internal Floor Area excluding the plant and core areas in the basement.

Another policy which is delivered as part of the proposals is CUO31 which states the need *"to further develop and provide for artist work spaces and spaces for creative production within the city and avail of opportunities for utilising underused buildings within communities for artistic and cultural purposes."*

Public Realm

The Development Plan acknowledges that a high-quality public realm makes the city a more attractive place to live, work and visit, and provides for an improved quality of life for all. The following policies are of relevance:

CCUV38: To promote the development of high-quality streets and public spaces which are accessible and inclusive in accordance with the principles of universal design, and which deliver vibrant, attractive, accessible and safe places and meet the needs of the city's diverse communities regardless of age, ability, disability or gender.

CCUV39: To deliver a permeable, legible and connected public realm that contributes to the delivery of other key objectives of this development plan namely active travel and sustainable movement, quality urban design, healthy placemaking and green infrastructure."

The proposed building is sited at a busy location at the junction of City Quay, Moss Street and Talbot Memorial Bridge. As such, the envelope of the building at ground floor level, has been pulled back from the boundary line at the northwest corner to increase the size of the open space at the main entrance. A bespoke granite bench aligns with the undercroft of the second floor above and will be the main feature in the space.

It is proposed to upgrade the public realm footpath, along the west side of the building within the applicant's ownership, from brushed concrete to DCC standard granite slabs and continue this surface into the main open space with brass pavement studs installed to demark the boundary line. It is also proposed to upgrade the surface of the existing pavement extension to the north of the building from precast paving units to DCC standard granite slabs with the material aim of creating public/private zone suited to the quality of the proposed new building. Additional improvements would be carried out to the immediate public realm outside of the applicant's ownership, subject to the agreement of Dublin City Council.

The primary paving finish on the ground floor will be a Leinster Granite natural stone slab with featured perimeter bands of textured cast in-situ concrete. All proposed paving is of a high quality and provides continuity and connectivity throughout the ground floor.

The additional space proposed at this corner will allow for a greater ease of movement for people who are entering and exiting the building which will be constant throughout the day. This will also provide for a greater sense of activity and animation at this corner compared with the current situation and will alleviate the expected congestion that will arise as a result of the proposed development.

The proposed improvements to the public realm in the area are essential to the functionality of the proposed development. The improved pedestrian facilities around the subject site will

ensure safe and easy pedestrian access is provided for at a significant, high-density employment hub.

The frontages onto City Quay and Moss Street present a two-storey high scale at street level. The full height glazing reveals the activity of the Arts Centre within, including the video wall. 3 no. two-storey high circular polished black concrete columns frame the glazed shopfront of the Centre. The triple height volume to the front of the building accommodates the staircase which link the three floors of the Arts Centre. The highly visible movement and activity within creates curiosity and encourages the passing public to visit the Centre.

The active street frontage extends along Moss Street where the gym unit is located. The entrance is positioned in the recess formed by the tower volume and a series of tail folding doors can be opened in mild weather to further animate the streetscape.

Urban Design and Architecture

The Dublin City Development Plan 2022-2028 states that well- connected urban design and architecture, including use of high-quality materials and finishes, and well-designed buildings, spaces and landscapes make a positive contribution to the urban environment and improve the environmental performance, competitiveness and attractiveness of the city. The following policies are of relevance:

“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.”

The proposed development is located at an appropriate site, both within an SDRA which has been identified for increased height and supported by other Dublin City Development Plan policies and objectives. The enclosed response to Table 3 and 4 of the City building height strategy provides a detailed response to the relevant criteria.

“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 proposed development entails a design led approach. The details of which have been set out within the Architectural Design Statement prepared by Mahoney Architects. The site area is not over 0.5 ha in size. The scheme is assessed in the context of the historic city centre, the river Liffey and quays, Trinity College and the historic squares of the city in the Landscape and Visual Impact Assessment, Architectural Design Statement and Tall Building Statement.

It is considered that the proposed building will make a significant contribution to the legibility of the city and positively to the skyline of Dublin City. The proposed development of the City Arts Centre will create a distinctive new profile on the Dublin City's skyline as detailed in the Architectural Design Statement submitted by Mahoney Architecture. 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 landmark building on the arrival side of one the City's most important river crossing and become a significant structure in the emerging cluster of tall buildings in Dublin City Centre's premier commercial district. The building will also reincarnate the City Arts Centre which occupied the site during the 1990's, in the form of an expansive new arts and cultural centre for the City.

The proposed development will make an important contribution to the compact growth of Dublin, the site is located in a central location served by multiple forms of public transport.

Please see Aeronautical Assessment Report prepared by O'Dwyer & Jones Design Partnership enclosed with this application.

A response to the performance-based criteria set out in Appendix 3 is enclosed with this Section 137 response.

"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."

The proposed development is in accordance with the Dublin City building height strategy, the George's Quay LAP and the principles of the SDRA. The cumulative impact has been considered in detail across application documentation include the EIAR prepared by AWN. A response to the performance-based criteria set out in Appendix 3 is enclosed with this Section 137 response.

"SC19: To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods."

Section 14.0 of the Architectural Design Statement prepared by Mahoney Architecture sets out the design approach and detail of the facades. Within its limited footprint the development will make a contribution through public realm, landscaping and permeability improvements. A holistic sustainable approach has been adopted by the design team for the proposed development. Sustainability and efficiency features have been considered throughout the design process. Overall the building proposed a contemporary design, with a façade animated by the use of materials, glazing and fenestration which makes a significant contribution to the Architectural qualities of Dublin City.

SC21: To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's character and which mitigates and is resilient to, the impacts of climate change."

The proposed development of the City Arts Centre will create a distinctive new profile on the Dublin City's skyline as submitted in the Architectural Design Statement submitted by Mahoney Architecture. 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 landmark building on the arrival side of an important river crossing and become a significant structure in the emerging cluster of tall buildings in Dublin City Centre's premier commercial district. The building will also provide an expansive new arts and cultural centre for the City.

The Planner's Report states the following in relation to the design of the proposed development:

"It should be noted that the proposed building is an interesting modern and assertive design which exhibits the use of high quality materials and finishes and if viewed in isolation and not taking into account the sensitivities of the surrounding context, the scheme has significant positive attributes."

The DCC Planner's Report also states that the proposed development would have a positive impact on the placemaking of the surrounding area:

"In regard to the impact in the immediate/surrounding public realm, the change will be significant. Setting aside the height of the proposed development, there will likely be a positive change at street level, with the replacement of the existing vacant and underutilised buildings with a modern mixed use development. The proposal would cause a significant change in character to the Talbot Bridge, George's Quay, City Quay and the surrounding area. It would become the focal point of the view when crossing Talbot Bridge, and views along Moss St. / Shaw St and would likely have a strong place- making effect."

Energy Efficiency

The Plan recognises the need for developments to be more sustainable and energy efficient in order to reach climate action target set by national policy. QHSN12 states the following:

"To encourage neighbourhood development which protects and enhances the quality of our built environment and supports public health and community wellbeing. Promote developments which:

- promote sustainable design through energy efficiency, use of renewable energy and sustainable building materials and improved energy performance,"*

A Climate Action and Energy Statement has been prepared by PMEP and was submitted at application stage. The report concludes that:

"Based on the initial review, there is sufficient utility infrastructure in the area for the development.

The sustainable design elements of the proposed development contribute to a building design that meets and exceeds the Building Regulations in terms of primary energy consumption and carbon dioxide emissions.

The passive measures included in the design, such as maximising the use of daylight and minimising solar gain (glazing selection and solar shading), reducing fabric heat loss through

the building envelope and improving the air tightness significantly contribute towards reducing the loads on the active systems within the building.

The active measures have been designed to reduce the primary energy consumption through intelligent control and highly efficient plant and equipment.

The sustainable design of the proposed development offers a building that will consume approximately considerably less primary energy than the reference building used to assess Part L compliance."

Archaeology

The subject site is located within a zone of archaeological interest. The subject site is located outside of the Georgian Core as identified in Figure 11-2 of the Plan. BHA26 of the Dublin City Development Plan 2022-2028 Plan relating to Archaeological Heritage states the following:

- "1. To protect and preserve Monuments and Places listed on the statutory Record of Monuments and Places (RMP) as established under Section 12 of the National Monuments (Amendment) Act 1994 which have been identified in the Record of Monuments and Places and the Historic Environment Viewer (www.archaeology.ie) and all wrecks over 100 years old including those in the Shipwreck Inventory of Ireland.*
- 2. To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of re-use of standing buildings, the construction of light buildings, low impact foundation design, or the omission of basements (except in exceptional circumstances) in the Monuments and Places listed on the statutory Record of Monuments and Places (RMP) as established under Section 12 of the National Monuments (Amendment) Act 1994*
- 3. To seek the preservation in situ (or where this is not possible or appropriate, as a minimum, preservation by record) of all archaeological monuments included in the Record of Monuments and Places; all wrecks and associated objects over 100 years old and of previously unknown sites, features and objects of archaeological interest that become revealed through development activity. In respect of decision making on development proposals affecting sites listed in the Record of Monuments and Places, the council will have regard to the advice and/or recommendations of the Department of Housing, Heritage and Local Government.*
- 4. Development proposals within the Record of Monuments and Places (RMP) as established under Section 12 of the National Monuments (Amendment) Act 1994, notification of sites over 0.5 hectares size with potential underwater impacts and of sites listed in the Dublin City Industrial Heritage Record, will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged.*
- 5. To preserve known burial grounds and disused historic graveyards. Where disturbance of ancient or historic human remains is unavoidable, they will be excavated according to best archaeological practice and reburied or permanently curated.*
- 6. Preserve the character, setting, and amenity of upstanding and below ground town wall defences.*
- 7. Development proposals in marine, lacustrine and riverine environments and areas of reclaimed land, shall have regard to the Shipwreck Inventory maintained by the Department of Housing, Local Government and Heritage and be subject to an appropriate level of archaeological assessment.*
- 8. To have regard to national policy documents and guidelines relating to archaeology and to best practice guidance published by the Heritage Council, the Institute of Archaeologists of Ireland and Transport Infrastructure Ireland."*

An archaeological assessment has been prepared by IAC Archaeology. Please refer to this for information regarding the archaeological and historical information in relation to the proposed development on the subject site. Please also refer to the Archaeological, Architectural and Cultural Heritage Chapter of the submitted EIAR.

Car and Bicycle Parking

The proposed development provides 11 no. car parking spaces. Appendix 5 of the Dublin City Development Plan 2022-2028 requires that no car parking be provided for office developments within Zone 1. The impacts of this volume of parking on traffic network in the area is therefore minimal. The Plan also states that *“a minimum of 50% of all car parking spaces shall be equipped with fully functional EV Charging Points. The remaining spaces shall be designed to facilitate the relevant infrastructure to accommodate future EV charging. Spaces for EV charging infrastructure shall be clearly detailed in planning applications.”* All 11 no. car parking spaces will be capable of facilitating electric vehicle charging, with a minimum 50% being equipped with charging facilities.

The Plan requires that 1 no. bicycle parking space is required for every 75 sq.m of office space, 1 no. per 5 no. staff and 1 no. per 50 sq.m. for a gym, and 1 no. per 5 no. staff and 1 no. per 50 sq.m. of community space. This calculates to a requirement of 334 no. bicycles parking spaces plus additional spaces depending on the number of staff in the arts centre and gym. The proposed development provides for 412 no. bicycle parking spaces which is in excess of the Development Plan standards.

In addition to the above, the basement will provide for 12 no. cargo bike spaces, 36 no. scooter spaces and 22 no. motorbike spaces.

The Transport and Mobility Management Plan prepared by Bakkala Consulting Engineers which was submitted at application stage states the following:

“The central location of this development and the numerous accessible public transport options available, in addition to the aspiration to really promote active travel options, has resulted in the development greatly surpassing the minimum requirements of the current development plan.”

Development Management Thresholds for Planning Applications

Table 15-1 of the Dublin City Development Plan 2022-2028 sets out Thresholds for Planning Applications and associated documentation requirements. We note the following relevant requirements and documentation submitted at application and appeal stages which satisfy the threshold requirement.

Reports	Commercial Threshold
Architectural Design Report	Prepared by Mahoney Architecture and submitted with the application.
Landscape Design Report	Drawings prepared by ThirtyThreeTrees and submitted with the application, in addition to the Architectural Design Statement.
Planning Report	Prepared by JSA and further response to the new Development Plan contained in Appendix 2.

Reports	Commercial Threshold
Daylight and Sunlight Assessment	Prepared by Digital Dimensions and submitted with the application. Additional details in response to the refusal were submitted with the appeal.
Operational Management Statement	A Delivery and Service Management Plan was prepared by Bakkala Consulting Engineers/Byrne Looby and submitted with the appeal in addition to the Operational Management details provided in the Mahoney Architecture Appeal Document.
Traffic and Transport Assessment	Please see Chapter 13 of the EIAR 'Traffic and Transportation'.
Mobility Management Plan/ Travel Plan	Mobility Management Plan was prepared by Bakkala Consulting Engineers/Byrne Looby and submitted with the application.
Service Delivery and Access Strategy	A Delivery and Service Management Plan has been prepared by Bakkala Consulting Engineers/Byrne Looby.
Engineering Services Report (Civil and Structural)	Engineering Assessment prepared by Bakkala Consulting Engineers / Looby
Construction Management Plan	Outline Construction Management Plan prepared by Bakkala Consulting Engineers / Byrne Looby;
Construction Demolition Waste Management Plan	Resource and Waste Management Plan prepared by Bakkala Consulting Engineers / Byrne Looby
Operational Waste Management Plan	Operational Waste Management Plan prepared by AWN
Basement Impact Assessment	Outline Basement Impact Assessment prepared by Bakkala Consulting Engineers / Byrne Looby
Climate Action and Energy Statement (including District Heating)	Climate Action & Energy Report prepared by P MEP Consulting Engineers
Surface Water Management Plan – see Appendix 13	Engineering Assessment prepared by Bakkala Consulting Engineers / Looby and letter from Bakkala Consulting Engineers submitted with Section 137 response.
Noise Assessment	Please see Chapter 10 of the EIAR Noise and Vibration
Site Specific Flood Risk Assessment	Flood Risk Assessment prepared by Bakkala Consulting Engineers / Byrne Looby
Site Investigation Report	Please see Chapter 7 Soils and Hydrogeology of the EIAR
Conservation Report	Please see Chapter 12 'Archaeological, Architectural and Cultural Heritage Chapter of the EIAR submitted with the application.

Reports	Commercial Threshold
Ecological Impact Assessment	Chapter 6 'Biodiversity' of the EIAR provides an Ecological Impact Assessment prepared by Altermar and was submitted with the application.
Appropriate Assessment Screening and NIS	An Appropriate Assessment Screening & Natura Impact Statement was prepared by Altermar and submitted with the application.
Environmental Impact Assessment	An EIAR was prepared by AWN was submitted with the application.
Landscape and Visual Impact Assessment, Microclimate Assessment, Telecommunications Report – see Appendix 3	<p>Please see Chapter 11 'Landscape and Visual Impact' of the submitted EIAR.</p> <p>A Wind Microclimate Assessment was prepared by BRE and submitted with the application.</p> <p>A Telecommunications Report was prepared by ISM and submitted with the application.</p>