



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-305128-19

Strategic Housing Development	438 no. Build to Rent apartments (408 no. apartments, 28 no. shared living units) and associated site works.
Location	26 Parkgate Street, Dublin 8.
Planning Authority	Dublin City Council
Perspective Applicant	Ruirside Developments Limited
Date of Consultation Meeting	18 th September 2019
Date of Site Inspection	17 th September 2019
Inspector	Karen Kenny

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1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The appeal site is located at 26 Parkgate Street, Dublin 8. The site, with a stated area of 0.73 ha, is a brownfield site at the western end of Dublin's Quay's. It contains a warehouse and office building and a number of other disused structures. It is bound to the north by Parkgate Street, to the east by the junction of Sean Heuston Bridge and Parkgate Street, to the south by the River Liffey and to the west by an office and residential development. Heuston Station is on the opposite side of the River Liffey to the south of the site. There are traditional two and three storey terraced buildings on the northern and southern sides of Parkgate Street (inc. protected structures), a 6-storey hotel (Aisling Hotel) and a car showroom to the north east of the site and a 4-storey office development (Parkgate Business Centre) and 5-storey apartment scheme (Parkgate Place) on lands to the immediate west of the site.
- 2.2. The site is in the Heuston Station and Environs Strategic Development Regeneration Area (SDRA) as defined by the Dublin City Development Plan. The plan envisages a new urban gateway that is focused on the transport node of Heuston Station, vibrant economic activities, a destination to live, work and socialise in, public realm and architectural designs of exceptional high standard and a gateway to major historic, cultural and recreational attractions. Other significant landbanks within this SDRA include the Heuston South Quarter mixed use development site to the south west of the site and the Clancy Barracks residential led development, in the grounds of the former Clancy Army Barracks to the west of the site. Heuston Station and the

Dublin Bus Conyngham Road Depot are identified as other potential redevelopment sites. Outside of the SDRA and c. 100 metres to the west of the site, the Central Criminal Courts is a modern 8 storey cylindrical building located at the junction of Parkgate Street and Infirmary Road and at the entrance to the Phoenix Park. Further east along the Quay's there is a park (Croppies Memorial Park) and a bridge crossing the Liffey (Frank Sherwin Bridge). Collins Barracks and the National Museum of Ireland is on the northern side of the River Liffey and the St. James Gate brewing complex is on the southern side of the river.

- 2.3. The subject site is presently in use by Hickeys Fabrics. The largest building on the site is a single storey cast iron structure. This structure is used as a warehouse and office building. There are other notable buildings and structures on the site attached and detached from this building. These include a stone archway (protected structure) onto Parkgate Street, the former gate lodge at the entrance to the site, a detached two storey former dwelling house and a number of attached and detached outbuildings, stores and workshops. The stone gables of two of the outbuildings form part of the prominent and distinctive built form of the site along the southern boundary to the River Liffey. The stone wall along this river frontage is a protected structure. Other notable features in this southern boundary include a square tower and round turret (both protected structures). Along the Parkgate Street boundary there is a tall painted brick boundary wall with some limited detailing of brick piers, recessed panels and corbelled cornice. The existing vehicular entrance to the site is off Parkgate Street immediately to the west of the archway.
- 2.4. The site is c. 2 km from O'Connell Street and is well served by public transport, with commuter and intercity services at Heuston Station and Luas and Bus services at an interchange to the front of Heuston Station. Sean Heuston Bridge to the east accommodates LUAS and pedestrian traffic only. There is a Bus stop and a Dublin Bikes station along the Parkgate Street frontage of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is a mixed use residential and commercial scheme. The development contains a total of 436 no. residential units (408 no. BTR apartments and 28 no. Shared Living units), 3,481sq.m of commercial office floorspace, 75sq.m

of retail floorspace and 649sq.m of café / restaurant floorspace. The development comprises 4 no. blocks of 6 to 29 storeys. Block A is 29 storeys, Block B1 is 8-13 storeys, Block C is 8-11 storeys and Block B2 is a link block between Block A and Block B1 at 1st to 6th floors.

3.2. There are 4 no. protected structures within the site, namely a Riverside Stone Wall; Turret at the eastern end of the site; Square Tower on the riverfront; and an entrance stone arch on the Parkgate Street frontage. It is proposed to incorporate the protected structures into the development.

3.3. Key Details

Detail	Proposal
No. of Units	436 no. units 408 no. BTR apartments 28 shared living units with 159 no. bed-spaces
Other Uses	4,205sq.m non-residential (8%) 3,481sq.m office; 75 sq.m retail and 649sq.m café / restaurant.
Site Area	0.73 ha
Density	597 units per hectare
Plot Ratio	5.95
Site Coverage	42%
Building Height	6 to 29 no. storeys.
Dual Aspect	Not stated.
Open Space	Public 1,521sq.m; communal 2,188sq.m
Car Parking	40 no. spaces
Cycle Parking	549 no. spaces
Part V	40 units

3.4. The breakdown of unit types is as follows:

Build to Rent		
Unit Type	No. of Units	%
BTR Studio	51	12.5%
BTR 1-Bed	272	66.7%
BTR 2-Bed	85	20.8%
Total BTR	408	100%
Shared Living		
Co Living 4-bed unit	4	14.3%
Co Living 5-bed unit	1	3.6%
Co Living 6-bed unit	23	82.1%
Total Shared Living	28	100%

- A vehicular access is proposed from Parkgate Street with a one-way shuttle on the access ramp to the lower ground level parking area.
- A submission from Irish Water states that Irish Water has issued a Confirmation of Feasibility for development. The submission states that the applicant must enter into a Project Works and Services Agreement to deliver studies and

investigations to confirm available capacity and determine the full extent of any upgrades which may be required to wastewater infrastructure. Any required third-party consents will be determined by the outcome of the studies and investigations.

4.0 Planning History

4.1. The following planning history pertains to the subject site:

ABP Ref. PL29N.221587 / PA Ref. 3613/06

Permission sought for a mixed use residential and commercial development comprising 139 no. residential units, offices, retail, restaurant, and creche floorspace. Permission was granted by the PA. This decision was the subject of 1st and 3rd party appeals. An Bord Pleanála refused permission on appeal for the following reasons:

1. The application site lies within the Heuston Station and Environs Framework Development Area (FDA7), as designated in the current Dublin City Development Plan, on a significant visual connection running from the City Quays to the Phoenix Park and the Wellington Monument and in an area close to the key focal point of Heuston Station with “ .. famous views into and around the station environs ..” as identified in the Heuston Gateway Regeneration Strategy and Development Framework Plan. Furthermore, the site is located within a conservation area, as designated in the development plan, wherein it is the stated policy of the planning authority to protect the character and historic fabric and to ensure that new buildings complement the character of the existing architecture in design, materials and scale. In addition, the site lies in close proximity to and affecting the setting of protected structures including Heuston Station to the south of the river and in a location of significant historic, amenity and tourism importance. Having regard to the scale, massing and generalised design, which is bland and repetitive, it is considered that the proposed development would not reflect the pivotal and sensitive nature of the site and would interfere with views and prospects of special amenity in the environs of the site which it is necessary to preserve, would detract from the character and appearance of the conservation area at this point and would adversely affect the setting of protected structures in the

vicinity. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The proposed development includes proposals to demolish and relocate a protected structure (entrance stone arch) within the site. It is considered that there are no exceptional circumstances to warrant the removal of this protected archway from its historical position and that its removal would detract from the character and appearance of the conservation area where it is the policy of the planning authority to protect and enhance the character and historic fabric of such areas. The proposed development would, therefore, seriously injure the amenities of this conservation area and would be contrary to the proper planning and sustainable development of the area.

5.0 National and Local Planning Policy

5.1. National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ as updated March 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS).
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’.
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- Architectural Heritage Protection – Guidelines for Planning Authorities, 2011.

5.3. Development Plan

5.3.1. The Dublin City Development Plan 2016-2022 is the relevant statutory plan for the area. The following provisions are considered to be relevant.

5.3.2. The site is zoned part Z5 and part Z9 with the following objectives:

Z5: To consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity. The stated purpose of this zoning is “to sustain life within the centre of the city through intensive mixed-use development, 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.....”.

Z9: To preserve, provide and improve recreational amenity and open space and green networks.

5.3.3. Chapter 4 ‘Shape and Structure of the City’ sets parameters for sustainable development and the creation of sustainable communities in association with the objectives of other chapters. Policies include: SC5 to promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a quality, compact, well-connected city; SC7 to protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence (Fig. 4 details ‘Key

Views and Prospects' including views west along the Quays towards the subject site); SC13 to promote sustainable densities (that are appropriate to their context and supported by community infrastructure), particularly in public transport corridors, which will enhance the urban form and spatial structure of the city and having regard to the safeguarding criteria set out in Chapter 16; SC14 to promote a variety of housing and apartment types; and SC16 to recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated SDRA's.

Section 4.5.4: Taller Buildings states the following:

- "Clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are likely to be achieved in a limited number of areas only. Taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs.....
- The plan states that it is policy to provide for taller buildings in those limited locations identified in the 'Building Height in Dublin Map' in order to promote investment, vitality and identity. 4 locations are identified for high rise buildings of 50m+ including the Heuston area (Fig. 39 Chapter 16 refers).
- It is stated that "In all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in the development standards section, to ensure that taller buildings achieve high standards in relation to design, sustainability, amenity, impacts on the receiving environment, and the protection or framing of important views."

5.3.4. Chapter 5 'Quality Housing' sets out policies to support sustainable building and design. Policies include: QH6 to create attractive mixed use neighbourhoods; QH7 to promote residential development at sustainable urban densities, with high standards of urban design and architecture; QH8 to promote the development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the character of the area; QH18 to promote the provision of high quality apartments; and QH19 is to promote the optimum quality and supply of apartments for a range of needs and aspirations.

5.3.5. Chapter 11 'Built Heritage and Culture' sets out policy in relation to heritage. The site is located within a Conservation Area. It contains 4 no. structures that are listed on the Record of Protected Structures and a number of other historic buildings. Policies include: CHC1 is for the preservation of the built heritage of the city; CHC2 relates to the protection of protected structures; CHC4 relates to the protection of Architectural Conservation Areas; and CHC5 sets out safeguards for the protection of Protected Structures and Architectural Conservation Areas.

5.3.6. Chapter 15 Strategic Development and Regeneration Areas

The following guiding principles apply to significant landbanks within SDRA7:

1. To develop a new urban gateway character area focused on the transport node of Heuston Station with world class public transport interchange facilities, vibrant economic activities, a high-quality destination to live, work and socialise in, public realm and architectural designs of exceptional high standard and a gateway to major historic, cultural and recreational attractions of Dublin City.
2. To incorporate sustainable densities in a quality contemporary architecture and urban form which forges dynamic relationships with the national cultural institutions in the Heuston environs.
3. To ensure the application of best practice urban design principles to achieve:
 - A coherent and legible urban structure within major development sites.
 - A prioritisation on the provision of public space.
 - A successful interconnection between the development site and the adjacent urban structure.
4. To protect the fabric and setting of the numerous protected structures and national monuments, many of which are major national cultural institutions.
5. To incorporate mixed-use in appropriate ratios in order to generate urban intensity and animation. This will require the major uses of residential and office to be complemented by components of culture, retail and service elements.
6. To improve pedestrian and cycle linkages throughout the area and through key sites, with a particular focus on seeking the following new linkages / improvements: along St John's Road West; from St John's Road to the Royal Hospital Kilmainham via Heuston South Quarter, subject to agreement with the OPW/RHK, on the nature of the proposed linkage; from Dr Steevens' Hospital to

IMMA, with consideration given to a new path along the banks of the river Camac.

7. As a western counterpoint to the Docklands, the Heuston gateway potentially merits buildings above 50 m (16-storeys) in height in terms of civic hierarchy.

Sites particularly suited for tall buildings include:

- OPW building: corner site on OPW lands adjacent to Dr Steevens' Hospital and Park, and opposite the south façade of the station building.
- CIE building: site to the north of the station building on the river relating to the West Terrace and River Terrace.

Any new mid or high-rise buildings must provide a coherent skyline and not disrupt key vistas and views.

8. The 'cone of vision', as set out in the 2003 Heuston Framework Plan, represents a significant view between, the Royal Hospital Kilmainham and the Phoenix Park extending from the west corner of the north range of the Royal Hospital Kilmainham, and the north-east corner of the Deputy Master's House to the western side of the Magazine Fort and east edge of the main elevation of the Irish Army Headquarters (former Royal Military Infirmary) respectively. Any new developments within this 'cone' shall not adversely affect this view. A visual impact analysis shall be submitted with planning applications to demonstrate this view is not undermined.
9. Other important visual connections to be respected include Chesterfield Avenue to Guinness Lands and from key parts of the City Quays to the Phoenix Park (Wellington Monument).

- 5.3.7. Chapter 16 'Development Standards' sets out standards for design, layout, mix of uses and sustainable design including standards for Large Scale Development (Section 16.2.2.1), Infill Development (Section 16.2.2.2), Density (16.4), Plot Ratio (16.5), Site Coverage (16.6), Building Height (16.7), Standards of Accommodation (16.10), Car Parking (16.38) and Cycle Parking (16.39).

Section 16.7 addresses Building Height. It states that:

"All proposals for mid-rise and taller buildings must have regard to the assessment criteria for high buildings as set out below:

- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas.
- Effect on the historic environment at a city-wide and local level.
- Relationship to transport infrastructure, particularly public transport provision.
- Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for.
- Contribution to public spaces and facilities, including the mix of uses.
- Effect on the local environment, including micro-climate and general amenity considerations.
- Contribution to permeability and legibility of the site and wider area.
- Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360 degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies.
- Adoption of best practice guidance related to the sustainable design and construction of tall buildings.
- Evaluation of providing a similar level of density in an alternative urban form.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

6.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations

2017. This information included, inter alia, a Completed Application Form, Cover Letter, Letters of Consent, Confirmation of Feasibility from Irish Water, Part V proposals, Planning Report, Statement of Consistency, Description of Possible Effects on the Environment, Architects Drawings, Architectural Design Statement, Schedules of Accommodation, Housing Quality Assessment, Landscape Design Development Report and Drawings, Outline Drainage and Water Supply Strategy, Statement of Consistency with Ministerial Guidelines – Flood Risk, Transport Assessment including Statement of Consistency with Ministerial Guidelines, Preliminary Environmental Statement, Preliminary Architectural Heritage Outline, Preliminary Visual Impact Assessment, Archaeological Assessment, Daylight / Sunlight Analysis, Site Wind Analysis, CGI's, Letter from Estate Agent.

6.2. Statement of Consistency

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required. The applicant's case is summarised as follows:

- The site is strategically located within Dublin's metropolitan area and is consistent with policy objectives of the NPF and the RSES in relation to consolidation.
- In terms of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009), the relatively high density is supported by the supporting infrastructure in the area.
- The site is a suitable for a BTR scheme with shared living units, due to its central location and access to public transport.
- In terms of the Urban Development and Building Heights Guidelines, the proposed development is appropriate and in line with the spirit and intent of the Guidelines. The site is identified in the Development Plan as having capacity for a taller building.
- The development complies with the standards set out in DMURS.

- In relation to the Childcare Facilities Guidelines, the applicant refers to the Apartment Guidelines. 85 no. 2-bed apartments are proposed. 50% (approx.) of the 2-bed units would create a demand for childcare, which is below the threshold of 75 no. units set out in the Childcare Guidelines.
- In terms of the Z5 zoning objective, the proposed development is a residentially led scheme with a significant quantum of employment generating floorspace. The creation of a riverside walk complies with the Z9 zoning objective.
- The following policies of the Development Plan support the proposed development: Policy QH5 to promote residential development through land management and a coordinated planned approach to developing zoned lands at key locations; Policy QH6 to create attractive mixed use neighbourhoods with a variety of housing types and tenures, facilities and amenities; Policy QH8, to promote sustainable development of vacant or under-used sites; Policy QH18 to promote the provision of high quality apartments; and Policy QH19 to promote the optimum quality and supply of apartments for a range of needs and aspirations.
- The Heuston SDRA identifies the subject site for residential and mixed-use development. The SDRA also identifies that as a gateway to the city the area merits buildings of above 50 metres in height, as a western counterpoint to the Dublin Docklands. The proposed development delivers the vision of SDRA 7. Protected Structures have been sympathetically embraced and incorporated into the scheme.
- The DEGW Study 'Managing Intensification and Change: A Strategy for Dublin Building Height' (2000) identified Heuston Station and its environs as a suitable location for tall buildings, and specifically identified the subject site as being suitable for taller buildings.

6.3. Planning Authority Submission

A submission was received by An Bord Pleanála on the 16th August 2019 from Dun Laoghaire Rathdown County Council. The 'opinion' of the planning authority included, inter alia, the following:

- Concern in relation to mix of uses in context of Z5 mixed use zoning objective. An intensive mixed-use development (with a greater mix of uses vertically and horizontally) is needed to positively contribute to the vitality and vibrancy of the area.
- Discrepancies in the drawings and lack of detail on materiality and composition is concerning. A definitive design approach is needed. The visual impact, particularly from sensitive views, and the potential contribution to the city skyline cannot be assessed in its absence.
- A proposal of exceptional architectural character and quality that is supported by a compelling urban design argument is needed to justify the 90 m height at this location.
- Relationship to Parkgate Street is critical to the successful integration of the development, given the length of street frontage and position on Parkgate Street. The ground floor use mix, overall use mix and the treatment of the Arch remain of concern.
- In relation to Block C issues of bulk, scale and mass and the relationship with the existing streetscape require refinement.
- The proposed public route through the site and along the boundary wall with the River Liffey positively contributes to public realm. Ground floor uses need to enhance public use of the area and encourage passive surveillance. This is particularly important on the narrow route from Parkgate Street along by the boundary wall at the base of the tower. Level of daylight / sunlight penetration to this route also needs to be considered.
- The level of intervention to the protected boundary wall is considered an acceptable compromise between the need to protect the wall while also providing a quality south facing public realm in the scheme. Separate comments in the Conservation Officers Memo which inter alia, express

concern in relation to the overall height, level of intervention to the wall and proposed treatment of other structures within the site are noted.

- Concerns regarding the selection and use of materials, which is crucial to the architectural quality of the development. Careful consideration should be given to the colour, tone and texture of the materials; to the modelling and profiling of the materials, including any cladding or framework system; to the durability of materials.
- The wind analysis identifies a number of areas that require further detailing.
- Details needed in relation to resident support facilities for BTR scheme.
- Floor-plans suggest that there are a significant number of north facing single aspect units. Clarity needed in relation to this matter.
- All residential units facing west in Block C require reassessment given the proximity to adjoining buildings; issues of overlooking and loss of amenity for existing residents to the west need to be addressed.
- Private open space below standards detailed in Apartment Guidelines (97 no. individual balconies are proposed for 436 no. units). While SPPR 8 allows for relaxation it places an obligation on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity. This has not been demonstrated in the submitted documentation.
- Clarity is needed in relation to access to the public areas.
- Further detail on Sunlight / Daylight.
- No detail of a social and community infrastructure audit. This is required under the CDP.

6.4. Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 18th September 2019, commencing at 11.30. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

1. Principle of Development: City centre mixed use zoning objective (Z5).
 2. Development Strategy for the site including urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; and interface with public streets.
 3. Housing Format: Combination of BTR and Shared Living Accommodation.
 4. Support Facilities and Services including communal facilities and amenities, support services and management.
 5. Residential Amenity: open space, aspect of units, access to daylight and sunlight, wind impacts and impact on existing dwellings.
 6. Architectural heritage, archaeology and impact on protected views.
 7. Transportation
 8. Site Services
 9. Childcare
 10. Any other matters
- In relation to principle of development, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the mix of uses proposed having regard to, inter alia, the land use zoning objectives pertaining to the site and the guiding principles for the Heuston Strategic Development Regeneration Area set out in Chapter 15 of the Dublin City Development Plan 2016-2022.
 - In relation to the development strategy for the site, An Bord Pleanála sought further elaboration / discussion / consideration of the urban design and architectural strategy for the site to include: building height; the overall block structure; the height, scale and mass of the individual blocks including the relationship between the blocks and the interface with existing contiguous development; and detail in relation to the architectural expression and detailing of the blocks.

- In relation to housing format, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the combination of ‘Built to Rent’ and ‘Shared Living’ housing within a single scheme.
- In relation to support facilities and services, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the provision of open space, communal facilities and support services within the development and further elaboration in relation to the overall management of these areas.
- In relation to residential amenity, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the private and communal open space and communal facilities, the proportion of dual aspect / north facing single aspect units, daylight and sunlight access, wind impacts and the potential for overlooking or overshadowing of existing development.
- In relation to architectural heritage and archaeology An Bord Pleanála sought further elaboration / discussion / consideration in relation to impacts on protected structures and other historic structures within the site and the wider Conservation Area, including the impact on historic views, on the riverside wall and on the entrance arch along Parkgate Street. An Bord Pleanála noted the submitted Archaeological Assessment.
- In relation to transportation, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the access and servicing arrangements for the development.
- In relation to site services, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the proposed wastewater connection and works required to facilitate a connection to the network.
- In relation to childcare, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the demand for childcare provision arising from the proposed residential and employment floorspace having regard to, inter alia, the guidance contained in the Childcare Facilities Guidelines and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines and the sites location adjacent to a multi-modal transport interchange.

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 305128' which is on file. The applicant advised the meeting that the scheme is at an intermediate design stage, that the detailed design of the proposed development is ongoing and that this is reflected in the preliminary nature of some of the submitted plans, particulars and reports.

I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to all of the above and to the preliminary nature of the submitted documentation, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: development strategy, mix of uses, communal facilities and residential support facilities, residential amenity, architectural heritage and childcare, as sets out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a

reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Development Strategy

Further consideration and / or justification of the documents as they relate to block structure; height, scale and mass of the blocks; and the architectural expression and detailing of the blocks, as follows:

- Further justification of the documents as they relate to the height of the 29-storey tower block, having regard to visual and skyline impacts;
- Further justification / consideration of the documents as they relate to the overall block structure and the relationship between the blocks (height / scale / massing / proportions).
- Further justification / consideration of the documents as they relate to the relationship with existing contiguous development, including but not limited to development on Parkgate Street to the north, the River Liffey to the south and the Parkgate Place development to the west; and
- Further justification / consideration of the documents as they relate to the architectural expression and detailing of the blocks, including but not limited to the materiality and composition of the blocks and the interface with streets and open spaces at ground level.

Regard should be had to the sites strategic and prominent location within the city and the need for an architectural design of exceptional high character and quality at this location. Regard should be had to the need to form a coherent and legible block structure within the site; to respond to the character and traditional architectural quality of the area; to provide a high-quality urban edge to the River Liffey and to Parkgate Street; and for a level of consistency in terms of architectural expression and materiality to create a distinctive character for the development overall.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual, the Urban Development and Building Height Guidelines for Planning Authorities (2018); the Architectural Heritage Protection, Guidelines for Planning Authorities (2011); and the Dublin City Development Plan 2016-2022.

2. Housing Format

Further consideration and / or justification of the documents as they relate to the combination of 'Build to Rent' and 'Shared Accommodation' units within a single development. This consideration / justification should have regard to, inter alia,

the distinct characteristics of both housing sectors and the guidance set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018), Chapter 5 Build-To Rent and Shared Accommodation Sectors.

3. Communal Facilities / Residential Support Facilities

Further consideration and / or justification of the documents as they relate to the provision of communal open space, communal facilities and residential support facilities within the development including the quantum, quality, distribution and function of spaces and details in relation to the overall management of these areas. Particular regard should be had to the requirements of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018), SPPR 7 Part (b) and the need to provide an evidenced based assessment in respect of residential services and amenities.

4. Residential Amenity

Further consideration and / or justification of the documents as they relate to future residential amenity, having particular regard to the provision of private amenity space to individual residential units; the portion of dual aspect and north facing units; daylight and sunlight access; micro-climate / wind impacts; and impact on the amenities of existing residential units. Particular regard should be had to the requirements of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018), SPPR8 (ii) in relation to private amenity space and SPPR 4 and Section 3.18 in relation to the dual aspect ratio and north facing units.

5. Architectural Heritage

Further consideration and / or justification of the documents as they relate to impacts on architectural heritage and character, with particular regard to the level of intervention proposed to the riverside stone wall, the treatment of the entrance stone arch along the Parkgate Street frontage and proximity of the proposed blocks to the arch, and to the impact on the local historic context of Parkgate Street, Heuston Station and environs and along the Quays. This consideration / justification should have regard to, inter alia, the guidance set out in the

Architectural Heritage Protection, Guidelines for Planning Authorities, 2011, and the guidance set out in the Dublin City Development Plan 2016-2022.

6. Principle of Development

Further justification of the documents as they relate to the overall mix of uses. This justification should have regard to, inter alia, the land use zoning objectives pertaining to the site and the guiding principles for development in the Heuston Strategic Development Regeneration Area set out in the Dublin City Development Plan 2016-2022 (Chapter 15).

7. Childcare

Further consideration and / or justification of the documents as they relate to childcare provision having regard to the demands of the residential and commercial uses proposed, the level of existing childcare provision in the area and the site's strategic location and proximity to a multi-modal transport interchange.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to inter alia urban design considerations, visual impacts, site context, the locational attributes of the area and national and local planning policy. The statement should specifically address the proposed block structure and the height, scale and mass of the blocks, the design relationship between the individual blocks within the site; the relationship with contiguous development and the interface along key frontages, having regard to the criteria set out in Chapter 3 of the Urban Development and Building Height Guidelines (2018) and in Chapter 16 of the Dublin City Development Plan. The statement should be supported by contextual plans and contiguous elevations and sections that details the relationship between the

proposed blocks within the site and the relationship with existing contiguous development in the area.

2. A Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries. This strategy shall include details of the colour, tone and texture of materials and the modelling and profiling of the materials (including any cladding or framework system) on each block. The statement should present a justification for the materials being used having regard to the need for high quality and sustainable finishes that create a distinctive character for the development overall, whilst also responding to the character of the area. The documents should also have regard to the durability of materials and the long-term management and maintenance of the proposed development.
3. An updated Visual Impact Assessment that includes photomontages, cross sections, axiometric views and CGIs. The assessment should address the contribution of the tower block to the skyline and the impact on key views, including local views along Parkgate Street and in the vicinity of Heuston Station and Sean Heuston Bridge, along the Quays, from Phoenix Park, Island Bridge and Kilmainham to the west and from the wider historic areas of the City.
4. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance of the various requirements of the 2018 Guidelines on Design Standards for New Apartments.
5. A schedule of the open space and communal facilities within the development clearly delineating public, semi-private and private spaces.
6. An updated Daylight and Sunlight Analysis.
7. A Building Life Cycle Report that includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2018 Guidelines on Design Standards for New Apartments.
8. Details of the management provisions for the Build to Rent and Shared Accommodation (where proposed) to include details of a covenant or legal

agreement as required under the SPPR 7 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018).

9. Details of Part V provision clearly indicating the proposed for compliance with Part V.
10. Details of vehicular access and servicing arrangements from Parkgate Street.
11. Details of surface and foul water drainage and water supply connections.
12. A Construction Management Plan and Construction Traffic Management Plan.
13. A site layout plan showing the extent of the Z5 and Z9 zoning objectives within the site.
14. A site layout plan, elevations and sections that detail existing residential development to the west and north and show the separation distances to opposing blocks, windows and balconies. The details should also detail the outlook from the proposed west facing residential units in Block C.
15. A detailed phasing plan for the proposed development.
16. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
17. Details of public lighting.
18. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Transport Infrastructure Ireland
2. National Transport Authority

3. Coras Iompair Eireann
4. Commission for Railway Regulation
5. Irish Water
6. Irish Aviation Authority
7. Minister for Culture, Heritage and the Gaeltacht (archaeology, nature conservation and built heritage)
8. Heritage Council (archaeology, nature conservation and built heritage)
9. Inland Fisheries Ireland
10. An Chomhairle Ealaíon
11. Fáilte Ireland
12. An Taisce — the National Trust for Ireland (archaeology, nature conservation and built heritage)
13. Dublin City Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Karen Kenny

Senior Planning Inspector

1st October 2019

