



An  
Bord  
Pleanála

**S. 6(7) of Planning and  
Development (Housing)  
and Residential  
Tenancies Act 2016  
Inspector's Report on  
Recommended Opinion  
ABP-305551-19**

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**Strategic Housing Development**

Demolition of existing industrial/commercial units on site and construction of 337 no. residential apartment units, café, retail and office accommodation.

**Location**

128-130 Docklands Innovation Park,  
East Wall Road, Dublin 3.

**Planning Authority**

Dublin City Council.

**Prospective Applicant**

EWR Innovation Park Limited.

**Date of Consultation Meeting**

07 November 2019.

**Date of Site Inspection**

30 October 2019.

**Inspector**

Stephen Rhys Thomas.

## 1.0 Introduction

- 1.1. 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 subject site is located at the junction of East Wall Road and Merchant's Road, Dublin 3. The lands are bound by East Wall Road to the north, The Beckett Building site and St. Joseph Educational National School to the west, 3-4 storey residential development to the south and two storey housing along Merchant's Road to the east.
- 2.2. The lands are accessible from the R131 East Wall Road which connects the subject site to the N1 to the west. The lands are also located within close proximity to the orbital M50 and Port Tunnel. The site is served by bus services with Dublin Bus routes No.'s 53 and 151 connecting the site to the city centre. The site is also located close, circa 1km to The Point LUAS station and Clontarf Dart Station and Docklands Rail station are also in the local area.
- 2.3. Existing buildings on site comprise a number of low rise commercial / light industrial premises, most of these will be demolished. Three units within the development will be retained and refurbished, namely units 11, 15 and 16. Unit 11 is located in the south east corner of the site and building 15 and 16 are located in the south west corner of the site.

## 3.0 Proposed Strategic Housing Development

- 3.1. The development comprises:
  - Demolition of most existing structures on site, retention and upgrading of 2,606 sqm of commercial space in three units.

- 6 blocks (4-10 storeys). The 10 storey element (Block 2) is located at the centre of the site.
- 337 apartments with gym, communal rooms and roof terraces. The proposed housing mix is as follows:

<b>Unit Type</b>	<b>No. of Units</b>	<b>%</b>
1 bed	163	48.4%
2 bed	170	50.4%
3 bed	4	1.2%
<b>Total</b>	<b>337</b>	<b>100</b>

- 190 apartment units are dual aspect (56%).
- Civic plaza and central open space at ground floor level, accessed from East Wall Road and Merchants Road, with commercial / residential amenity / community uses at ground floor level.
- Vehicular access from East Wall Road. 195 underground car parking spaces. 420 cycle parking spaces.
- Part V proposals comprising transfer of 34 no. apartments on site (20 one bed and 14 two bed units).
- Residential density amounts to 265 units per Hectare. The site comprises 1.45 Hectares.
- The following additional land uses:

<b>Land Use</b>	<b>Floor Area (sq.m.)</b>
Retail unit	385
Cafe	210
Retained commercial space	2,606
Residential amenity space	361.6
<b>Total</b>	<b>3,562.6</b>

### 3.2. Details of the proposed 6 blocks:

<b>Block</b>	<b>Height Floors</b>	<b>GFA (sq.m.)</b>	<b>Use</b>
<b>Block 1</b>	4-5	4,047.	Residential
<b>Block 2</b>	9-10	7,018	Residential, amenity space and gym
<b>Block 3</b>	7	4,811	Residential
<b>Block 4</b>	7	4,792	Residential
<b>Block 5</b>	7-8	7,025	Residential, retail and commercial
<b>Block 6</b>	4-7	2,819	Residential, retail and commercial

## 4.0 Planning History

### 4.1. Site

- 4.1.1. The planning history on the site relates to existing commercial premises, concerning use and other minor amendments.

### 4.2. In the vicinity

- 4.2.1. File Reference - **ABP-304710-19** – Permission for the demolition of all existing structures and construction of 554 no. apartments, 3-15 storeys in height, commercial/enterprise spaces, 3 no. retail units, food hub/café/exhibition space, residential amenity, crèche and men’s shed. SHD Application at 1-4 East Road, Dublin 3.

## 5.0 National and Local Planning Policy

### 5.1. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- ‘Urban Development and Building Heights Guidelines for Planning Authorities’ - 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ - 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009
- ‘Design Manual for Urban Roads and Streets’ 2013 (as amended)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

## **5.2. Dublin City Development Plan 2016-2022**

5.2.1. The site has the standard residential zoning objective Z14 ‘To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and Z6 would be the predominant uses.’ Zoning objective Z6 states – ‘To provide for the creation and protection of enterprise and facilitate opportunities for employment creation’.

5.2.2. Chapter 5 Quality Housing. Policy QH8:

*“To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.”*

5.2.3. Development plan section 4.5.4 deals with taller buildings. It states:

*“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. For example, the North Lotts and Grand Canal Dock SDZ planning scheme provides for a limited number of tall buildings at Boland’s Mills, the Point, Spencer Dock Square and Britain Quay.*

*There are also a few areas where there are good transport links and sites of sufficient size to create their own character, such that a limited number of mid-rise (up to 50m) buildings will help provide a new urban identity. These areas of the city are the subject of a local area plan, strategic development zone or within a designated SDRA.”*

There are no specific objectives relating to building height at the development site. Policy SC16 applies:

*To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).*

5.2.4. The site is located in SDRA 6 Docklands (SDZ and Wider Docklands Area), within the Docklands Area of the SDRA. Development plan section 15.1.1.7 applies. The following points of same are noted in relation to residential development:

- Holistic approach to housing that will achieve successful integration of residents, neighbours and the wider community.
- Promote the expansion of the Docklands’ residential population, cater for life-cycle requirements of the existing population and provide recreational facilities for children across a range of ages.
- Provide for residential choice with schemes conducive to family living, longterm rental and home-ownership
- Achieve successful interaction between the SDZ scheme and surrounding streets and public realm to retain and foster a strong sense of neighbourhood within communities

- Ensure that residential developments optimise the unique Docklands character in terms of visual context, maritime location, heritage assets and community identity
- Provide physical, social and amenity infrastructure in tandem with new housing
- Safeguard residential amenity and ensure appropriate transition in scale. Design of new development to have regard to the context, setting and amenity of existing housing within the SDZ and wider Docklands area
- Provision of Part V and use of the voluntary and co-operative model to achieve mixed tenure communities, also provision of support housing in conjunction with housing agencies.
- Encourage 'own front doors' and defensible open space as far as practicable

## 6.0 Forming of the Opinion

6.1. 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### 6.2. Documentation Submitted

6.2.1. 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, the following:

Completed Strategic Housing Development Application Form; Irish Water correspondence; Architectural Drawings and Design Statement; Housing Quality Assessment and Schedule of Areas; Landscape Report; Environmental Report; Statement of Consistency; Infrastructure Design Report; Traffic and Transport Assessment; Site Specific Flood Risk Assessment; Outline Construction Management Plan; Waste Management Plan; Sunlight Analysis; Archaeological Desktop Assessment; AA Screening; Residential Development M & E Utilities Report; Computer Generated Images; Residential Life Cycle Report and a Noise Report.

6.2.2. I have reviewed and considered all of the above mentioned documents and drawings.

### 6.3. **Planning Authority Submission**

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a copy of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 29 October 2019. The planning authority's 'opinion' included the following matters:

#### 6.3.2. Principle of Development

- The proposed land uses are all permissible in principle within the Z14 zoning objective.
- The mix of uses on the site falls short of what is required by the Z14 zoning objective. The proposed housing mix is acceptable.
- The site is located in SDRA 6 – Docklands, including SDZ area and Poolbeg West. The development plan requires a minimum of 5% of space in the Docklands SDRA area to be used for social, cultural, creative and artistic purposes and the location should be clearly indicated.
- Details regarding any proposed childcare provision have not been submitted.

#### 6.3.3. Residential Quality, Design and Layout of Development

- 56% of the apartments would be dual aspect. There are concerns about single aspect units facing north in block 2.
- There may be conflicts between access through open spaces and existing units to be retained.
- There are concerns in relation to separation distances between proposed blocks and site boundaries and existing development. In addition, the drawings submitted do not adequately illustrate the interaction between proposed and existing development.
- The height of the proposed development does not integrate well with existing development in the vicinity. The perimeter block layout with a central tall element is questioned. Concerns about visual impacts of higher elements of the scheme



on low rise housing in the area. Further photomontages / cgi views would be useful.

- The planning authority has no objection to the location of the proposed public open space subject to meeting the minimum 10% public open space requirement and the provision of public open spaces to a high quality with a suitable treatment to address vents from the car park.
- Private amenity spaces are generally acceptable but should be better delineated at ground floor levels.
- Creche and Play Facilities. Though play facilities are provided within the scheme proposed, a suitable childcare facility analysis has not been provided.
- Community and Social Infrastructure – given the quantum of development proposed an audit should be carried out to determine deficits in community infrastructure.

#### 6.3.4. Site Coverage and Plot Ratio

- The proposal provides a plot ratio of 2.3 and site coverage of 40.5%.

#### 6.3.5. Layout Design and Visual Impact

- Distance to boundaries and separation distances between apartment blocks is reiterated. Specific mention is made of block 4 and 3 and their relationship with retained commercial unit 15/16. In addition, block 4, 2 and 1 are seen as not ideal. Blank gables are raised as an issue, particularly at the interface with existing two storey development.
- Building height is criticised and the rationale for the heights proposed is questioned.
- The sunlight/daylight analysis is limited and fails to detail impacts to ground floor units.

#### 6.3.6. Transportation and Access

- Increased pedestrian access to the site is welcomed, particularly along Merchants Road. Detailed specification requirements concerning surfaces and finishes should be submitted at the application stage.

#### 6.3.7. Flood Risk/Drainage

- A surface water sewer runs through the site and should be protected according to the requirements of the Council.
- The site is located within flood zones A/B, the FRA should take account of the requirements of the Dublin City Development Plan FRA, particularly with respect to siting vulnerable development above the 4m OD level.

#### 6.3.8. Archaeological Assessment

- The Archaeological Report submitted is noted by the Council and should works progress on site, monitoring will be recommended.

#### 6.3.9. Landscaping

- Issues are raised in relation to the amount of cross section drawings submitted, not enough and should show areas of potential challenges.
- The preponderance of basement car parking vents is noted and a more suitable approach should be adopted.
- A taking in charge layout should be submitted and street trees should be retained.

The submission of reports on AA Screening, EIA and Noise are noted and no issues are raised by the planning authority.

- 6.3.10. The planning authority conclude that there are a number of outstanding issues that are required to be addressed before an application is made, there are 11 detailed recommendations. The planning authority also highlight the individual reports of other Council departments (Engineering Department – Drainage Division, Transportation Planning Division, Landscape Services, Archaeology Section and Housing) and the detail requirements contained therein.

#### 6.4. **Irish Water Comment**

- 6.4.1. A submission was received from Irish Water and is available on file. In summary, the submission states that the proposed development is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third-party consents are required for these connections.

#### 6.5. **Consultation Meeting**

- 6.5.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 7 November 2019. 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.
- 6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:
1. Integration with commercial units on site, neighbouring residences and public realm
  2. Landscape Design, vehicular access (ROW) and pedestrian permeability
  3. Residential Amenity – microclimate, wind, comfort and usability
  4. Site Services – surface water and flood risk
  5. Any other matters
- 6.5.3. In relation to the Integration with commercial units on site, neighbouring residences and public realm, ABP representatives sought further elaboration / discussion on:
- The amount of commercial space that it is intended to retain and reasons for retention. Further clarity on the integration of the commercial units and plans for existing buildings in terms of finishes and design.
  - Whether or not the design of the overall layout would have changed if there were no constraints on the site, with specific reference to the commercial units for retention. The possibility for a flexible design approach when and if the commercial units become obsolete, was discussed in detail.
  - The Board officials concluded that improved CGIs and detailed cross sections at appropriate locations where levels change would be useful at application stage. The two tenants in the commercial units appear to add to the mixed-use percentage on site in addition to uses of adjacent sites on the same land use zoning. Sun/daylight drawings to be submitted at application stage, should be at a legible scale.
- 6.5.4. In relation to the Landscape Design, vehicular access (ROW) and pedestrian permeability, ABP representatives sought further elaboration / discussion on:

- The use of high-quality construction materials is noted. Details regarding the central spine street of the development and any conflicts between open space and a right of way should be clarified and a design rationale advanced.
- The underground car parking vents and their interaction with the proposed public open space, should be explained.
- Pedestrian permeability particularly at the access points requires greater clarity in terms of visual representation.

6.5.5. In relation to Residential Amenity – microclimate, wind, comfort and usability, ABP representatives sought further elaboration / discussion on:

- The treatment of the landscape design in conjunction with the interaction of elements like microclimate, wind, comfort and protection, all as a result of the new built form.

6.5.6. In relation to Site Services – surface water and flood risk, ABP representatives sought further elaboration / discussion on:

- Any issues of a technical nature should be clarified and agreed as far as possible. Further discussions with the relevant technical Council staff is advised. Specifically, with regard to surface water management and flood risk assessment requirements. In particular, has the justification test been applied and have off site impacts been addressed.

6.5.7. In relation to any other matters, ABP representatives sought further elaboration / discussion on:

- It is noted that no protected monuments/protected structures are located on the site. The supporting Archaeological Impact Assessment should address any recent discoveries as they occur in the vicinity and recommend appropriate measures as necessary.

6.5.8. 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 ABP-305551-19' which is on file. 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

- 7.1. 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.
- 7.2. 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 section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to all of 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 **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**
- 7.4. 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

- 8.1. 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.
- 8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that **the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3. 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 arising from this notification:
1. Proposals for an appropriate and aesthetically acceptable treatment for large areas of blank gables. Whilst it is noted that such large expanses of blank gable may be due to the future development potential of adjacent sites, the blank gables as they are currently represented could be improved and drawings should adequately detail this.
  2. Photomontages, cross sections, visual impact analysis, shadow analysis, boundary treatment and landscaping details to indicate potential impacts on visual and residential amenities, to include views from the wider area including in particular adjacent residential areas (planned and existing); axonometric views of the scheme and CGIs are recommended. Specifically, enlarged cross sections to illustrate level changes and the interface between buildings, ground levels and public spaces should be illustrated.

3. A study or report describing the existing mix and composition of land uses on and in the vicinity of the site in the context of the current Z14 zoning objective for the area.
4. Daylight/Sunlight analysis to an appropriate scale, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential overshadowing impacts on adjoining residential areas and other sensitive receptors.
5. Analysis of the wind microclimate at ground level with reference to pedestrian occupation and usability of new public spaces in the context of the scale of buildings proposed.
6. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture where proposed and indicates which areas are to be accessible to the public. The landscaping plan should critically assess the best and most appropriate way to incorporate underground car parking ventilation structures.
7. Given the city centre location and availability of public transport, a rationale for the proposed car parking provision should be prepared, to include details of car parking management and car share schemes.
8. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.
9. Surface water drainage proposals to address issues raised in the report of the Engineering Department – Drainage Division of Dublin City Council dated 24 October 2019, with specific reference to a surface water sewer that runs through the site.
10. Site Specific Flood Risk Assessment, to address details that concern vulnerable development, flood zone A/B and finished floor levels set at 4m OD, raised in the report of the Engineering Department – Drainage Division of Dublin City Council dated 24 October 2019. Reference should be made to the 'Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment',

and to consider downstream / displacement impacts as a result of the proposed development.

8.4. 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. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee
5. Department of Culture, Heritage and the Gaeltacht
6. An Taisce – the National Trust for Ireland
7. The Heritage Council



**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.

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Stephen Rhys Thomas  
Senior Planning Inspector  
19 November 2019