



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing)
and Residential
Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion**

ABP-306163-19

Strategic Housing Development

Demolition of structures on site and construction of 659 no. apartments and associated site works.

Location

Castleforbes Business Park, Sheriff Street Upper and East Road, Dublin 1.

Planning Authority

Dublin City Council

Prospective Applicant

Glenveagh Living Limited

Date of Consultation Meeting

24th of January 2020

Date of Site Inspection

5th February 2020

Inspector

Erika Casey

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 with a stated area of 2.03ha is located at the junction of Sheriff Street Upper and East Road. The site accommodates part of the Castleforbes Business Park and comprises a number of industrial buildings, some of which are disused and redundant. It has a poor visual appearance. Access to the site is currently from Sheriff Street Upper.

2.2 To the north of the site, are Irish Rail sidings and train yards as well as further industrial lands. Permission has recently been granted to the north of the rail lands for a comprehensive residential scheme on a site known as Marshall Yards under application reference PL29N.304710. To the north west, is an existing sewage pumping station. To the west, is low density suburban housing focussed around Church Street East and the surrounding streets. There is a large apartment block located on the western side of East Road that ranges in height from three to eleven storeys. To the south of the site, is an extensive brownfield site that is under development for residential use. Lands to the south of the site are located within the North Lotts and Grand Canal Dock Strategic Development Zone. The SDZ lands are subject to a number of significant commercial and residential applications, with a number of schemes under construction.

2.3 The site is within walking distance of the City Centre and also in close proximity to the Luas and Docklands Rail Station. A proposed BusConnects route - the N4 runs along East Road.

3.0 Proposed Strategic Housing Development

- 3.1 The proposed development comprises the demolition of all structures on the site and the construction of a mixed use development set out in 9 blocks ranging in height from 3 to 20 storeys above part basement/upper ground level, to accommodate 659 apartments including live-work units and office space, retail/café/restaurant units, cultural/community space and residential tenant amenity. The development also includes car parking, bicycle parking, storage, services and plant areas. Landscaping will include a new central public space and residential podium courtyards.
- 3.2 The apartment mix comprises 86 no. studios, 246 no. 1 bed units, 253 no. 2 bed units and 74 no. 3 bed units. The residential buildings are arranged around a central open space (at ground level) and raised residential courtyards at upper ground level over part basement level. Residential tenant amenity space is provided in Blocks A1 and C2 with a total floorspace of c. 792 sq. metres.
- 3.3 Ground floor level uses located onto Sheriff Street and into the central open space include a cultural building of c. 2,375 sq. m. and 3 no. retail/restaurant/café units with a total floor area of 762 sq. metres, office space of 441 sq. metres and live/work office space of 502 sq. m.
- 3.4 Two vehicular access points are proposed along Sheriff Street and the part basement car parking is split into two areas accordingly accommodating 1,160 bicycle parking spaces, 203 car parking spaces, plant, storage areas and other associated facilities. The main pedestrian access is located centrally along Sheriff Street with additional access points from East Road and from the eastern end of Sheriff Street. The application also includes for a pocket park on the corner of Sheriff Street and East Road to be provided as a temporary development prior to additional future development on this part of the site.

Apartment Mix

Apartment Type	No.	%
Studio	86	13
1 Bed	246	37
2 Bed	253	38
3 Bed	74	11
Total	659	100

Development Parameters

Parameter	Site Proposal
SHD Site	2.03ha
No. of Residential Units	659
Retail/Commercial	4,054 sq. metres: Office: 440 sq. metres Retail/restaurant: 746 sq. metres Live/work: 493 sq. metres Cultural community building: 2,375 sq. metres
Residential Amenity	792 sq. metres
Communal Open Space	4,316 sq. metres
Car Parking	203 spaces (0.3 spaces per unit)
Bike Parking	1,160 spaces
Density	325 units per ha
Plot Ratio	3.8
Site Coverage	41%
Dual Aspect	45.4%

- 3.5 The subject site forms part of a larger landholding with an area over 2ha. A masterplan has been prepared for the site in its entirety. Permission has already been granted to the east of the site for a hotel and office development. The current proposal for strategic housing forms the second phase. The third phase is for a hotel development to be located at the junction of Sheriff Street and East Road. Permission is currently being sought for the third phase hotel – application reference 2143/20.

4.0 **Planning History**

Subject Site

4.1 There have been a number of permissions previously granted on the site, the most relevant of which are summarised below:

Application Reference 3412/08

4.2 Permission granted in September 2008 for a commercial development consisting of buildings ranging in height from 8 to 10 storeys incorporating 4 levels of basement car parking to accommodate 314 spaces and ancillary areas. The development included restaurant/café use at ground floor and office accommodation above with an overall gross floor area of 22,523 sq. metres. The maximum height of the development was c. 47m.

4.3 Permission for an extension of duration under 3412/08/x1 was refused in October 2013 due to the fact that the building height was materially in excess of the maximum heights permitted under the Dublin City Development Plan.

Adjacent Sites

Application Reference 3433/19

4.4 Permission granted in November 2019 for the demolition and partial demolition of all existing structures and the construction of a commercial office building and a 270 bedroom hotel on the eastern portion of the Business Park. The commercial office building located to the west of the site ranges from 6 to 9 storeys in height. The hotel located to the east of the site ranges in height from 7 to 10 storeys. The two buildings are located onto Sheriff Street Upper around a landscaped central courtyard which is partially publicly accessible.

Application Reference 2143/20

4.5 Permission sought for the demolition of all existing structures on the site and the construction of a 219 bedroom hotel ranging in height from 6 to 9 storeys (maximum height of c.33.95 m) with total gross floor area of c.9,241sq. m. (incl. basement). The development also includes for enhanced landscaping and public realm along Sheriff Street Upper and East Road including for visitor cycle parking. Decision pending.

SDZ Lands

- 4.6 There have also been a number of significant applications in the vicinity of the site within North Lotts and Grand Scheme Strategic Development Zone, details of which are summarised below:

Site at Upper Mayor Street and 113-115 Sheriff Street, Dublin 1

Application Reference DSDZ3689/15

- 4.7 Permission granted in May 2016 for a development comprising the construction of two student accommodation blocks containing a total of 970 bed spaces with heights ranging from 6 to 7 storeys. Further revisions to this scheme were granted under DSDZ4385/16 in February 2017.

The Exo Building, Point Village District Centre, North Wall Quay and East Wall Road, Dublin 1

Application Reference DSDZ3632/15

- 4.8 Permission granted in March 2016 for a commercial office building ranging in height from 8 to 17 storeys with an overall gross floor area of 19,263 sq. metres.

Tedcastles Site, 91-94, North Wall Quay, Mayor Street Upper and Point Square, Dublin 1

Application Reference DSDZ3875/15

- 4.9 Permission granted in December 2015 for the development of a 7-9 storey over basement office development with a gross floor area of 38,137 sq. metres. Permission for modifications to this development were granted in December 2017 under application reference DSDZ38052/17.

Application Reference DSDZ3800/17

- 4.10 Permission granted in December 2017 for an 8 storey apart-hotel development with 241 rooms and a total; gross floor area of 12,302 sq. metres. Modifications to this development are being sought under application reference DSDZ4619/19. Decision pending.

Site at North Wall Quay and Mayor Street

Application Reference DSDZ3780/17

- 4.11 Permission granted in December 2017 for 4 no. commercial office buildings ranging in height from 6 to 8 storeys with an overall gross floor area of 35,883 sq. metres.

Application Reference DSDZ3779/17

- 4.12 Permission granted in September 2017 for a development comprising 2 no. residential buildings ranging in height from 6 to 11 storeys with a total gross floor area of 41,364 sq. metres accommodating 420 no. apartments. The development also provides for a crèche of 281 sq. metres and café/restaurant/retail units with a floor area of 763 sq. metres.

Site bound by North Wall Quay, New Wapping Street, Mayor Street Upper and Castleforbes Road, North Lotts, Dublin 1

- 4.13 There were a number of applications for a mixed use development granted to Oxley Holdings Limited on these lands. Permission was granted for both office and residential development with ancillary accommodation. Relevant reference no.s include DSDZ3350/15, DSDZ2750/16, DSDZ2749/16, DSDZ2496/17 and DSDZ3552/16.

Site at the junction of North Wall Quay and New Wapping Street

Application Reference DSDZ3368/15

- 4.14 Permission granted in December 2015 for the refurbishment of the British Rail Hotel including the provision of a new 8 storey extension to provide a 169 no. bedroom hotel. The development also includes the construction of a 9 storey office building and a 6 part 7 storey office building.

Application Reference DSDZ26617

- 4.15 Permission granted in September 2017 for a hotel and office development with heights ranging from 7 to 9 storeys. Amendments were granted under DSDZ4184/18 and DSDZ3449/19.
- 4.16 Permission for amendments was subsequently refused under DSDZ2088/19 and DSDZ3173/19.

**Site located at the junction of Sheriff Street Upper and New Wapping Street,
Spencer Dock**

Application Reference DSDZ3367/15

- 4.17 Permission granted in December 2015 for the construction of a 7 storey over basement residential development to accommodate 165 residential units.

City Block 2, Spencer Dock, Dublin 1

Application Reference DSDZ2896/18

- 4.18 Permission granted in September 2018 for the construction of 325 no. residential units and an aparthotel in 2 no. blocks with heights of generally 6 to 7 storeys. Amendments subsequently granted in December 2018 under Application Reference DSDZ4279/18.

Relevant SHD Applications

Application Reference 304710-19

- 4.19 Permission granted by the Board in October 2019 for a strategic housing development comprising 9 blocks to accommodate 554 no. apartments ranging in height from 3 to 15 storeys on a site located at 1-4 East Road, Dublin 3.

Application Reference 305219-19

- 4.20 Permission granted by the Board in December 2019 for alterations to a previously permitted development to provide for both a Residential and Shared Accommodation Scheme on a site at City Block 2, Spencer Dock, Dublin 2. The height of the development ranged from 3 to 13 storeys.

Application Reference 305676-19

- 4.21 Permission sought for a development comprising 741 no. Build to rent residential units in 8 no. apartment blocks ranging in height from 4 storeys to 23 storeys on a site located to the rear of Connolly Station, Sheriff Street Upper, Dublin 1. Decision pending.

5.0 National and Local Planning Policy

National Planning Framework

5.1 The 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. Under NPO 13 it is stated:

"In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected."

Section 28 Ministerial Guidelines

5.2 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:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009.
- 'Design Standards for New Apartments – Guidelines for Planning Authorities', as updated March 2018.
- 'Design Manual for Urban Roads and Streets' 2013.
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009.

- 'Childcare Facilities Guidelines for Planning Authorities' 2001.
- 'Urban Development and Building Heights – Guidelines for Planning Authorities', 2018.

Dublin City Development Plan 2016-2022

- 5.3 The relevant statutory plan for the area is the Dublin City Development Plan 2016-2022. The site is zoned 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'*
- 5.4 Zoning Objective Z6 seeks *'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'*.
- 5.5 A wide range of uses are permissible under the Z14 zoning objective including residential. The plan notes that these are areas where proposals for comprehensive development or redevelopment have been, or are in the process of being, prepared and that such areas have the capacity for a substantial amount of development in developing areas of the inner city and outer city. It is stated that Z14 areas are capable of accommodating significant mixed used development and the required physical and social infrastructure to support this should be included in development proposals.
- 5.6 The subject site is also located within Strategic Development and Regeneration Area No. 6 – Docklands, including SDZ area and Poolbeg West. The plan sets out a number of guiding principles for the SDRA including that they represent an opportunity to create an exemplary model of good neighbourhoods and successful place making. Other principles include:
- *Safeguard residential amenity to ensure appropriate transition in scale, with design of new developments to have regard to the context, setting and amenity of existing housing within the SDZ and wider Docklands area.*
 - *All new development to provide a minimum of 5% of space for social, cultural, creative and artistic purposes.*
 - *To support sustainable transportation initiatives and recognise and promote the potential for walking and cycling.*

- *Holistic approach to housing, achieving successful integration of residential neighbours and the wider community.*

5.7 Section 4.5.4.1 of the Development Plan 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.”

5.8 It is stated in the plan 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. Of the 14 specific areas identified for midrise (up to 50m) and taller (above 50m) buildings, 4 locations are identified as a location for high rise 50m+ (refer to Fig. 39 of the Plan).

5.9 It is stated: *“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.”*

5.10 Section 16.7 addresses Building Height in a Sustainable City. It states:

“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.*

5.11 The Plan also includes a number of policies of relevance including:

QH6: *To encourage and foster the creation of attractive mixed use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential; amenities, and which are socially mixed in order to achieve a socially inclusive city.*

QH7: *To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.*

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.*

QH18: *To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.*

QH19: *To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable,*

mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.

QH20: *To ensure apartment developments on City Council sites are models of international best practice and deliver the highest quality energy efficient apartments with all the necessary infrastructure where a need is identified, to include community hubs, sports and recreational green open spaces and public parks and suitable shops contributing to the creation of attractive, sustainable, mixed-use and mixed-income neighbourhoods.*

6.0 **Forming of the Opinion**

6.1 **Introduction**

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

6.2 **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: Application Form, Cover Letter, Planning Report, Statement of Consistency, Statement on Material Contravention, Preliminary EIAR Summary Report, Architectural Drawings, Part V Proposals, Landscape Drawings and Design Development Report, Appropriate Assessment Screening Report, Infrastructure Design Report and Drawings, Traffic and Transport Assessment and Drawings, Parking Strategy Report, Statement of Compliance with DMURS, Site Specific Flood Risk Assessment, Wind Microclimate Study, Sunlight and Daylight Access Analysis, Photomontages and Energy Statement.

6.2.2 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 development is consistent with Pillar 3 and 4 of Rebuilding Ireland – Action Plan for Housing and Homelessness as it will involve the construction of 659 no. apartments on a highly accessible site in Dublin's Docklands.
- The development is in line with the core objectives of the National Planning Framework which promotes compact growth and the creation of attractive, liveable, well designed, high quality urban places.
- The subject site is located within the Dublin Metropolitan Areas as designated under the RSES. The MASP seeks to focus on a number of large scale strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The development is in line with the objectives of the RSES particularly RPO 5.4 which seeks the development of strategic residential development areas for higher densities.
- The development will promote higher density in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. It is an underutilised brownfield site in close proximity to good public transport connections. The scheme has been designed in accordance with the criteria set out in the Urban Design Manual.
- The development complies with the qualitative and quantitative standards set out in the Design Standards for New Apartments, particularly with regard to unit size, storage, amenity space, units per core, floor to ceiling height etc.
- The sites suitability for increased height is set out in the context of the criteria in the Urban Development and Building Height Guidelines for Planning Authorities. It is considered that the site is an example of the type of site anticipated in the guidelines that can achieve and is appropriate for increased building height.
- DMURS principles have been incorporated into the urban design and landscape approach to create lower traffic speeds.
- Having regard to the number of crèches permitted in North Lotts and the adjacent permitted development on East Road, as well as the proposed

housing mix, it is considered that there is an appropriate provision of crèche space in the area and a crèche is not required as part of the development.

- The development is consistent with the objectives of the GDA Transport Study by developing employment and residential development in proximity to each other and proximate to existing employment and public transport networks thereby, reducing the requirement on the car and encouraging a shift to more sustainable transport modes.
- The development is consistent with the zoning objective for the site set out in the City Development Plan. It is in line with the objectives of the core strategy to promote the intensification and consolidation of Dublin City and Docklands. The development complies with the objectives of the Strategic Development Regeneration Area and provides for the continued physical and social regeneration of this part of the city.
- It is acknowledged that the development does not comply with the Development Plan Height Strategy. The Urban Height Building Height Guidelines establish the principle for the re-examination of the height limits and these take precedence over the Development Plan height limits.

6.3 Planning Authority Submission

6.3.1 A submission was received by An Bord Pleanála on the 20th January 2020 from Dublin City Council. The 'opinion' of the Planning Authority included, inter alia, the following:

- The principle of the redevelopment of an underutilised brownfield site is welcomed.
- The application is accompanied by a wider site masterplan which sets out the proposed development strategy for the entire extent of the Business Park lands. The PA supports the masterplan approach.
- The proposed apartment mix is acceptable. The development is generally in compliance with the standards set out in the apartment guidelines.
- Having regard to the scale of the development, further consideration should be given to the provision of crèche facilities as part of the development.

- With regard to the layout of the scheme, the proposed uses at ground floor level should provide animation to the public open space and the residential tenant amenities in Block A1 should provide animation to the open space.
- Further details are required in relation to the treatment of levels within the site.
- The PA has concern in relation to the impact/quality and nature of the service yard and associated access to the west of Block A1 and its potential impact on the residential amenities within the development.
- Concern regarding potential overlooking between blocks in particular between Block B3 and C4, B3 between east and west wings and between C3 and C4.
- The applicant shall demonstrate how the proposed development does not prejudice the future development of the CIE lands to the north.
- It is considered that additional views from the immediate site context including existing residential areas to the west of East Road and Sheriff Street Upper should be submitted in order to assess visual impact of the proposal at a local level.
- The PA has concerns in relation to the principle of a 20 storey building at this location, outside the Docklands SDZ area. No rationale is provided within the application documentation in relation to the suitability of the site at a wider City wide scale to accommodate a landmark building of the height proposed at this location.
- The PA has concerns in relation to the impact of the proposed development on surrounding site boundaries. The level of impact within the Sunlight and Daylight Assessment extends to significant in a number of instances and there is a concern that the proposal does not provide an appropriate transition in scale within the adjoining site context.
- Full boundary treatment details should be provided including details of boundary treatments proposed to the west of the site and the treatment of the proposed pedestrian entrances. Having regard to the changes in level within the site and between the site and the adjacent road network, a series of sections from East Wall Road and Sheriff Street Upper should be provided.

- The EIAR should address the full masterplan proposals in consideration of cumulative impact.

Engineering Department Drainage Division (14.01.2020)

- Further clarification required regarding surface water management strategy.

Transportation Planning Division (13.01.2020)

- Proposal to remove on street parking spaces is supported. A letter of consent to extend red line boundary may be required. Areas to be taken in charge should be clearly indicated.
- The applicant should clarify the extent and nature of works proposed outside the red line boundary, clearly indicating the location of permeability links and the extent of works proposed in the public realm.
- Car parking management strategy should be provided which sets out how car parking spaces will be assigned and managed from a long term perspective.
- Detail of proposed servicing arrangements should be provided.
- The lower car parking ratio is acceptable. The quantum of cycle parking is acceptable.

Housing Department (23.12.2019)

- No objection.

6.4 Prescribed Bodies

Response from Irish Water (08.01.2020)

6.4.1 Notes that the 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 this connection to take place. The proposed connection(s) to the Irish Water network(s) can be facilitated.

6.5 Consultation Meeting

6.5.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 7th February 2020, commencing at 2.15 PM. 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 advance and contained the following issues:

1. Building Height (including justification and visual impact).
2. Development strategy for the site to include overall site masterplan and its implementation; urban design, including architectural treatment of the buildings, disposition of blocks and layout/animation of public space; the interface with public streets and treatment of public realm.
3. Residential amenity including the standard of amenity for future occupants including access to daylight and separation of blocks. The impact of the development on surrounding residential dwellings.
4. Childcare.
5. Community Cultural Building.
6. Any other matters.

6.5.3 In relation to **Height**, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Justification for height strategy and design approach, particularly the 20 storey tower. ABP noted that a robust justification for the proposed height at this location would be required. A key consideration would be whether the site would be considered strategic in terms of its location to justify a landmark building of the scale proposed and whether the design, heights and massing of the blocks provided the optimal architectural solution for the site and are exemplar in their design.
- Requirement for additional CGI's, visual impact assessment and cross sections.

6.5.4 In relation to **Development Strategy** for the site, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Implementation of the overall masterplan and phasing of development including the development of the pocket park.
- The relationship of the site with adjoining sites in terms of their future development potential.

- The potential to incorporate the pumping station lands the north and connections to the Marshall Yards development via a new bridge.
- Design and architectural treatment of the facades.
- Disposition of the blocks and relationship with each other in terms of potential overlooking.
- The layout of open spaces and the requirement to ensure that are appropriately animated.
- Interface of the development with the surrounding streets, treatment of the public realm and extent of red line boundary.
- Landscape design, boundary treatment and management and treatment and design of public spaces.
- Materials and finishes including durability and maintenance.
- Basement arrangement and access ramps.
- Nature of tenant amenity space and its interface with the public realm.
- Design and location of service yard.
- Bulk, scale and slenderness ratio of tower element.
- North south connection to the Liffey quays.

6.5.5 In relation to **Residential Amenity**, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Standard of amenity for future occupants including access to daylight and separation of blocks.
- Extent of north facing studio units.
- The impact of the development on surrounding residential dwellings in terms of overshadowing and the need for further studies to support the development.
- Wind impacts and mitigation measures.
- Noise impact.

6.5.6 In relation to **Childcare Provision**, ABP representatives sought further elaboration/discussion on the lack of a childcare facility on site and further justification of same.

6.5.7 In relation to the **Community/Cultural Building**, ABP representatives sought further elaboration/discussion of the proposed uses and management of this building to ensure that it operates as a viable social, community and artistic space. The issue of

flexibility in the design approach to ensure space is suitable and appropriate for a range of end users was also discussed.

6.5.8 **Any Other Matters:** ABP representatives sought further elaboration/discussion on management of proposed scheme;

- Viability of live work units
- Nature of tenant amenity space;
- Requirement for a building life cycle report;
- EIAR and cumulative impacts;
- Drainage issues and surface water management strategy.

6.5.9 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 306163' 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements:

- Rationale for landmark building.
- Development strategy.

which are set out in the Recommended Opinion below.

- 7.3 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.
- 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, 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.
- 8.3 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. Height

Further consideration and/or justification of the documents as they relate to:

The height strategy and design approach, particularly the scale, architecture and massing of the 20 storey building and the need to ensure that the design of this element of the scheme and other buildings are exemplar and provide the optimal architectural solution for this site. The application should be accompanied by an architectural and urban design report, drawings, photomontages and CGIS's that fully assesses the visual impact of the development and which outlines the design rationale for the proposed building height and scale, having regard to inter alia, National and Local planning policy, the site's context and locational attributes. The report should outline the height design rationale in light of the publication of 'Urban Development and Building Height Guidelines' 2018 and specifically with reference to Chapter 3 Building Height and the Development Management Process, of the guidelines as well as section 16.7 of the Dublin City Development Plan. Full justification for a building of this scale should be provided having regard to its likely prominence at a city scale as well as the rationale for the development of a landmark building at this location.

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

2. Development Strategy

Further consideration and/or justification of the documents as they relate to:

- The treatment, aesthetic design, articulation and animation of the façades.
- Design and treatment of public open spaces to ensure that they are appropriate to the future residential community and have sufficient animation.
- Disposition and proximity of blocks to minimise opportunities for overlooking and overshadowing within the proposed development.
- Interface of the development with the surrounding streets and treatment of the public realm, particularly at key entrances.
- Potential interface with pumping station to the north and bridge connection to Marshall Yard development if feasible.
- Function and use of the tenant amenity space.

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

- 8.4 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. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes and frontages including the maintenance of same, shopfronts and commercial units, the treatment of landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of exposed areas of basement ramps/service areas should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the overall development. The documents should also have regard to the long term management and maintenance of the proposed development.
 2. A comprehensive daylight and sunlight analysis addressing existing residential units in proximity to the site and proposed units and open spaces within the development. A comprehensive justification is required for any proposed north facing single aspect units.
 3. A Housing Quality Assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.
 4. Photomontages, cross sections, axiometric views of the scheme and CGIs. The application should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent streets.
 5. Childcare demand analysis and likely demand for childcare places resulting from the proposed development.

6. A detailed Phasing Plan and Taking in Charge drawing.
7. Relevant consents to carry out works on lands which are included within the red-line boundary that are not in the applicant's control.
8. A detailed Quality Audit to include Road Safety Audit, Access Audit, Cycle Audit and Walking Audit.
9. A Mobility Management Plan, car parking management strategy and details of proposed servicing arrangements.
10. Outline Construction Management Plan.

8.5 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. National Transport Authority.
2. Transport Infrastructure Ireland.
3. Irish Rail.
4. Commission for Railway Regulation.
5. Irish Water.
6. Dublin City Council Childcare Committee.
7. Irish Aviation Authority.

PLEASE NOTE:

8.6 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.

Erika Casey

Senior Planning Inspector

20th February 2020