



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-309058-20**

Strategic Housing Development	402 no. Build to Rent apartments and associated site works
Location	Heuston South Quarter, St. John's Road West/Military Road, Kilmainham, Dublin 8.
Planning Authority	Dublin City Council
Prospective Applicant	HPREF SWQ Investments Ltd.
Date of Consultation Meeting	23/03/2021
Date of Site Inspection	19/03/2021
Inspector	Conor McGrath

Contents

1.0	Introduction	3
2.0	Site Location and Description	3
3.0	Proposed Strategic Housing Development.....	4
4.0	Relevant Planning History	5
5.0	Section 247 Consultation(s) with Planning Authority	7
6.0	Planning Policy	7
7.0	Submissions Received	11
8.0	Forming the Opinion.....	11
9.0	Conclusion and Recommendation	17
10.0	Recommended Opinion.....	19

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 subject site measures approximately 1ha in area and comprises part of the wider Heuston South Quarter (HSQ) urban block, which has been partly built out. The block is bounded by Military Road to the east, St. John's Road West to the north and the grounds of the Royal Hospital Kilmainham to the south and west. Completed residential and commercial blocks bound the subject site to the east and south and the site includes part of an existing public plaza on its eastern side. Existing uses within HSQ include residential and office uses, with retail and childcare outlets at ground floor / podium level.
- 2.2. The subject site comprises the location of Blocks 5A, 5B and Block 6 of the originally permitted HSQ scheme. To the west of the site are the formal gardens of the Royal Hospital Kilmainham (RHK). Ground levels on the site were previously reduced and the formal gardens are elevated above the current site. Temporary landscaping was undertaken on the site pending its longer-term development. To the north of the site, with frontage to St. John's Road West is a further undeveloped area of the HSQ site, previously the site of Blocks 1 and 2. This is also in the ownership of the prospective applicant and is to be subject of a separate application for an office and hotel development. There is vehicular access to the overall HSQ site via a signalised junction from St. John's Road West, which provides access to basement level car parking. A second access from Military Road provides vehicular and bicycle ramped access to the basement car park.

3.0 Proposed Strategic Housing Development

- 3.1. The development comprises five Blocks, A – E, ranging in height from 3/5 to 18-storeys. The proposed blocks lie north and south of an east-west pedestrian route that provides connectivity between the RHK Gardens and Military Road to the east.
- Block A occupies the north-eastern corner of the site, rising to part 13- and part 18-storeys above podium level and includes a lower ground floor level to provide a total of 158 no. apartments. This block features an elevated arch / connection to Block C to the south.
 - Block B occupies the south-eastern corner of the site, rising to part 8- and part 12-storeys above podium level and includes a lower ground floor level to provide a total of 81 no. apartments and a retail unit (120-sq.m) at the northern end of the block at podium level.
 - Block C is located south of Block A, and west of Block B, and varies between 10 and 13-storeys in height above podium level and includes a lower ground floor level, to provide a total of 86 no. apartments. This block is connected to Block A via an arch / bridge element at floors 9 to 13 across the central pedestrian route.
 - Block D is a 5-storey over basement level block that occupies the south-western corner of the application site. It accommodates a total of 34 no. apartments.
 - Block E is a part 3-, part 5-storey over basement level block that occupies the north-western corner of the site to the west of Block A. It accommodates a total of 43 no. apartments.
- 3.2. The east-west pedestrian connection from HSQ to the RHK gardens requires alterations to the existing boundary wall of the gardens and new steps to address changes in ground levels. The development proposed the completion and continuation of the existing public plaza to the east of Block A. Existing retail and service outlets in the completed phases of the HSQ development are accessible from podium level.
- 3.3. Key development parameters include:

Site Area	1.009ha
No. of units	402
Density	369 / ha
Total Gross Floor Area Proposed	29,324 sqm
Footprint of Buildings	2,454 sqm
Plot Ratio	1:2.9
Site Coverage	28%
Dual Aspect apartments	201 / 50%
Private amenity space / balconies	54 no. units.

Total internal and external communal amenity provision comprises 4,551-sq.m.

Indoor communal facilities of c. 531-sq.m available to residents include:

- Gym (100-sq.m) and Co-working / Lounge area (178-sq.m) at lower ground floor.
- Two lounges (measuring 84-sq.m and 34-sq.m) either side of a residential foyer (78-sq.m) on the ground floor of Block A.
- A lounge (57-sq.m) at podium level at the northern end of Block C.

A total of c. 4,020-sq.m. of external communal amenity space comprises:

- 1,680-sq.m of communal open space at podium level.
- 960-sq.m of lower ground / communal courtyard areas.
- 1,380-sq.m of rooftop amenity spaces.

The rooftop amenity spaces / terraces are provided in the following locations:

- Block E – Rooftop level (6th floor level) – approx. 250 q.m.
- Block D – Rooftop level (6th floor level) – approx. 280 sq.m;
- Block B – Southern end at 8th Floor level – approx. 70 sq.m; and
- Blocks A and C (including 12th floor bridge)– approx. 780 sq.m.

4.0 Relevant Planning History

HSQ Parent Permission PA ref. 2656/03 ABP Ref. PL29S.206528:

Permission granted for a mixed-use development on the overall HSQ site that extended to 3.9 ha., with a gross floor space of 98,389-sq.m. including:

- Offices (48,531-sq.m.)

- 267 number residential units, and 30 number one bedroom live/work units.
- museum/art gallery
- retail and restaurants
- hotel/conference centre

The proposal consisted of ten buildings, ranging in height from two to 12 storeys and the application was accompanied by an Environmental Impact Statement (EIS). The permitted development was subject to numerous amending applications and all elements of the parent permission were modified. Completed elements of the development comprise blocks 3, 4, 7, 8, 9 and 10, providing approx. 80,000-sq.m of commercial floorspace and 345 apartments.

Amending applications include the following:

PA ref. 2821/08: Permission granted for modifications of previously permitted Blocks 5B & 6 on the subject site including:

- 1) Redesign and change of use of Block 6 from hotel to office, retail and cafe use.
- 2) Redesign and change of use of Block 5B from Science & Technology Based Industries to office, retail and cafe use.
- 3) Replacement of Blocks 6 & 5B with of four connected elements of 7 to 13-storeys above a common ground floor / podium level.
- 4) a visual and physical connection with the Royal Hospital Gardens.

PA ref. 2724/13: Permission granted for temporary landscaping works in respect of the non-completed development areas of the larger HSQ site, on the sites of Blocks 1, 2, 5 and 6 (1.47 ha).

PA ref. 2774/14 ABP ref.PL29S.244587: Permission sought for completion of the HSQ site including 5 no. blocks on the sites of previously permitted not commenced Blocks 1, 2, 5, 6A and 6B. The application was withdrawn following third- and first-party appeals against a decision to grant planning permission.

5.0 Section 247 Consultations with Planning Authority

Documentation from the planning authority and the prospective applicants refer to pre-planning consultation meetings on 2 July, 16 September and 18 August 2020.

Matters discussed at such meetings include:

- Relationship with the wider HSQ site, including the development site to the north.
- Relationship with the Royal Hospital and interference with views therefrom.
- Justification for proposed building mass, scale and heights.
- Design of the proposed archway.
- Animation of the public square.
- Residential amenity.
- Design and layout of open spaces.
- Sunlight and daylighting.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 13 is that, 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.

Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)**

RPO 4.3 seeks to “support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.”

Section 5.3 identifies guiding principles for development of the metropolitan area, which include:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

6.1.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)**

Pillar 4: Improve the Rental Sector. The key objective is addressing obstacles to greater private rented sector deliver and improving the supply of units at affordable rents.

Key actions include encouraging “build to rent”. Build-to-rent developments are designed with the occupants in mind, which might include bedrooms clustered around a central shared space, or the inclusion of amenities such as gyms and crèches and shared entertainment facilities.

6.2. **S.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 consider that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities.
- Design Manual for Urban Roads and Streets.
- Guidelines for Planning Authorities on Childcare Facilities.
- Architectural Heritage Protection Guidelines, Dept. of Arts Heritage and the Gaeltacht.

6.3. Local Planning Policy

Dublin City Development Plan, 2016-2022 (DCDP)

The lands are zoned 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 primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night. Ideally, this mix of uses should occur both vertically through the floors of the building as well as horizontally along the street frontage.

The site is within the area designated as a Strategic Development and Regeneration Area 7 – Heuston Station and Environs Area. The City Plan sets out guiding principles for the SDRA:

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

The area is identified as a conservation area and the Royal Hospital and associated structures are identified as protected structures.

The Heuston area is identified as appropriate for taller buildings. 16.7.2 notes that applications will be assessed against the building heights and development principles established in a relevant LAP/SDZ/SDRA in addition to the assessment criteria for high buildings and development plan standards.

7.0 Submissions Received

Irish Water: Additional surveys are required in respect of connections to wastewater services at the developer's expense. The developer will be required to fund the extension of the water network to service this development.

8.0 Forming 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.

8.1. 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 includes, inter alia:

- Completed and signed Strategic Housing Development Section 5 Pre-Application Consultation Request Form & appropriate fee.
- Letter dated 23 December to Dublin City Council.
- Planning Report including Statements of Consistency & Material Contravention.
- Part V submission (calculation of costs) and accompanying drawing.
- Environmental Analysis.
- Housing Quality Assessment (including schedule of accommodation).
- Architectural Design Statement.
- Architectural Drawings.
- Engineering Services Report (incl. Irish Water's Pre-connection Enquiry letter)
- Traffic & Transport Report.
- Site Specific Flood Risk Assessment.
- Residential Travel Plan
- DMURS Statement of Consistency.
- Engineering Drawings.
- Public Realm Landscape Strategy Report and accompanying Drawing.
- Archaeological Desk Based Impact Assessment.
- Appropriate Assessment Screening Report.
- Architectural and Heritage & Visual Impact Assessment.

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 relevant guidelines issued by the Minister under section 28 of the Act of 2000.

Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

Statements required under S.5(5) and 5(6) above have been submitted in this regard and I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2. Planning Authority Submission

A submission from Dublin City Council was received by An Bord Pleanála on 03/02/2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes a statement of the planning authority's opinion, details of S.247 pre-planning meetings and details of relevant planning applications in the area.

The statement the planning authority opinion of the makes the following points:

- Residential uses are permissible in principle on these Z5 lands.
- The development accords with national policy in respect of compact growth in urban areas and higher densities proximate to public transport.
- While the development accords with development plan policy in terms of building heights adjoining a key transport node, this is a significant and sensitive location.
- Constraints include the protection of views and the historic environment.
- Guiding principles SDRA 7 include the protection of a cone of vision north from the RHK.
- The site occupies a prominent position within a conservation area, where the cone of vision requires protection.
- In the context of existing uses in the wider HSQ and forthcoming applications on adjoining lands, a satisfactory mix of uses will be achieved on these Z5 lands.
- The proposed density of development is acceptable for this location.
- Site coverage is appropriate to safeguard existing and proposed amenities.
- The transition in heights across the site responds to the established building heights in HSQ.
- The proposal has been designed to respond to a much-reduced COV from RHK.
- The relevant COV is that which is designated in adopted Development Plan. It has not been demonstrated that the this would not be impacted by the proposal as required under Design Principle 8 of SDRA 7.

- The Planning Authority has concerns regarding the visual impact and suitability of the proposed 'Arch/Bridge' between Blocks A and C, when viewed from within RHK gardens, which adds to the visual massing of the proposal.
- The fenestration proportion and tones of the cladding panels offer little relief in terms of the massing of development at this high level.
- The Arch/Bridge would obscure a well-defined historical view and distort the historical relationship between the RHK building and its gardens.
- Design is generally in compliance with the Apartment Design Guidelines.
- A higher proportion of larger apartment units would be preferable.
- The HQA should address SPPR 7 with regard to the arrangement of apartments relative to staircases.
- Only 54 no. apartments have private open space, which is very low notwithstanding the flexibility provided for under the guidelines.
- Overall balcony provision should be increased.
- A financial contribution in lieu of public open space would be acceptable.
- A childcare needs assessment should be provided given the lack of provision on the site, and a Community and Social Infrastructure Audit.
- An Energy and Sustainability Report should be submitted.
- The application is consistent with relevant national, regional and local policies.
- The overall principle of development is supported.

Aspects requiring further consideration include:

1. Demonstrate that the identified Cone of Vision would not be impacted by the proposal. A full Landscape and Visual Impact Assessment should be carried.
2. Provide for 18-hour animation of the public square from Block A.
3. Omit the proposed 'Arch/Bridge' element between Blocks A and C.
4. Provided detail regarding the connection to the RHK gardens and inclusion in the Architectural Heritage Impact Assessment and CGI images.
5. Relevant consents for works to the RHK garden boundary walls are required.
6. Provision of a higher proportion of larger and family orientated units.

7. The impact of the plant room on ground floor residential amenities.
8. An increase in the level of internal residential amenities.
9. An increased level of balcony provision but avoiding balconies facing the RHK.
10.
 - (a) Clarification of public, communal and private open space provision.
 - (b) Clarity regarding landscaping of areas below the BRE daylight thresholds, and an assessment of the impact on the RHK formal gardens.
 - (c) Clarity on design of the central square, consistent with the original scheme.
 - (d) Further details on proposed greening of facades.
 - (e) Creation of a link to IMMA through public artwork.
 - (f) Inclusion of a green roof plan.
 - (g) Refer to biodiversity and the City Biodiversity Action Plan in the Planning Report.
11.
 - a) Access
 - Clarity on existing and proposed access pedestrian, cyclist and vehicle routes and the interaction with the remainder of HSQ.
 - The impact of on existing vehicle access arrangement.
 - Access requirements for the future commercial site and overall HSQ.
 - b) Improvements to the pedestrian environment on St. John's Road West.
 - c) Provide a Service Management Plan.
 - d) Provide a construction and operational traffic impact assessment and a preliminary Construction Environmental Management Plan
 - e) Provide a Car Parking Strategy as part of the overall Mobility Management Plan, including details of resident and visitor cycle parking.
13. Further detail regarding the design of the surface water drainage system.

8.3. **The Consultation Meeting**

- 8.4. A Section 5 Consultation meeting took place via Microsoft Teams on the 23/03/2020. 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 and I refer to the ABP record of the consultation meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Overall development strategy – relationship with Heuston South Quarter
2. Relationship with Royal Hospital Kilmainham
 - Cone of Vision
 - Formal gardens
3. Residential Amenity
 - Proposed residential amenity (SPPR8)
 - Existing residential amenity
4. Access and Parking
5. Drainage and Water

In relation to the Overall Development Strategy, An Bord Pleanála sought further discussion / elaboration on the following:

- The relationship between the proposed development and the existing and proposed adjoining development in Heuston South Quarter.
- The extent and mix of uses across the urban block.
- The approach to the central square within the site.

With regard to the relationship with the Royal Hospital Kilmainham, An Bord Pleanála sought further discussion / elaboration on the following:

- The relationship of the proposed development with the Cone of Vision as defined in the City Development Plan.
- The rationale for the proposed design approach and impact on the setting of the Royal Hospital.
- Alternative design approaches considered.
- Design of connection west to the formal gardens and issue of landowner consent.
- The design rationale for the proposed bridge / archway between Blocks A and C.

With regard to the Residential Amenity, An Bord Pleanála sought further discussion / elaboration on the following:

- The level and quality of residential amenity provided in the context of SPPR8.
- Overall open space design and landscaping approach.
- Impacts on existing adjoining residential amenities, including overshadowing and daylighting impacts.
- The requirement for any wind / microclimatic mitigation measures.

With regard to the Access and Parking, An Bord Pleanála sought further clarification / elaboration on the following:

- The relationship between the proposed development and existing access and car parking arrangements.
- The extent of works proposed as part of the proposed development.
- Cycle access arrangements.
- The level and distribution of cycle parking provision on the site.
- The extent of works / improvements to the public realm on St. John's Road West.

With regard to the Drainage and Water, An Bord Pleanála sought further clarification / elaboration on the following:

- The relationship between the development and completed elements of Heuston South Quarter and any requirement for connections through adjoining lands.
- The requirement for landowner consent in respect of service connections.

9.0 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, I recommend that further consideration and / or possible amendment of the documents submitted are required at application stage in respect of the following elements:

- The relationship of the proposed development with existing permitted development in Heuston South Quarter in terms of design consistency, access, services and residential amenity.
- The design strategy and relationship with the setting of the Royal Hospital Kilmainham, and in particular the objective of the development plan to ensure that any new developments within the Cone of Vision shall not adversely affect this view.
- The requirement under SPPR8 to demonstrate the overall quality of residential facilities provided and that residents will enjoy and enhanced overall standard of amenity.
- The requirement to demonstrate that existing adjoining residential amenities will not be significantly adversely affected by the proposed development in terms of daylight, sunlight or overshadowing.
- The lack of clarity with regard to access and parking arrangements and the extent of works proposed within the application.

details of which are set out in the Recommended Opinion.

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.”

10.0 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. Heuston South Quarter

Further consideration and/or justification of the documents as they relate to the development strategy for the site and relationship with existing and proposed

development within the overall Heuston South Quarter urban block. Particular regard should be had to the following:

- The overarching design principles for the wider urban block.
- The selection of materials and finishes in buildings and open spaces.
- The design and management of pedestrian, cycle and vehicular access for all existing and proposed uses across the block.
- The design and layout of water and drainage service provision.

2. Royal Hospital Kilmainham

- (a) Further consideration and / or justification of the documents as they relate to the development strategy for the site and the relationship with the Royal Hospital Kilmainham. In particular, further consideration and/or planning rationale in respect of the proposed developments interaction with the Cone of Vision and guiding principles set out in the Dublin City Development Plan in respect of SRDA 7 Heuston and Environs.
- (b) Further consideration and / or elaboration of the documents as they relate to the design of the pedestrian connection between the proposed development and the formal gardens of the Royal Hospital and possible architectural heritage impacts arising.
- (c) Further consideration and / or justification within the documents as they relate to the design of the archway connection between Block A and C and its relationship with the setting of the Royal Hospital and its formal gardens.

Further consideration of these issues may require an amendment to the document and / or design proposals submitted.

3. Residential Amenity

- (a) Further consideration and / or justification of the documents as they relate to the overall quality of residential amenities, having regard to the extent of private amenity space proposed and the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*, and in particular SPPR 7 and SPPR 8 set out therein.

(b) Further consideration and / or justification of the documents as they relate to the potential impact of the proposed development on the residential amenities of existing adjoining residential amenities in respect of overlooking, daylight and sunlight / overshadowing. The relationship of the development with existing adjoining development should be illustrated in cross sections and contextual elevations.

Further consideration of these issues may require an amendment to the documentation and / or design proposals submitted.

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 revised assessment of Sunlight, Daylight and Overshadowing, which includes an examination of impacts on adjoining lands and development, including potential impacts on the formal gardens of the Royale Hospital.
2. A detailed assessment of microclimate and in particular wind comfort within private, communal and public amenity spaces, to include rooftop open space. The assessment should also consider any impacts on existing adjoining private and communal amenity spaces. The assessment should assess the effectiveness of any identified mitigation measures to achieve the required comfort criteria.
3. A revised Landscape and Visual Impact Assessment which should:
 - a) Have regard to existing and permitted / proposed development on adjoining lands and give consideration to summer and winter views having regard to the influence of foliage on views in the area.

- b) Provide an assessment of impact of the development in respect of additional views, including views from:
- St. John's Road West, to the east of and including the original Heuston Station terminal building.
 - St. John's Road West on the approach to the city from the west.
 - Wolfe Tone Quay.
4. A Social and Community Infrastructure Audit of existing facilities within the area demonstrating how the proposal will contribute to the range of supporting community infrastructure. This should be accompanied by an assessment of the capacity of schools and childcare facilities in the area to accommodate the needs of the proposed development.
5. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
- The rationale for the choice of materials should be clearly set out, having regard to the relationship of the development with the Royal Hospital.
6. Landscaping proposals including an overall landscape masterplan for the development site including detail of tree planting, the quantity, type and location of all proposed hard and soft landscaping including details of public lighting, pedestrian entrances and boundary treatments and potential greening of retaining walls in the scheme. Detail shall include a rationale for the planting / vegetation selected having regard to the daylight and sunlight characteristics of the site.
7. (a) A Traffic and Transport Impact Assessment (TTIA) which should consider cumulative impacts with existing and proposed adjoining development. The

scope of this assessment should be discussed in advance with Dublin City Council.

- (b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual. This should incorporate a Quality Audit that includes (i) a Road Safety Audit, (ii) an Access Audit, (iii) a Walking and Cycle Audit.
- (c) A Parking Strategy and Mobility Management Plan. This plan shall provide a justification for the quantum and design of cycle storage / parking facilities having regard to the provisions of the Apartment Design Guidelines.
- (d) The items raised in the report of the Dublin City Council Transportation Planning Division, dated 26th January 2021.

8. Where the applicant is not the legal owner of any land or structure affected by the proposed development, the written consent of the owner to make the application. In particular, confirmation of the consent of the Office of Public Works to the proposed east – west connection between the proposed development site / Heuston South Quarter and the formal gardens of the Royal Hospital Kilmainham should be submitted.

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. Minister of Housing Local Government and Heritage (Development Applications Unit)
2. An Taisce
3. An Comhairle Ealaíon,
4. Heritage Council
5. Fáilte Ireland
6. Irish Water

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.

Conor McGrath
Senior Planning Inspector

21/04//2021