

**RESPONSE TO AN BORD
PLEANALA OPINION
STRATEGIC HOUSING DEVELOPMENT-
1-4 EAST ROAD, DUBLIN 3**

BSM

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**Brady Shipman
Martin**

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DATE
26th April 2019

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Response to ABP Opinion

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1 INTRODUCTION

Brady Shipman Martin have prepared this Response to the Opinion of An Bord Pleanala of 25th February 2019. This Response has been prepared under Article 285(5) (b) of the Planning and Development (Strategic Housing Development) Regulations 2017 in association with the Applicant and Design Team and also provides the specific information as requested by the Board.

In its Opinion, An Bord Pleanala concluded that having ‘*considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development*’.

2 SPECIFIC INFORMATION REQUESTED BY AN BORD PLEANALA

In its Opinion of 25th of February 2019 ABP set out 12 no. items that should be submitted with any application for permission. Our response to these items is set out below and cross referenced to the Design Team Reports.

2.1 Rationale for Proposed Building Height

Item 1 of the ABP Opinion states:

Rationale for proposed building height with regard to the criteria provided in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities.

Section 3.2 of the Urban Development and Building Height Guidelines provide guidance for Planning Authorities/An Bord Pleanala in considering development proposals for buildings taller than prevailing building heights. These are considered in relation to East Road in Section 6.2 of the Planning Report accompanying this application but for ease of reference is repeated below:

	East Road Proposed Scheme
Principles	
Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic	Yes, the scheme provides for a mixed use development on an existing underutilised brownfield site proximate to Dublin’s Docklands. The scheme delivers 554 residential units in addition to 4463 sq.m of employment and other uses that contribute to the wider community.

Objective to deliver compact growth in our urban centres?	
Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?	While the scheme exceeds the maximum heights set out in the current Development Plan, this Plan was prepared prior to the publication of these Guidelines.
Where the relevant development plan, local area plan or planning scheme pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework	Yes, the current Development Plan, for the most part sets numerical height caps now superseded by these Guidelines. However the subject site is located within an SDRA, as designated by the Development Plan, which is an area identified for intensification and growth but is restricted currently in relation to height. The scheme does not exceed height ranges judged appropriate within the current CDP within other SDRA locations.
Criteria	
City/Town Scale	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport	Yes, The site at East Road is in a highly accessible location, at just 600m walking distance from both the Spencer Dock Luas Stop and the Docklands Rail Station. The Spencer Dock Luas Stop is also the future proposed location of the Docklands DART Underground Station. In addition there is an existing bus stop directly in front of the site which is to have its frequency increased under Bus Connects.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	The approach to height on this scheme has been to both step down and integrate with existing context where appropriate but also to maximise the opportunity presented by the adjacency of the railway yards and the topography of East Rd to provide for a landmark building to act as a marker to the wider East Wall area and as a transition from the Docklands. An LVIA is considered as part of the EIAR to accompany the SHD Application.
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to	As outlined above the approach to height both responds to the existing context and provides for a new context in appropriate areas of the site. This approach is

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<p>achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p>achievable on this site due to the scale of this site which is not typical for a Docklands/Inner City site. It integrates with both existing lower and medium height contexts and acts as a reference point to existing taller buildings at the junction of Sheriff St and East Rd and the Sean O’Casey Building to the west.</p>
<p>District/ Neighbourhood/ Street Scale</p>	
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape</p>	<p>Yes, it is considered that this proposed scheme contributes in both placemaking and to the wider neighbourhood of East Wall. The scheme remakes the street that has been lacking at this key section of East Road and provides active frontages and residential facades at this key section of the road. In addition the type of other uses proposed including extensive employment space, foodhub and retail will contribute to the locality. The existing Men’s Shed is also to be reconfigured within the scheme which is an important local facility.</p>
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<p>The scheme as proposed provides for 9 blocks over two podiums north and south of the site, around a central open space. This approach provides for clear views through the site as viewed from various angles.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>It is considered that this proposed scheme contributes in both placemaking and to the wider neighbourhood of East Wall. The additional height is appropriately located on the site at the juncture of the East Road Bridge and the site itself, where it is perceived as a locator on the East Road. At this location it is buffered by residential accommodation in the wider environs. The location for increased height of 15 and 10 storeys on the site, immediately adjacent to the rail yards, and at its southern-most extent, responds to site context conditions.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>The potential for permeability and connectivity through the site is noted however restricted by existing context. Existing residential developments exist to the north and east bounded by walls and the railway tracks to the south provide a</p>

	restriction on movement in this direction currently. The site does however provided renewed frontage onto East Rd significantly improving movement from the north to Sheriff Street.
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	In keeping with the zoning intent for the site it is proposed to provide for a meaningful mixed use scheme given the site's location. The scheme provides for both a mix of unit types and a mix of uses ensuring a truly mixed-use environment.
Site/Building Scale	
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	As outlined previously the buildings range in height from 4 to 15 storeys in order to both meet existing context and to ensure minimal impact on daylight or sunlight quality of adjoining properties. The north and east of the site in particular step down in this regard adjoining existing residential properties.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight (2 nd Edition or BS 8206-2:2008 – 'Lighting for Buildings- Part 2: Code of Practice for Daylighting'.	A Daylight and Sunlight Report, prepared by ARC, is included in this application ABP and is also considered in the EIA Microclimate Chapter
Specific Assessments	
Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.	A Wind Impact Assessment, prepared by Arup, is included in this application t to ABP. It is additionally considered in the EIA Microclimate Chapter. It has been prepared as an iterative process throughout the design process identifying where any problem areas exist and what mitigation is required to address them. This mitigation has been incorporated into the architectural and landscape design as submitted.
In development locations in proximity to sensitive bird and /or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.	As part of the Biodiversity assessment for the EIA the sensitivity of the site for protected species inc. bats and birds was appraised. No relevant species were identified on or connected to the site.

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An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	This is not considered relevant.
An assessment that the proposal maintains safe air navigation.	As the site is not located within any flight paths, it is considered that safe air navigation is maintained. However, as per DCC Development Plan, the IAA have been notified of the making of this application.
An urban design statement including, as appropriate, impact on the historic built environment	This is considered in both the EIAR and in respect of the historic built environment but also in the OMP Design Statement in regards to proposed build form and materials taking account of the historic fabric.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	As the site is over 2ha and 500 units an EIAR has been carried out and accompanies this SHD Planning Application. Additionally an AA Screening Report is included.

2.2 Provision of 5% of Space for Social, Cultural, Creative and Artistic Purposes

Item 2 of the ABP Opinion states:

Proposals to address the development plan requirement that a minimum of 5% of space in the Docklands SDRA area is to be used for social, cultural, creative and artistic purposes with the location of same clearly indicated on the submitted plans.

The requirement to include for a minimum of 5% space for social, cultural, creative and artistic purposes has been considered in the development of this important scheme. The Development Plan does not provide a definition or clarity for the basis of the 5% space calculation however a number of scenarios have been considered and assessed to ensure the scheme is compliant with this requirement.

It is submitted that the potential uses which could be considered under ‘social, cultural, creative and artistic’ is broad in nature and requires a wider consideration than the usual assumptions pertaining to social/cultural uses. For example ‘artistic’ uses can include more traditional uses such as art galleries/artists’ studios, and also newer uses such as animation studios. As such it is considered that flexibility in the nature of spaces to be provided that can

accommodate and contribute *social, cultural, creative and artistic purposes* is critical.

In this regard, we have identified the own-door units of the enterprise space (representing 30% of the enterprise space), the café / foodhub / exhibition space, the crèche, men’s shed (already established on the site and committed to continuing its activities on a redeveloped site), and the central plaza space, which has been designed to be able to facilitate community and social events such as markets etc., as being suitable for inclusion to this use category.

This is supported by the intent for the Enterprise Space (including the café, foodhub and exhibition space) as set out in the Element78 Enterprise Space Management Plan *‘the focal point of the site will be an Enterprise Hub that will provide a beneficial environment for residents, local community and start-ups. The spaces at the East Road site will be curated and actively managed to allow multiple users access shared multipurpose space. Our strategy will reflect the needs of the site residents, local residents, local business’ and will work with complimentary organizations to create valuable local amenities that will benefit all’.*

Definition of ‘5% of space’

As outlined above there is no clarity on how the ‘5% of space’ is to be considered and as such, we have considered it in terms of each of the following scenarios:

- Gross Floor Area
- Non-Residential Uses Floor Area
- Site Area

The table below indicates how, if taken against any of the scenarios above, the 5% space for *social, cultural, creative and artistic purposes* has been achieved.

Space Considered (sq.m):

Café / Foodhub / Exhibition	680.8
Mens’ Shed	91.8
Square (Central Area Only)	600
Enterprise (Own door units only)	800
Crèche	<u>539</u>
Total	2,711.6 sqm

As a percentage of:

Gross Floor Area	5.1%
Non-Residential Floor Area	60.7%
Site Area	12.8%

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Ground Floor



First Floor

Foodhub -	680.8
Mens' Shed -	91.8
Square -	600
Enterprise -	800
Creche -	532
Total -	2711.6 sqm
Dev GFA	52796 sqm
5.1% Cultural Uses	

2.3 Consideration of Potential Impacts on Visual and Residential Amenities

Item 3 of the ABP Opinion states:

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; axiometric views of the scheme and CGIs.

The subject site, at a developable area size of 2.1ha, is a brownfield, former industrial docklands location, which given its scale and location, is considered suitable to accommodate elements of increased height. The approach to the site has been to provide a height strategy which responds to the existing and emerging context, and using height as a way of both meeting existing scale considerations, and as a landmark to the scheme and the wider East Wall area as approached from the North Lotts.

The increased height of 15 storeys is appropriately located on the site at the juncture of the East Road Bridge, the site itself, and adjacent to the rail yards, where it can be perceived as a locator on the East Road. At this location it is buffered by residential accommodation in the wider environs. The location for increased height of 15 and 10 storeys on the site, immediately adjacent to the rail yards, and at its southern-most extent, responds to site context conditions, and within the overall site is modest in its extent, with the majority of the proposed development ranging from 3-8 storeys.

To support this increased height and density a significant level of studies and analysis has been prepared, and accompanies this application. The items listed above in the ABP Opinion are included in the following documents:

- Photomontages, visual impact analysis - An LVIA was carried out as part of the accompanying EIAR. Chapter 10 of the EIAR includes the visual impact analysis and the Photomontages are submitted as part of the application.
- Cross Sections- Site cross sections are included in the drawings pack prepared by OMP Architects.
- Shadow Analysis- Daylight and Sunlight Access is considered in the Report prepared by ARC and also in Chapter 16 of the EIAR.
- Boundary Treatment And Landscaping Details- Additional boundary treatments have been outlined and detailed in both the Landscape Drawings and Landscape Design Rationale Report prepared by Brady Shipman Martin
- Axonometric Views of The Scheme and CGIs- An axonometric view is provided in the OMP Design Statement (page 81) in addition to CGIs incorporated throughout the document.

2.4 Daylight/Sunlight Analysis

Item 4 of the ABP Opinion states:

Daylight/Sunlight analysis, 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.

The overall configuration and design of the proposed development has been influenced by the need to achieve the best possible levels of sunlight and daylight penetration into the development for future residents and occupiers, while minimizing any potential for negative impact beyond the site to adjacent properties. The proposed orientation of the blocks represents the best response to the site context in terms of day light and sunlight availability as a result of the density and height proposed. The Architectural Design Statement prepared by OMP accompanying this application, sets out the site strategy, details of architectural design and proposed treatment of the buildings, and how the internal elevations are designed to address sunlight and daylight optimisation in terms of reflectivity and lightness of materials proposed.

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The central space is the focal point of the scheme, and the surrounding buildings have been stepped back to create a high quality space, which complements the hard edge streetscape of East Road. It offers an appealing environment for residents and workers to linger. It is the subject of extensive passive surveillance, afforded it by the design layout of the proposed development, and the overall site masterplan strategy.

Detailed Daylight and Sunlight assessment has been carried out on the proposed development by ARC, and is outlined in greater detail in their accompanying report, in addition to being considered in the EIAR Microclimate Chapter. The ARC analysis looked at the following areas:

Sunlight To:

- Central Open Space and Courtyard
- Courtyards
- Adjacent Residential Open Space

Daylight To:

- Proposed Apartments
- Adjacent Residential Buildings

ARC's analysis indicated that with regards to Adjacent Residential Buildings and Open Space the proposed development will have little or no impact on Average Daylight Factor in notional sample studied rooms and there will be no adverse impact on existing levels of sunlight in adjacent residential open spaces.

With regard to the proposed development, analysis indicates that all sample habitable rooms within the proposed development are likely to achieve Average Daylight Factors considerably in excess of the relevant minimum levels recommended. For open space, the central public open space will achieve sunlight levels in excess of the levels recommended and while some of the raised podium courtyards receive levels marginally below the recommended levels in March, in general the spaces are well lit for some part of the day, and in the summer, when spaces will be most heavily used, all areas exceed recommended levels.

As such it is considered that the scheme achieves the appropriate balance between protecting existing and proposed residential amenity with regards to daylight and sunlight levels while ensuring an optimised scheme which achieves increased density and height in a highly accessible location in Dublin City.

2.5 Wind Microclimate Analysis

Item 5 of the ABP Opinion states:

Analysis of wind microclimate at ground level.

A Wind Microclimate Study prepared by Arup is included as part of this planning application in addition to being considered in the EIAR Microclimate Chapter. This study concludes that the wind microclimate around the proposed development will be relatively calm and therefore, produce high quality public realm. The majority of the public spaces along the central areas at ground level and podium, will be sheltered from the wind either by buildings or incorporated mitigation. This will provide public spaces that are conducive to sitting, reading and socialising with friends or colleagues.

The entrances to the buildings are well situated. The majority of the residences can be accessed via the podium courtyards. The study found that all entrances are suitable for their proposed use.

The study concludes that it is anticipated that the proposed mitigation measures, that have influenced the architectural and landscape design, will help alleviate any distress that could be encountered on occasion in certain areas of the development. Overall, it is anticipated that the wind conditions within the proposed development are considered within suitable limits with the adoption of appropriate mitigation measures and therefore, it is likely to provide a wind microclimate suitable for its intended use.

2.6 Landscaping Proposals

Item 6 of the ABP Opinion states:

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.

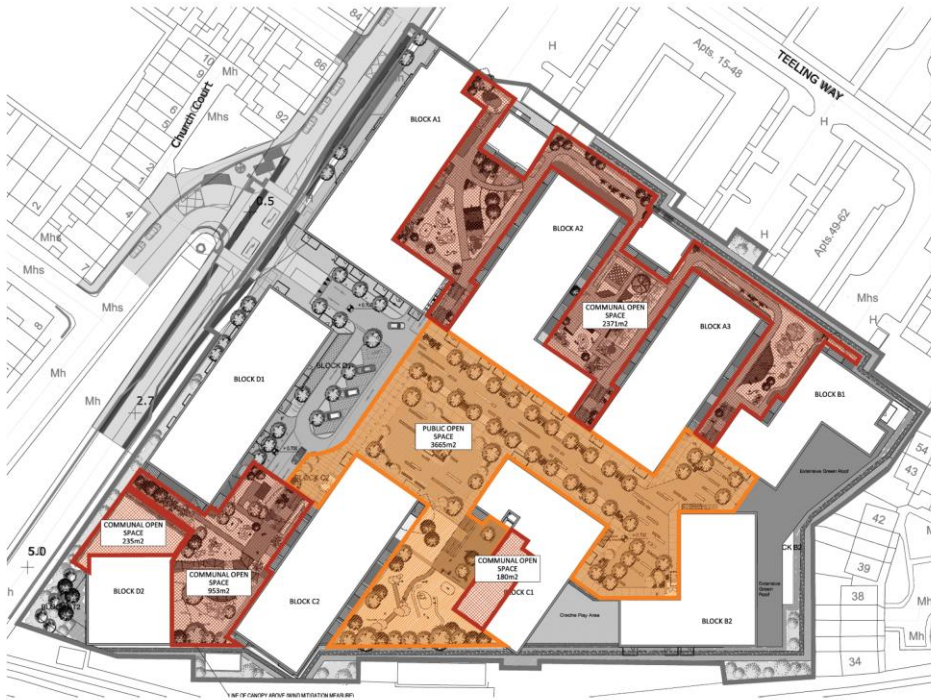
The application is accompanied by both detailed landscape drawings and supporting Landscape Design Rationale Report which clearly outlines the proposals for hard and soft landscaping.

As is clarified in the Report and replicated in the image below, the plaza and public realm, in addition to podium courtyard 5 (which includes the crèche entrance) are fully accessible to the public. This area represents 17% of the site area (significantly in excess of the required 10% public open space).

The remainder of the courtyards, and roof terraces, are accessible only by the residents of the scheme.

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2.7 Revised Roads and Vehicular Access Layout at East Road

Item 7 of the ABP Opinion states:

Revised roads and vehicular access layout at East Road, to address issues raised in the report of Dublin City Council Transportation Planning Division dated 15th January 2019.

The revised roads and vehicular access layout at East Road has been revised in line with the comments of the DCC Transportation Planning Division. This is indicated on Drawing 170200-2000- Road Layout Plan prepared by DBFL Consulting Engineers.

2.8 Rationale for Proposed Car Parking Provision

Item 8 of the ABP Opinion states:

Rationale for proposed car parking provision, to include details of car parking management and car share scheme.

The Urban Building Height Guidelines seek to minimise car-parking in accessible locations and to maximise a modal shift to public transport due to proximity to public transport routes, in particular the LUAS at this location. The proposed development minimises residential car parking numbers to 227 no. spaces, at a rate of 0.41 spaces per unit. These are provided at ground level, behind the ground floor uses.

The 0.41 spaces per unit is below the Development Plan requirement of 1 per unit, however, given the site's highly accessible location to the City Centre, and adjacency to the Luas line, it is considered appropriate in ensuring a sustainable urban development form. In addition GoCar is proposed to operate from the site. This is considered further in the accompanying Parking Strategy Report prepared by DBFL Consulting Engineers.

In addition, high-quality cycle parking and associated facilities are provided in the proposed development. These are provided at 810 no. spaces and located in secure and highly accessible locations throughout the site. Cycle parking for visitors to the development is provided for in the central open space.

The Management of the spaces will be the responsibility of the management company who will ensure an active parking management strategy is regularly enforced.

It is envisaged that the development will have a low number of residents owning cars or driving to work regularly given the location of the site. The on-site management team will be responsible for management of the available spaces, and should a resident require a car parking space, these car parking spaces will be available to rent through the management company with an associated cost.

This is similar to measures used by other management companies when dealing with car parking spaces. It is expected that this cost will further reduce the need for parking and will encourage the use of sustainable modes of transport by residents.

In addition, given the central location of the site and the level of public transport infrastructure locally, the residential parking spaces that are used by residents are expected to primarily fulfil a storage role for car owners within the development, for more occasional use.

2.9 Taking in Charge Areas

Item 9 of the ABP Opinion states:

A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.

In response to this item, please find enclosed Drawing 170200-2002 Taken In Charge prepared by DBFL which sets out areas along East Rd which are proposed to be taken in charge by Dublin City Council.

2.10 Surface Water Drainage Proposals

Item 10 of the ABP Opinion states:

Surface water drainage proposals to address issued raised in the report of the Engineering Department - Drainage Division of Dublin City Council dated 21st January 2018.

The Infrastructure Design Report prepared by DBFL addresses the issues raised in the DCC Engineering Department- Drainage Division Report dated 21st January 2018.

2.11 Site Specific Flood Risk Assessment

Item 11 of the ABP Opinion states:

Site Specific Flood Risk Assessment, based on a one year high tide event during 100-year rainfall event and showing the impact of 20% climate change as per the 'Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment', to consider downstream / displacement impacts as a result of the proposed development.

The Site Specific Flood Risk Assessment has been updated to include assessment based on a one year high tide event during 100-year rainfall event and showing the impact of 20% climate change as per the 'Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment'. The SSFRA concludes that the proposed development will not increase run-off rate when compared with the existing site and satisfies the requirement of the SFRA to reduce flooding and improve water quality.

2.12 Noise Report

Item 12 of the ABP Opinion states:

A noise report, which addresses the potential noise impact from the adjoining railway line and clearly outlines proposed noise mitigation measures, if so required.

As part of the EIAR prepared to accompany this SHD application, an Inward Noise Report has been prepared by Awn Consulting. This is included in Appendix 15.1 of the EIAR. The Report identifies possible sources of noise, the areas/spaces potentially impacted and mitigation factors which may be required.

3 CONCLUSION

The Response set out herein outlines that the specific items requested by An Bord Pleanála to be contained within an SHD application for the site at 1-4 East Road, have been both considered and included.

It is respectfully submitted that the proposed development will provide an appropriate form of high quality residential and employment development for this under-utilised, brownfield site which is highly accessible and well served by public transport.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional and local planning policies and guidelines and that the proposal should be permitted by An Bord Pleanála.