

Planning
Application to
An Bord
Pleanála

Planning
Report &
Statement of
Consistency

Proposed Strategic
Housing Development

Proposed Residential
and Commercial
Development at 42A
Parkgate Street,
Dublin 8.

For Ruirside
Developments Limited

JUNE 2021

Document Control: -

Author	Checked by	Purpose	Date
VW	EMP	Final	17.06.2021

TABLE OF CONTENTS

1	EXECUTIVE SUMMARY	1
1.1	INTRODUCTION	1
1.2	APPLICATION SITE	2
1.3	PROPOSED DEVELOPMENT	2
1.4	PRINCIPLES ESTABLISHED UNDER THE CONSENTED SCHEME	3
1.5	ADDRESSING BLOCK A BUILDING DESIGN ISSUES RAISED IN ABP-306569-20	4
1.6	RESPONSE TO AN BORD PLEANÁLA PRE-APPLICATION CONSULTATION	4
1.7	NATIONAL & REGIONAL PLANNING POLICY CONTEXT	5
1.7.1	National Planning Framework	5
1.7.2	Eastern & Midlands Regional Spatial and Economic Strategy	6
1.8	SMARTER TRAVEL – A SUSTAINABLE TRANSPORT FUTURE, A NEW TRANSPORT POLICY FOR IRELAND 2009 – 2020	7
1.9	SECTION 28 MINISTERIAL GUIDELINES.....	8
1.9.1	Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, 2009	8
1.9.2	Guidelines for Sustainable Residential Development, Best Practice Urban Design Manual (2009)	8
1.9.3	Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (revised 2020).....	9
1.9.4	Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018.	9
1.9.5	The Planning System and Flood Risk Management – Guidelines for Local Authorities, 2009	10
1.9.6	Design Manual for Urban Roads and Streets (2013 - updated in 2015 and 2019)	10
1.9.7	Guidelines for Childcare Facilities, 2001	10
1.10	DUBLIN CITY DEVELOPMENT PLAN 2016 - 2022	11
1.10.1	Land-Use Zoning and Development Policies & Objectives	11
1.10.2	Development Plan Design Standards (Not covered by Ministerial Guidelines)	14
1.10.2.1	Public Open Space	14
1.10.2.2	Transport and Mobility	14
1.11	OTHER ASPECTS.....	15
1.11.1	Part V.....	15
1.11.2	Irish Water	15
1.11.3	Environmental Impact Assessment Report (EIAR)	15
1.11.4	Appropriate Assessment	16
1.11.5	Material Contravention	17
1.11.6	Additional Technical Reports and Supporting Information	17
2	INTRODUCTION.....	18
2.1	STRATEGIC HOUSING DEVELOPMENT APPLICATION	18
2.2	THE CONSENTED DEVELOPMENT	20
2.3	BRIEF DESCRIPTION OF THE PROPOSED DEVELOPMENT	21
2.4	ARCHITECTURAL DESIGN COMPETITION	22
2.5	DEFINITION OF STRATEGIC HOUSING DEVELOPMENT	23
2.6	CIRCULATION TO PRESCRIBED BODIES.....	24
2.7	THE APPLICANT.....	24
2.8	APPLICANT’S LEGAL INTEREST	25
2.9	AGENT	25
2.10	STATUTORY PLANNING FEE	25
2.11	PLANNING DESIGN TEAM.....	25
2.12	EIAR TEAM	26
3	APPLICATION SITE & CONTEXT	27
3.1	SITE DESCRIPTION	27
3.2	EXISTING, CONSENTED & PROPOSED USES.....	28
3.3	CONSERVATION AREA AND PROTECTED STRUCTURES.....	29
4	RELEVANT PLANNING HISTORY	31
4.1	ABP-306569-20 (THE CONSENTED DEVELOPMENT)	31
4.1.1	ABP-306569-20 – The Proposed Development / SHD Planning Application	31

4.1.2	ABP-306569-20 – Dublin City Council and ABP Insepctor’s Assessments	32
4.1.3	ABP-306569-20 – The Board’s Order (The Consented Development)	34
4.2	DCC REG. REF. 3613/06 (ABP REG. REF. PL29N.221587)	35
4.3	PLANNING PRECEDENT CASES	37
4.3.1	Reg. Ref: 1290/04 (ABP Reg Ref: PL29S.210196) – OPW Site, Military Road, Kilmainham	37
4.3.2	Cork City Council Ref TP 19/38589 and ABP-308596-20	38
4.4	PLANNING HISTORY LESSONS.....	39
5	PRIOR CONSULTATION IN RESPECT OF PROPOSED STRATEGIC HOUSING DEVELOPMENT	40
5.1	AN BORD PLEANÁLA PRE-APPLICATION CONSULTATION	40
5.2	SECTION 247 CONSULTATION WITH DUBLIN CITY COUNCIL	40
5.2.1	Section 247 Meeting No. 1 – 27 August 2020	41
5.2.2	Meeting No. 2. – 10 November 2020	41
5.3	DCC HOUSING DEPARTMENT – PART V CONSULTATION.....	42
5.4	OTHER CONSULTATION	42
5.4.1	Irish Water.....	42
5.4.2	Transport Infrastructure Ireland	42
5.4.3	Irish Aviation Authority	43
6	APPLICANT’S RESPONSE TO AN BORD PLEANALA OPINION	44
6.1	RESPONSE TO SPECIFIC FURTHER INFORMATION REQUESTED IN ABP OPINION.....	44
6.1.1	Specific Further Information Item 1 – Proposed Amendments to Consented Scheme (ABP-306569-20)	44
6.1.1.1	Amendment to Consented Office Floor Area in Block B2.....	45
6.1.1.2	Amendment to Consented External Residential Amenity Area at Block B2.....	45
6.1.1.3	Amendment to Consented Northern (Parkgate St) Facade at Block B2	46
6.1.1.4	Additional Bicycle Parking Spaces at Undercroft in Consented Block B1	47
6.1.1.5	Minor Localised Amendments to the Consented Public Realm Adjoining Proposed Block A.	47
6.1.1.6	Telecommunications Antennae at Roof Level of Consented Block B1.	47
6.1.2	Specific Further Information Item 2 – Visual Impact Assessment.....	48
6.1.3	Specific Further Information Item 3 – Materials Strategy	49
6.1.4	Specific Further Information Item 4 –Open Space	50
6.1.5	Specific Further Information Item 5 – Housing Quality Assessment	51
6.1.6	Specific Further Information Item 6 – Daylight and Sunlight Analysis	51
6.1.7	Specific Further Information Item 7 – Traffic and Transport.....	52
6.1.7.1	Interface with Public Realm.....	52
6.1.7.2	Entrance Doors to Parkgate Street / Public Realm	53
6.1.7.3	Access Clearance for the Public Open Space	53
6.1.7.4	Construction Phasing of Permitted and Proposed Development.....	53
6.1.7.5	Preliminary Construction Management Plan and LUAS	53
6.1.7.6	Bicycle Parking.....	54
6.1.8	Specific Further Information Item 8 – Taking in Charge.....	54
7	APPLICANT’S RESPONSE TO ISSUES RAISED IN DUBLIN CITY COUNCIL’S PRE-APPLICATION SUBMISSION TO THE BOARD	55
7.1	DCC ITEM 1: CLARIFICATION OF PROPOSED AMENDMENTS TO CONSENTED SCHEME.....	56
7.2	DCC ITEM 2: RESIDENTIAL UNIT MIX	56
7.3	DCC ITEM 3: GROUND FLOOR USES AND STREET ANIMATION	57
7.4	DCC ITEM 4: OUTDOOR ROOF TERRACES IN PROPOSED BLOCK A.....	57
7.5	DCC ITEM 5: CONSERVATION, ARCHITECTURAL HERITAGE AND CHARACTER	58
7.6	DCC ITEM 6: PARKS AND LANDSCAPE ISSUES.....	58
7.6.1.1	<i>Greening to Parkgate Street:</i>	58
7.6.1.2	Sunlight / Shadow Analysis:.....	59
7.6.1.3	Biodiversity:.....	59
7.7	DCC ITEM 7: TRANSPORTATION.....	60
7.8	DCC ITEM 8: DRAINAGE.....	60
8	APPLICANT’S RESPONSE TO THIRD PARTY SUBMISSIONS RAISED PREVIOUSLY (ABP REF. 306569-20)....	61

8.1	POLICY AND ZONING OBJECTIVES	61
8.2	RESIDENTIAL DESIGN.....	62
8.3	IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY	63
8.4	BUILDING HEIGHT AND VISUAL AMENITY	66
8.5	ARCHITECTURAL HERITAGE/CONSERVATION/VIEWS.....	66
8.6	OTHER MATTERS	67
9	PARTICULARS OF THE PROPOSED STRATEGIC HOUSING DEVELOPMENT.....	69
9.1	PLANNING NOTICE DESCRIPTION	69
9.2	KEY SITE STATISTICS.....	70
9.3	PLOT RATIO & SITE COVERAGE	71
9.4	RESIDENTIAL DENSITY	71
9.5	SCALE AND HEIGHT.....	72
9.6	IMPROVEMENTS TO THE BLOCK A DESIGN	73
9.6.1	Design Evolution and Form	73
9.6.2	Materiality.....	74
9.7	RESIDENTIAL QUALITY	74
9.7.1	Unit Mix and Quality	74
9.7.2	Proposed Ancillary Residential Amenities.....	75
9.7.2.1	Public Open Space	75
9.7.2.2	Private Communal Residential Amenities	75
9.7.3	Private Communal Amenity Open Space	76
9.8	NON-RESIDENTIAL USES	76
9.9	AMENDMENTS TO THE CONSENTED SCHEME	77
9.10	PART V (SOCIAL HOUSING)	77
9.11	OTHER SPECIALIST ASSESSMENTS & INPUTS	78
9.11.1	Architectural Design Statement	78
9.11.2	Urban Design Expert Opinion	78
9.11.3	Landscape Proposals	78
9.11.4	Protected Structures and Conservation	79
9.11.5	Landscape and Visual Impact Assessment	80
9.11.6	Transportation.....	81
9.11.7	Wider Transportation Projects.....	81
9.11.8	Water Services.....	81
9.11.9	Flood Risk Assessment & Justification Test	82
9.11.10	Micro Climatic Conditions	83
9.11.11	Public Lighting	84
9.11.12	Community and Social Infrastructure Audit.....	85
9.11.13	Childcare Needs Assessment.....	85
9.11.14	Energy Report.....	85
9.11.15	Building Life Cycle Report.....	85
9.11.16	Property Management Strategy Report.....	85
9.11.17	Telecommunications	85
9.11.18	Archaeology.....	86
9.11.19	Construction and Environmental Management Plan	86
9.11.20	Construction & Demolition Waste Management Plan	86
9.11.21	Operational Waste Management Plan	86
9.11.22	Appropriate Assessment Screening and Natura Impact Statement.....	87
10	NATIONAL AND REGIONAL PLANNING POLICY	87
10.1	NATIONAL PLANNING FRAMEWORK – IRELAND 2040	87
10.2	EASTERN AND MIDLANDS REGIONAL SPATIAL & ECONOMIC STRATEGY	88
10.3	SMARTER TRAVEL – A SUSTAINABLE TRANSPORT FUTURE, A NEW TRANSPORT POLICY FOR IRELAND 2009 – 2020	89
11	STATEMENT OF CONSISTENCY - MINISTERIAL GUIDELINES	90
11.1	STATUTORY REQUIREMENT FOR STATEMENT OF CONSISTENCY	90
11.2	SECTION 28 MINISTERIAL GUIDELINES.....	90

11.2.1	Sustainable Residential Development Guidelines in Urban Areas (Cities, Towns, Villages) (2009)	90
11.2.2	Urban Design Manual – A Best Practice Guide (2009)	91
11.2.3	Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)	94
11.2.3.1	Suitable Locations for Apartment Development.....	94
11.2.3.2	‘Build-To-Rent’ Accommodation Sector.....	94
11.2.3.3	Specific Planning Policy Requirement 7: ‘Build-to-Rent’ Development.....	95
11.2.3.4	Specific Planning Policy Requirement 8: BTR Design Standards Flexibility	96
11.2.3.5	Specific Planning Policy Requirement 3: Minimum Apartment Floor Area.....	97
11.2.3.6	Specific Planning Policy Requirement 4: Dual Aspect	97
11.2.3.7	Specific Planning Policy Requirement 5: Floor to Ceiling Height.....	98
11.2.3.8	Other Design Standards for New Apartments.....	98
11.2.4	Urban Development & Building Heights Guidelines for Planning Authorities (2018)	100
11.2.5	The Planning System and Flood Risk Management (2009)	104
11.2.6	Design Manual for Urban Roads and Streets (2013 - updated in 2015 and 2019).....	104
11.2.7	Childcare Facilities, Guidelines for Planning Authorities (2001)	105
12	STATEMENT OF CONSISTENCY – DEVELOPMENT PLAN	106
12.1	DUBLIN CITY COUNCIL DEVELOPMENT PLAN 2016 – 2022	106
12.1.1	Core Strategy.....	106
12.1.2	Land Use Zoning.....	107
12.1.3	Conservation Areas and Protected Structures	109
12.1.4	Vacant or Under-Utilised Sites & Inner City Regeneration.....	109
12.1.5	Building Height	110
12.1.6	Strategic Development & Regeneration Area No. 7 (Heuston & Environs)	115
12.1.7	Residential Development at Key Locations	117
12.1.8	Mixed-Use Neighbourhoods	117
12.1.9	Residential Amenity – Apartment Design Standards	118
12.1.10	Transport and Mobility.....	119
12.1.11	Infrastructure and Environmental Quality	122
13	ADDITIONAL SUPPORTIVE PLANNING POLICY IN DUBLIN	123
13.1	REBUILDING IRELAND	123
13.2	NATIONAL DEVELOPMENT PLAN.....	123
13.3	TRANSPORT STRATEGY FOR GREATER DUBLIN AREA 2016 – 2035.....	124
13.4	MANAGING INTENSIFICATION & CHANGE.....	124
13.5	HEUSTON GATEWAY: REGENERATION STRATEGY AND DEVELOPMENT FRAMEWORK PLAN	125
14	JUSTIFICATION OF MATERIAL CONTRAVENTION.....	126
15	APPROPRIATE ASSESSMENT.....	127
16	ENVIRONMENTAL IMPACT ASSESSMENT REPORT	127
17	DURATION OF PERMISSION	128
18	CONCLUSION	129
19	ENCLOSURES.....	132
20	GLOSSARY.....	134

1 EXECUTIVE SUMMARY

1.1 Introduction

Ruirside Developments Limited (the Applicant) is making an application to An Bord Pleanála (ABP or the Board) under Section 4 of the Planning & Development (Housing) and Residential Tenancies Act 2016.

This proposed Strategic Housing Development (SHD) application is for a mixed-use (residential and commercial) scheme, at 42A Parkgate Street, Dublin 8.

The proposed development constitutes SHD as defined by Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (i.e. greater than 100no. dwellings) and is situated on land zoned for residential use or for a mixture of residential and other uses.

The application site area measures circa. 0.82 Ha, and is located at a site known as the former Hickey's site at Parkgate Street, Dublin 8.

On 28 May 2020, an Order was made by the Board confirming a split decision (ABP Ref. 306569-20 refers) in respect of the same site, to:

- Grant Permission for 321no. Build-to-Rent ('BTR') residential apartments, ancillary residents' amenity facilities, commercial office (c. 3,698 sq m), retail (c. 214 sq m) and café/restaurant (c. 236 sq m), accommodated in 5no. blocks ranging from 8 to 13 storeys (c. 31,146 sq m) over ancillary basement area, and all associated and ancillary conservation, landscaping and site development works.
- **Refuse Permission for a 29-storey 'Block A' (12,207 sq m gfa), accommodating 160no. 'BTR' residential apartments, ancillary residents' amenity areas and roof gardens, 1no. café/restaurant (c. 208 sq m) and ancillary plant/storage.**

Both Dublin City Council (DCC) and the Board were supportive in principle of a tall, slender building at this location, but it was determined that the architectural quality and expression of the proposed tower were not of sufficiently high quality to be an enduring landmark building befitting this pivotal site location at the western edge of the city centre.

An opportunity was identified by the Board Inspector for a revised building design to be subject of a separate planning application.

This current application seeks permission for a revised design for the proposed tower (Block A), to primarily accommodate 198no. Build to Rent (BTR) residential units, ancillary residential amenities and a café/restaurant. Permission is also sought for works associated with reconfiguring the interface of new Block A with the consented Block B2 office building and public realm works permitted under ABP-306569-20. Further Permission is then sought for a new telecoms booster antennae at roof level of consented Block B1 and an additional 16no. bicycle parking spaces in the undercroft of consented Block B1. See Section 1.3 for further description of the proposed development.

The Applicant and the Design Team have sought to conscientiously address the concerns expressed by both the Board and DCC, in bringing forward a radical new landmark building design for this site.

For clarity, this executive summary is provided for ease of reference, but should not be taken as a complete synopsis of this planning report or the planning application before the Board. We refer the Board to the main body of this report for a more detailed assessment of planning matters relating to the proposed development subject of the SHD application.

1.2 Application Site

The application site forms the eastern apex of a former industrial site that lies between Parkgate Street to the north and the River Liffey to the south. The site benefits from extant permission for a mixed-use development that excludes the Block A tower, under ABP-306569-20 granted in May 2020.

The ABP-306569-20 planning unit (c.0.82 ha) is bounded by Parkgate Street to the north, the River Liffey to the south, the junction of Sean Heuston Bridge and Parkgate Street to the east, and the Parkgate Place office and residential development to the west.

While the proposed development subject of this current application is principally confined to the eastern apex of the site, the red line boundary is extended to match the planning unit of ABP-306569-20. This is in recognition of the fact that the proposed Block A development is intrinsically linked with the otherwise consented development within this planning unit.

The application site is located within the Heuston and Environs Strategic Development and Regeneration Area (SDRA), at the western gateway to the city centre. This area has been identified as a suitable area for mid-rise and tall buildings (over 50m high), as a counterpoint to the eastern Dublin Docklands regeneration area. The site is brownfield and zoned for mixed use, including residential development (Z5), and open space amenity (Z9).

The site lies c. 200m north of Heuston Railway Station, which provides regional rail connections to the west and south. The area to the front of Heuston Station acts as a transport hub, with a Red Line Luas station, a number of local and regional bus route stops and a Dublin Bikes stand all located in this area. The nearest bus stop(s) (Bus Stop No. 7078 and No. 1474) is located directly to the front of the application site at Parkgate Street.

The application site is located within a designated 'Conservation Area' and includes listed protected structures.

1.3 Proposed Development

In brief, permission is sought for Strategic Housing Development, with a life of 8 years, at 42A Parkgate Street, Dublin 8, for development comprising:

A 30-storey residential building ('Block A') (c.14,364 sq m gfa), including residential, café/restaurant, replacement office use and ancillary accommodation and works, located in the eastern apex of the site subject of otherwise consented development under ABP-306569-20.

The proposed new Block A building accommodates:

- 198no. 'Build To Rent' residential apartments (73no. studios, 97no. 1-bed, 27no. 2-bed & 1no. 3-bed) from 1st to 27th floors inclusive, including 53no. units with 'winter garden' balconies on the building's eastern elevation.
- Ancillary internal (c.384 sq m) and external (c.255 sq m) residents' private communal amenity areas and facilities, including ground floor reception/concierge area, lounge bars at mezzanine and 9th floors, roof gardens at 9th and 28th floors, and access to residents' private communal amenity areas within the consented scheme ABP-306569-20.
- 1no. café/restaurant (c.223 sq m) at ground floor. Replacement office floor area (c.595.6 sq m total) accommodated between 1st and 8th floor levels of Block A.
- Ancillary residential bicycle storage (22no. spaces), refuse, circulation and plant, and non-residential back of house and circulation areas at ground and mezzanine floors.
- Building Maintenance Unit (BMU) at roof level.

Ancillary and associated site works and other structural and landscape works are proposed to tie the proposed new Block A building in with the consented development (ABP 306569-20). Proposed amendments to the consented scheme, include:

- At the interface of proposed Block A with the consented Block B2 office building:
 - a reduction by c.909 sq m total of office floor area over 6 floors within the consented Block B2 office building;
 - a reduction by c.35 sq m of external residential amenity and associated minor amendments to landscaping at roof level of consented Block B2; and,
 - localised changes to the northern Parkgate St façade of the consented Block B2 to include a shadow gap at its junction with proposed Block A.
- 16no. additional bicycle parking spaces accommodated within consented Block B1 undercroft area.
- Minor localised amendments to adjoining consented public realm area to tie in with proposed Block A at ground level.
- New telecommunications infrastructure at roof level of consented Block B1, including: 4no. 300mm microwave link dishes mounted on 2no. 2m high steel poles fixed to the consented lift shaft overrun, housed within GRP radio friendly shrouds, to mitigate potential for interference with existing telecommunication channels.

The site within which the proposed works sit, benefits from extant permission for residential-led mixed use strategic housing development under ABP 306569-20 (i.e. the consented development). Permission is not being re-sought for the consented development.

For avoidance of doubt, while the red line site boundary is drawn around the entire planning unit of ABP Ref. 306569-20, the development works for which permission is expressly sought are identified with a green dashed line, within the wider red line planning unit.

The overall site (c.0.82 ha) is principally bounded by Parkgate Street to the north, the River Liffey to the south, an existing electricity substation and the junction of Sean Heuston Bridge and Parkgate Street to the east, existing Parkgate Place office and residential development to the west. The application site includes areas of public footpath and roadway on Parkgate Street and a small landscaped area at the junction of Sean Heuston Bridge and Parkgate Street. There are Protected Structures on site.

1.4 Principles Established under the Consented Scheme

Consented development ABP-306569-20 establishes a number of planning principles, which are relevant to the proposed Block A development. These include:

- The mix of uses, including residential, office, café/restaurant and amenity open space, is in accordance with the Z5 and Z9 land use zoning objectives and SDRA 7 mixed-use principles that apply to this site.
- The proposed density of development is consistent with strategic planning policy at national, regional and city level.
- The conservation approach to the site, including the treatment of the protected structures and other historic structures, the proposed demolition works and the bracing of the river wall, is already permitted.
- The principle of 'Build to Rent' (BTR) development at this site.
- The principle of locating a tall landmark building of slender proportions at this site.

It is not intended to seek a fresh permission for that development already consented under ABP-306569-20.

The proposed new Block A and associated amendments to the consented scheme represent the completion of the otherwise consented scheme. The proposed development can be positively considered in the context of the planning principles already accepted for the consented scheme at this site.

1.5 Addressing Block A Building Design Issues Raised in ABP-306569-20

The revised building design proposal for Block A has regard to the previous submission by Dublin City Council, the Board's Inspector's Report and the Board's reasons for refusal, in respect of ABP-306569-20. In broad terms, the key criticisms levelled at previously proposed Block A in that case included that it:

- Did not successfully address the opportunities provided by the site, by reason of its architectural design quality and materiality.
- Did not suitably protect or enhance the skyline, or make a positive contribution to the urban character of the area.
- Would have detracted from the setting and character of Heuston Station.

As previously noted, the building height and slenderness of the previous tower proposal were accepted in principle. However, neither DCC nor the Board were satisfied that a suitably innovative or exemplary façade design or quality of finish had been achieved for a tall building at this prominent and sensitive site. See Section 4.1.2 of this planning report for further identification of the issues raised in DCC's submission to the Board, the Inspector's Report and the Board's Order in the case of ABP-306569-20.

The new approach to the architectural expression and materiality of proposed Block A will ensure that it will make a positive contribution to the city's built character and skyline. The proposed landmark building will enhance the legibility and navigation of the city, forge a dynamic relationship with other historic and new buildings in the area, and extend the public perception of the city centre as far as the western Heuston gateway. The proposed development is appropriate to this strategic regeneration area (SDRA7) and the dynamic, ever evolving character of a successful city centre.

We refer the Board to the Design Statement, prepared by Reddy Architecture + Urbanism (RAU) in collaboration with Glenn Howells Architects, which describes the architectural intent and design detail of the proposed new 30-storey residential landmark building that replaces the refused Block A building.

Glenn Howells Architects was shortlisted from a group of 20 or so eminent firms. Glenn Howells Architects was selected for its extensive expertise in designing at a wide range of building scales, for uses ranging from homes to highly technically and complex public and commercial buildings. Its projects often involve large scale masterplanning and tall urban buildings, using an expert multi-disciplinary team with experience in urban design, planning and placemaking. Glenn Howells has the relevant experience and proven ability to deliver the architectural ambition and excellence required to reimagine an appropriate landmark building for this site.

RAU brings to the project its knowledge of the wider urban design masterplan and consented development at this site, within which the tower sits. RAU is well versed on the design issues raised in respect of refused Block A. RAU has also led a number of other significant urban design and architecture projects, which have received national and international recognition as exemplars of sensitive urban renewal.

1.6 Response to An Bord Pleanála Pre-Application Consultation

The proposed development has had regard to the pre-application consultation with Dublin City Council and An Bord Pleanála, and to any residual issues for the design of Block A raised in the submissions of 3rd parties in respect of the previous application.

The Applicant's response to the Board's pre-application consultation Opinion is set out in detail in the main body of this planning report. It may be noted that further design amendments were not recommended by the Board in its Opinion, rather further information and clarification on specific matters, including:

- Drawings that clearly outline the proposed amendments to the ABP-306569-20 consented scheme.

- Visual Impact Assessment addressing the relationship between the proposed development and existing/permitted development in the wider area.
- Materials Strategy for the proposed building, open spaces, paved area and boundaries, and a Building Life Cycle Report.
- Details of the extent and purpose of proposed open space and communal / recreational amenities and their accessibility to the residents of proposed Block A.
- Housing Quality Assessment of the proposed apartments.
- Daylight and sunlight analysis.
- Further clarification on transportation matters raised by Dublin City Council's Transportation Planning Division (18/01/2021).
- Site layout plan showing areas to be taken in charge by the local authority.

We refer the Board in addition to the Architects Design Statement, prepared by RAU Architects in collaboration with Glenn Howells Architects, which describes the architectural design response to the further information issues raised by Dublin City Council and the Board at pre-application consultation stage.

We refer the Board also to reports prepared by Arup Consulting Engineers, IN2 Engineering, Mitchell & Associates Landscape Architects, ARC Architectural Consultants and Grade I Conservation Architects and Aramark Property, which address issues relating to transportation, sunlight & daylight, landscaping, visual Impact (see Chapter 13 of the accompanying Environmental Impact Assessment Report) and building lifecycle and maintenance, respectively.

1.7 National & Regional Planning Policy Context

1.7.1 National Planning Framework

- The National Planning Framework (NPF) seeks that 40% of all new homes be located within the existing footprints of our urban settlements. In Dublin, development should be focused within the M50 and canal rings in order to consolidate the urban area. Development on infill and brownfield sites is seen as a key way to deliver this vision, particularly where such sites are centrally located and/or served by high capacity public transport.
- The subject site is exceptionally well placed to achieve this NPF vision. It delivers a high quality residential apartment building with ancillary and non-residential amenities, as part of the completion of otherwise consented mixed use regeneration development, on a brownfield site at one of the city's key public transportation hubs.

Other NPF Policy Objectives which support the principle of the proposed development include:

- **National Policy Objective 3b** seeks to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- **National Policy Objective 4** promotes the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- **National Policy Objective 11** states a presumption in favour of development that encourages more people and generates more jobs and activity within existing cities, towns and villages, subject to appropriate planning standards being met and targeted growth achieved.
- **National Policy Objective 13** recommends that *"in urban areas, planning and related standards, including in particular 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”, subject to a range of environmental and residential amenity tolerances.

- **National Policy 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.”
- **National Policy 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.”
- **National Policy Objective 35** seeks to “increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development scheme, area or site-based regeneration and increased building heights.”
- **National Policy Objective 36** seeks to put in place Section 28 Ministerial Guidelines to improve the evidence base, effectiveness and consistency of the planning process for housing provision to meet varying housing needs at regional, metropolitan and local authority levels. For example, in reconciling future housing requirements effectively it is identified that in Dublin city, while one, two and three person households comprise 80% of all households, the housing stock is largely comprised of 3 and 4-bedroom houses.

The proposed development is consistent with the NPF’s promotion of more compact mixed use urban regeneration that delivers increased residential density and employment activity, of high quality urban design and architecture, at an underutilised, brownfield site on the edge of the city centre, served by high frequency public transport connecting it with Dublin City Centre and other strategic settlements and employment zones within the Dublin Metropolitan Area.

It addresses the dearth of housing that accommodates smaller household sizes, through the provision of good quality primarily 1 and 2-bed ‘BTR’ dwellings for 1-4 person households. In the case of ABP-306569-20, the Board Inspector was satisfied that, having regard to the proximity of the site to the city centre and excellent public transport facilities, this is an appropriate location for ‘BTR’ accommodation. It will address one of the pillars of Rebuilding Ireland, to provide further choice of dwellings to households in the rental sector.

The proposed development is strategically located within the built up footprint of Dublin’s Metropolitan Area, within the city centre. Together with the consented development, the proposed development will complete the delivery of a new residential-led mixed-use development at Parkgate Street, on land zoned Z5 for mixed use (including residential), which is appropriate to maintaining the life and vitality of the city centre. The site benefits from excellent access to numerous forms of public transport, cycle and pedestrian facilities in the area.

The future planned provision of Bus Connects Route Corridor 6 (R148/St. John’s Road West) and the Liffey Cycle Way (City Quays/Parkgate Street) will support a greater modal shift toward the use of public transport in the immediate vicinity of the application site, consistent with the aspirations of the NPF.

The proposed scheme provides compact development delivering an appropriate apartment mix, in a building of landmark height and design quality, supported by ancillary facilities, at this prominent, underutilised brownfield site at the western gateway to the city centre.

The above provides an executive summary only. We refer the Board to the main body of this Planning Report for the complete assessment of the proposed development in the context of the NPF.

1.7.2 Eastern & Midlands Regional Spatial and Economic Strategy

- The RSES identifies the strategic regional outcomes aligned with the NPF, which set the strategic framework for City and County Development Plans.
- The Dublin Metropolitan Area includes the continuous built up Dublin city area and highly urbanised settlements, that form the main gateway and largest economic contributor in the State.

- The RSES identifies that 50% of all new homes are to be delivered within the existing built up area of Dublin City & Suburbs in tandem with the delivery of key infrastructure, to achieve the NPF growth targets.
- **Regional Policy Objective (RPO) 4.3** promotes the consolidation and re-intensification of development at infill, brownfield and underutilised lands, to provide high density and people intensive uses within the existing built up area of ‘Dublin city and suburbs’ that is integrated with key existing and planned environmental and transport infrastructure.
- The **Dublin Metropolitan Area Strategic Plan (DMASP)**, as part of the RSES, seeks to focus development on large scale strategic sites and on the redevelopment of underutilised lands, based on key transport corridors, that will deliver significant development in an integrated and sustainable manner. The subject lands are located within the *strategic development area* of ‘City Centre within the M50’.

The proposed development is consistent with the **RSES** and **DMASP**. The application site is well connected within the strategic settlement of Dublin City. The proposed development is consistent with the strategic promotion of urban consolidation, intensive brownfield regeneration and high density residential development, within the ‘**City Centre within the M50**’ Strategic Development Area. The site is well served by nearby city centre amenities. Public transport with high capacity, frequent services available by rail and Luas at the adjacent strategic transport hub of Heuston station, as well as numerous frequent bus services, also connect the site with other strategic settlements and employment, health and education centres within the Dublin Metropolitan Area.

The above provides an executive summary only. We refer the Board to the main body of this Planning Report for the complete assessment of the proposed development in the context of the RSES and DMASP.

1.8 Smarter Travel – A Sustainable Transport Future, A New Transport Policy for Ireland 2009 – 2020

This document currently remains the strategic transport policy for Ireland. Overall it has the following aims:

- To reduce overall travel demand.
- To maximise the efficiency of the transport network.
- To reduce reliance on fossil fuels.
- To reduce transport emissions.

To improve accessibility to transport, the Policy recognises progress made under the National Spatial Strategy (now superseded by the National Planning Framework) and the Regional Planning Guidelines (now superseded by the Regional Spatial and Economic Strategies) in promoting integrated transport and spatial planning. These strategies recognise the need for more compact, walkable urban areas that support the investment made in good quality public transport under Transport 21¹.

The proposed development is consistent with Smarter Travel – A Sustainable Transport Future

The proposed development will contribute to reducing travel demand as a component part of residential-led mixed use development at an underutilised brownfield site, within a well-connected regeneration gateway to the city centre.

¹ Transport 21 was the Irish Government Infrastructure and Capital Investment Programme (2006-2010) which aimed to significantly expand Ireland’s transport network

The site is highly accessible to employment opportunities, retail and cultural amenities in the city centre. It also benefits from proximity to high quality public transport services, reducing reliance on private car use, supporting investment in the public transport network and reducing reliance on fossil fuels.

The future provision of Bus Connects Route Corridor 6 along the R148/St. John's Road West (to the south of the site) and the ongoing delivery of the Liffey Cycle Way will further support greater modal shift toward the use of alternative sustainable transport modes.

A bespoke car sharing club for residents is included in the consented scheme, which will reduce the requirement for individual private car parking within the scheme and reduce potential for any significant traffic generation associated with the proposed development.

The above provides an executive summary only. We refer the Board to the main body of this Planning Report for the complete assessment of the proposed development in the context of the Smarter Travel policy.

1.9 Section 28 Ministerial Guidelines

The proposed development is consistent with all of the **Ministerial Guidelines**, identified further below, that promote increased residential density, for sustainable use of finite land resources and investment in strategic infrastructure, through various mechanisms including development location, unit mix (particularly addressing needs of smaller 1-3 person households), apartment design and building height, transportation and flood risk.

Architectural design studies demonstrate compliance with the relevant criteria for 'BTR' apartment development and building height.

Environmental and design studies demonstrate that residential, visual, built and natural amenity, sustainable transportation, and flood risk management, are suitably respected and protected.

An executive summary of compliance with the relevant Ministerial Guidelines is provided below. We refer the Board to the main body of this Planning Report for the complete assessment of the proposed development in the context of the Specific Planning Policy Requirements (SPPRs) of the Ministerial Guidelines.

1.9.1 Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, 2009

- Section 16.4 of the City Development Plan sets out that Dublin City Council will promote sustainable residential densities in accordance with the standards and guidance set out in the Department of Housing, Local Government and Heritage (DHLGH) Guidelines on 'Sustainable Residential Development in Urban Areas' (2009).
- Section 5.8 of these Guidelines sets out that sites within 500m walking distance of a bus stop are expected to achieve minimum net residential density of 50 units per hectare, with the highest densities being located at rail stations/bus stops and decreasing away from such nodes.
- The application site is located at the western edge of the city centre, immediately adjacent to Heuston Station (c. 200 m), Heuston Station LUAS stop (c. 180m) and Museum LUAS stop (c. 250m), and fronting Parkgate Street served by high frequency inbound and outbound city centre bus services.

1.9.2 Guidelines for Sustainable Residential Development, Best Practice Urban Design Manual (2009)

- Section 11.2.2 of the report below sets out how the proposed development complies with the 12 criteria for good urban design as set out in the Best Practice Urban Design Manual - the companion document to the Guidelines on Sustainable Residential Development in Urban Areas (2009).
- Please refer also to Architectural Design Statement (Section 8), prepared by Reddy Architecture and Urbanism, for the Applicant's design response to these criteria.

1.9.3 Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (revised 2020)

- The Apartment Guidelines recognise that the population and housing targets set out by the NPF will necessitate *“a significant and sustained increase in housing output and apartment type development in particular”*.
- Sites at **Central and/or Accessible Urban Locations**, within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high-capacity urban public transport stops (such as DART or Luas) are suitable for small to **large scale and high-density development**, that may wholly comprise apartments.
- The Guidelines address the requirement identified in the NPF to put in place Section 28 Ministerial Guidelines to improve the evidence base planning guidance for housing provision that meets local housing need. The need to accommodate one, two and three-person households in urban locations is identified in the Apartment Guidelines as well as the NPF. **The Guidelines discard the minimum requirement for apartments of three or more bedrooms and introduce greater flexibility to deliver up to 50% one-bed units and 20-25% studio units (superseding the City Development Plan standards)**, so as to better meet the statistically proven shift towards lower average household sizes.
- The enclosed architectural plans and schedules prepared by Reddy Architecture and Urbanism demonstrate that the proposed scheme can meet the Guidelines’ standards for unit mix, size, dimensions, dual aspect ratio, floor to ceiling height, units per core, storage space, private and communal amenity open space, bicycle and car parking.
- The sunlight and daylight analysis prepared by IN2 demonstrates how the proposed development meets the Guidelines requirements.
- A response to the Specific Planning Policy Requirements (SPPRs) for ‘BTR’ apartment development standards is set out under Section 11.2.3 of this Report.

1.9.4 Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018

- The Building Height Guidelines express a **presumption in favour of buildings of increased height** in urban locations with good public transport accessibility, which secure NPF objectives to deliver compact growth of new homes, economic growth and regeneration.
- It further states that taller buildings can serve to bring much needed **additional housing** and economic development to well-located urban areas, and to assist in contributing to and reinforcing a **sense of place** within a city.
- The City Development Plan permits building heights of 50+ m at this location (see Fig. 39 and the building height principles of SDRA7 of the Development Plan in relation to the area of Heuston & Environs).
- Building height in excess of 50m was also identified as being acceptable in principle at this site by both Dublin City Council and the Board Inspector in the case of ABP Ref. 306569-20.
- A more detailed assessment of the proposed development against the Section 3.2 assessment criteria of these Guidelines is contained in the main body of this planning report.
- The proposed development is for a primarily residential building of 30 storeys, which is located at the eastern apex of a site beside Sean Heuston Bridge that is otherwise subject of a consented mixed use scheme under ABP-306569-20.
- The proposed building has a triangular footprint, with gently curved vertical elevations. It is tall and slender in its proportions, reading as an elegant built form in the city skyline and complimentary to the site characteristics and to surrounding consented and existing development.

- The Architectural Design Statement that accompanies this application identifies how the proposed building responds favourably to the site, the consented development and its city context.
- Environmental studies demonstrate that the proposed development has potential to make a positive contribution in key city views and vistas. It can further deliver good access to sunlight/daylight within the proposed accommodation, and avoid significant negative impact on sunlight/daylight access, micro-climate, built and natural environment and air navigation in the surrounding area.

1.9.5 The Planning System and Flood Risk Management – Guidelines for Local Authorities, 2009

- A Flood Risk Assessment and Statement of Consistency accompanies this application, prepared in accordance with the Flood Risk Management Guidelines.
- The Flood Risk Assessment concludes that flood risk to the site is low. Appropriate design allows for potential climate change.
- Access and egress to and from the site will not be compromised during a flood event and the development will not impact on flood plain storage or conveyance.

1.9.6 Design Manual for Urban Roads and Streets (2013 - updated in 2015 and 2019)

- The proposed streets within the consented development (ABP Ref. 306569-20) comply with the standards set out in these guidelines. No change to the permitted road infrastructure works is proposed as part of this reapplication for the Block A building.
- The Statement of Consistency, prepared by Arup Consulting Engineers, confirms that the proposed development as a component of the otherwise consented scheme continues to align with the principles set out in DMURS, including promotion of:
 - High levels of permeability and legibility for all users, and use of sustainable transport.
 - Plan-led, multi-disciplinary design approach.

1.9.7 Guidelines for Childcare Facilities, 2001

- A detailed Childcare Needs Assessment, prepared by Stephen Little & Associates, was submitted in the case of the consented scheme (ABP Ref. 306569-20). This indicated a theoretical demand for 31 no. childcare spaces based on 117no. 2-bed apartments. The assessment concluded that by virtue of the capacity of the existing childcare facilities and recent population and demographic trends, there was sufficient capacity to cater for the existing and future childcare needs in this area.
- It was accepted under ABP-306569-20 that a dedicated creche facility was not required for the proposed development.
- The proposed development represents an uplift of only 38no. BTR units compared to the previous application. An updated Childcare Needs Assessment accompanies the application.
- Taking a conservative approach, including all of the consented and proposed 2-bed and 3-bed apartments amounting to 118no. apartments, a theoretical demand for 32no. childcare spaces (1no. extra childcare space) arises.
- The Childcare Needs Assessment continues to find that by virtue of the capacity of the existing childcare facilities (audit updated) and Census based population and demographic trends, there is sufficient capacity to cater for the existing and future childcare needs arising from the permitted and proposed development. A creche is not proposed in this context.

1.10 Dublin City Development Plan 2016 - 2022

1.10.1 Land-Use Zoning and Development Policies & Objectives

- The Core Strategy states that Dublin City is the ‘gateway core’ for high-intensity clusters, brownfield development, urban renewal and regeneration. The delivery of quality housing in Dublin city is a key issue for its citizens and its competitiveness. The central principles of the Core Strategy for residential development are broadly consistent with the strategic national and regional policy outlined above.
- The majority of the site is zoned **Z5 – City Centre**, as are most of the lands in the immediate vicinity of the site. The proposed residential, replacement office and café/restaurant uses are acceptable in principle under this zoning.
- A strip of land along the southern part of the site, which bounds the River Liffey, is zoned Z9 – ‘Amenity/Open Space Lands/ Green Network’. The proposed building does not encroach on the Z9 zoning.
- The site lies within an area identified for ‘residential’ and ‘mixed use’ as part of the wider designated ‘Heuston & Environs Strategic Development Regeneration Area’ (SRDA 7) in the City Development Plan. The proposed and consented development are consistent with the guiding principles for **SDRA 7** including:
 - To develop a new urban gateway character area focused on the transport node of Heuston Station, and including ... excellent public realm and architecture, and connections with major historic, cultural and recreational attractions.
 - To incorporate sustainable densities, with architecture and urban form forging dynamic relationships with national cultural institutions.
 - To implement best practice urban design principles to: achieve a coherent, legible urban structure within major development sites; prioritise the provision of public space; achieve successful interconnection between the development site and adjacent urban structure.
 - **As a western counterpoint to the Docklands, to consider mid-rise or taller buildings (above 50m / 16-storeys), subject to maintaining a coherent skyline and protecting key views and vistas. Two particular sites are identified for tall buildings, but consideration is not limited to these specific sites.**
 - Visual impact analysis to demonstrate that proposed new development will not adversely affect or undermine important visual connections to be respected, including from Chesterfield Avenue to Guinness Lands and from key parts of the City Quays to the Phoenix Park (Wellington Monument).
- It has previously been accepted in principle that this site is suitable for a tall building of slender proportions. The revised design of proposed Block A seeks to achieve similar height and slender proportions. However, the newly conceived building expression, detailing and materiality respond to previous concerns expressed by Dublin City Council and the Board in respect of ensuring architectural excellence and in meeting the following Development Plan requirements:
 - **Section 16.7.2** assessment criteria for high buildings (generally buildings greater than 50m high) - in respect of the relationship of the proposed landmark building design to the surrounding context including: the consented scheme, the city skyline and key views, the historic setting, other landmarks and public transportation.
 - **Policy SC17** to “...ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city...” ;
 - **Policy SC25** to promote sustainable and inclusive development, in buildings of exemplary high standard, that makes a positive contribution to the city’s distinctive built environment and heritage, including the creation of new landmarks where appropriate.

- **Policy SC26** to achieve “... innovation in architectural design to produce contemporary buildings which contribute to the city’s acknowledged culture of enterprise and innovation, and which mitigates, and is resilient to, the impacts of climate change.”
- Other relevant Development Plan policies include to promote, encourage and/or foster:-
 - ... residential development addressing any shortfall in housing provision through active land management and a coordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites. **(QH5)**
 - ... 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. **(QH6)**
 - ...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 character of the area. **(QH8)**
 - ... 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. **(QH18)**
 - ... 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. **(QH19)**
- It is a policy to promote residential use on upper floors of existing and new buildings to support a ‘living city’ **(SC30)**
- It is a policy of the Plan to protect the special interest, character and setting of ‘Conservation Areas’, whereby proposed development must contribute positively to same wherever possible, and protect from harm protected structures and other buildings or features of heritage interest in Conservation Areas. **(CH4)**
- Under the Development Plan, proposals for taller buildings must have regard to the assessment criteria for high buildings (generally buildings greater than 50m high), being: -
 - 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.
- It is a policy of the Plan to support the sustainability principles set out in the following documents:
 - The National Spatial Strategy/National Planning Framework
 - The National Transport Authority’s Transport Strategy for the Greater Dublin Area
 - Smarter Travel, A Sustainable Transport Future 2009–2020
 - Regional Planning Guidelines for the Greater Dublin Area
 - Design Manual for Urban Roads and Streets (DMURS)
 - National Cycling Policy Framework and National Cycle Manual.
 Also, to ensure that land-uses and zoning are fully integrated with the provision of a high-quality transportation network that accommodates the movement needs of Dublin city and the region. **(MT1)**

The proposed development is consistent with all of the relevant policies and objectives of the statutory Dublin City Development Plan 2016-2022.

The proposed development forms a component part of an otherwise consented residential-led mixed use regeneration scheme at this site, zoned Z5 (mixed use) and Z9 (open space).

The footprint of the proposed new Block A building, including residential, office and café/ restaurant uses, is wholly contained within Z5 zoning, where these uses are permissible in principle.

The proposed development is compliant with the core strategy, land use zoning, residential development and height policies and objectives of the current Dublin City Development Plan.

The proposed development site is a vacant brownfield site, located with SDRA 7, which is an area earmarked for significant regeneration in the Dublin City Development Plan. This area has been identified as being capable of delivering a significant mixed use development (including residential), at sustainable density and incorporating mid-rise or tall buildings, with excellent architecture and public realm that forges positive visual and physical connections and urban intensity with adjacent urban development, transport hubs and cultural attractions. The proposed scheme achieves this aim on its own and as part of a wider consented mixed use scheme. The proposed development seeks to complete the sustainable regeneration of this underutilised brownfield city centre site in a manner that is appropriate to sustaining the life, vitality and architectural coherence of the city as a place in which to live, work and visit.

The proposed residential density is appropriate to this highly accessible, brownfield site located approximately 200 m from Heuston Station, 180 m from Heuston LUAS Stop and is directly adjacent Parkgate Street which provides high frequency bus services to Dublin city centre.

The proposed development is representative of plan-led, high-quality urban and architectural design. The building design is appropriate to its residential use and prominent site. The proposed residential use will be complemented by the street/public realm activating café/restaurant use, and the amenities and services delivered by the otherwise consented scheme.

The consented scheme (ABP-306569-20) provides significant new public and private amenity open space delivered within the site area, not typical of city centre site regeneration. Already consented public amenities include a new public plaza, connecting Parkgate Street (physically and visually) to the proposed new river side walk (Z9 zone), and providing views across the River to Heuston Station, contributing to a unique site setting for the proposed Block A building. The proposed building maintains the same relationship with the permitted river walk and the manner in which the quay wall is braced against the proposed tower building.

Block A will itself also make a positive contribution, as an exciting new landmark building, to enhancing physical identity, legibility and placemaking in the City at this strategic regeneration gateway.

The conservation approach to works affecting protected structures and buildings of significant heritage value has already been approved under the consented scheme (ABP-306569-20). The proposed development does not include amendments or alterations to the consented scheme in this regard. It may be noted that the bracing of the river wall against Block A was permitted previously. The proposed building will accommodate this same approach to ensuring the stability of the quay wall.

The proposed building height (30 storeys) is supported by the building height strategy of the Development Plan and SDRA 7 guiding principles. The proposal has been subject of a myriad of placemaking, visual, environmental, heritage and housing quality assessments, that accompany the application and are generally supportive of the proposed building height and form.

The architectural design of the proposed development has been reconsidered having regard to the previous assessments of DCC and the Board, in order to achieve an architecturally excellent landmark building that sits comfortably in this part of the city and will make a positive contribution to the ever evolving city skyline.

All of the relevant supporting studies and assessments that accompany this SHD planning application indicate that the proposed nature, mix, form and design of development are appropriate to this site at this location, to meet the criteria for higher buildings.

The above provides an executive summary only. We refer the Board to the main body of this Planning Report for the complete assessment of the proposed development in the context of the policies and objectives of the Dublin City Development Plan 2016-2022.

1.10.2 Development Plan Design Standards (Not covered by Ministerial Guidelines)

1.10.2.1 Public Open Space

- The City Development Plan requires the provision of **10% of the site area for public open space**. Provision of urban/public realm is accepted as open space in that context.
- The consented scheme ABP-306569-20 already delivers the public open space (amounting to c.17% of the site area) contained within the Z5 and Z9 zoned areas of the site, and benefiting the overall consented development and proposed Block A.
- These permitted spaces generally enhance the physical connectivity of the site and proposed Block A to Parkgate Street (and Phoenix Park) and the River Liffey. They also enhance visual connections to other cultural institutions such as Heuston Station. The spaces can be used in a casual, social and incidental way, but also have potential to facilitate programmed cultural activities/uses such as markets, cinema screening etc, subject to separate consent or licensing as necessary.

The above provides an executive summary only. We refer the Board to the main body of this Planning Report for the complete assessment of the proposed development in the context of the policies and objectives of the Dublin City Development Plan 2016-2022.

1.10.2.2 Transport and Mobility

Bicycle Parking

- Table 16.2 of the Development Plan sets out the minimum bicycle parking standards for all development. The proposed development also has regard to the Design Standards for New Apartment Guidelines (2020) as previously noted.
- To address the uplift in residential apartment numbers, the proposed development includes the provision of an additional 38no. bicycle parking spaces within the site. 22no. are proposed within the new tower (Block A) and 16no. additional spaces are to be accommodated in the permitted residential bicycle parking area beneath Block B1.

Car Parking

- The application site is located in car parking Zone 1, which generally covers inner city locations where transport corridors intersect, or that have significant interchange potential.
- Table 16.1 of the Development Plan sets out the Maximum Parking standards for residential, commercial and other development in the parking zones.
- Objective **MT17** seeks to provide sustainable levels of car parking and car storage in residential schemes in accordance with the Development Plan car parking standards (Section 16.38), so as to promote city centre living and reduce the requirement for car parking.
- The development permitted under ABP-306569-20 provides 26no. car parking spaces to serve the residential element of the overall scheme. No additional car parking is proposed as part of this application for the Block A building.
- The proposed development is a 'BTR' residential apartment scheme. In accordance with the Design Standards for Apartment Design (2020), no minimum car parking allocation is required for such development, at highly accessible centrally located city sites such as this.

The above provides an executive summary only. We refer the Board to the main body of this Planning Report for the complete assessment of the proposed development in the context of the policies and objectives of the Dublin City Development Plan 2016-2022.

1.11 Other Aspects

1.11.1 Part V

There has been dialogue between the applicant and Dublin City Council Housing Department with regard to Part V provision, prior to making this application. A proposal was presented, without prejudice, to the Housing Department of Dublin City Council. Further details are provided in the main body of this Planning Report below.

We refer the Board to the Applicant's Part V Proposal (incl. Methodology of Calculation of Costs Table), as set out in the letter dated 25 November 2020, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants. We also refer the Board to Drawing no. PGATE-RAU-ZZ-ZZ-DR-A-GAP-31060, prepared by Reddy Architecture + Urbanism, illustrates the location of the 52no. units identified to meet the Applicant's Part V obligations.

A Part V validation letter from Dublin City Council, dated 04 December 2021, is enclosed with the application.

1.11.2 Irish Water

A Confirmation of Feasibility, enclosed, has been provided by Irish Water to show that the proposed connection to the Irish Water can be facilitated. This letter is dated 14 October 2020.

A Statement of Design Acceptance is also enclosed. As the water and wastewater infrastructure design for the proposed and consented development has not changed since the previously granted planning application ABP- 306569-20, it has been confirmed by Irish Water that the Statement of Design Acceptance, dated 13 December 2019 remains valid.

Please refer to the accompanying Drainage and Watermain Report (Appendix E), prepared by Arup Consulting Engineers which encloses the Confirmation of Feasibility, Statement of Design Acceptance and Irish Water correspondence which confirms that the proposed and consented development can be facilitated by connection to the Irish Water network.

1.11.3 Environmental Impact Assessment Report (EIAR)

Section 8(2)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (amended by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018)) provides that in the case of a proposed strategic housing development that is of a class specified in regulations made under section 176 of the Planning and Development Act 2000 and is likely to have significant effects on the environment, the applicant shall prepare, or cause to be prepared, an environmental impact assessment report (EIAR) in respect of the development.

Regulation 299A of the Planning and Development Regulations 2001-2020 provides that, where a planning application for a sub-threshold development is accompanied by an EIAR and a request for a determination under section 7(1)(a)(i)(I) of the Act of 2016 was not made, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act of 2000.

Section 172 of the Act of 2000 sets out the requirement for an environmental impact assessment (EIA) as follows:

"172 (1) An environmental impact assessment shall be carried out by the planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where either—

(a) the proposed development would be of a class specified in—

(i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either—

(I) such development would equal or exceed, as the case may be any relevant quantity, area or other limit specified in that Part, or

(II) no quantity, area or other limit is specified in that Part in respect of the development concerned, or

(ii) Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and either—

(I) such development would equal or exceed, as the case may be any relevant quantity, area or other limit specified in that Part, or

(II) no quantity, area or other limit is specified in that Part in respect of the development concerned, or

(b)(i) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not equal or exceed, as the case may be, the relevant quantity, area or other limit specified in that Part, and

(ii) the planning authority or the Board, as the case may be, determines that the proposed development would be likely to have significant effects on the environment.”

The Fifth Schedule of the Planning and Development Regulations 2001-2020 lists classes of development where an EIA is or may be required. Class 10(b)(i) of Part 2 requires an EIA for development of the following class: “Construction of more than 500 dwelling units”. This application is for development comprising 198no. dwelling units. However, as described above, the application is closely connected with the development permitted under ABP Ref. 306569-20. An EIAR was submitted with ABP Ref. 306569-20, for mixed use development including 481no. dwellings. The present application increases the total number of dwelling units to 519no. dwellings.

The Board completed its environmental impact assessment in respect of ABP Ref. 306569-20 and concluded:

“...subject to the implementation of the mitigation measures set out in the environmental impact assessment report, the refusal of permission for Block A, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable.”

While an EIA has previously been carried out for significant consented development at this site, and the proposed development on its own falls below the mandatory thresholds for ‘infrastructure projects’, in combination with the consented development the number of units would exceed the relevant threshold of 500 dwelling units.

Accordingly, an EIAR is submitted to the Board (the competent authority) with this SHD Planning Application.

We refer the Board to the EIAR, prepared and co-ordinated by Stephen Little & Associates, that accompanies this SHD Planning Application.

1.11.4 Appropriate Assessment

A Natura Impact Statement was submitted with SHD application ABP-306569. The Board, as the competent authority in the matter of Appropriate Assessment, concluded:

“The Board completed an Appropriate Assessment in relation to the potential effect of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura Impact Assessment submitted with the application, and the Inspector’s report and submissions on file. On completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that, subject to the implementation of the proposed mitigation measures contained in the Natura Impact Statement, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the relevant European sites mentioned therein or any other European site, in view of the site’s conservation objectives.”

This SHD Planning Application is accompanied by an updated Natura Impact Assessment, which provides information for the competent authority to carry out an Appropriate Assessment of the development.

1.11.5 Material Contravention

In the case of the proposed development, there have arisen some inconsistencies between the objectives of the current City Development Plan 2016-2022 and SPPRs under Section 28 Guidelines, in particular in relation to the Design Standards for New Apartments, published in March 2018 that could be considered to give rise to a material contravention of the Development Plan arising. Notably, this relates to the following aspects of the proposed development:

- Dwelling Mix
- Apartment Floor Area

In this regard, we refer the Board to the accompanying 'Material Contravention Statement', prepared by Stephen Little & Associates, which provides justification for any material contraventions of the Development Plan where the Board forms the opinion that the proposed development will give rise to such a material contravention.

1.11.6 Additional Technical Reports and Supporting Information

This planning application contains a number of technical reports and other supporting information in addition to the EIAR. For a full list, please refer to section 19 (Enclosures). These reports and information are referred to within the main body of the report.

Section 1.0 above provides an executive summary only. We refer the Board to the main body of this Planning Report for the more complete assessment of the proposed development in the context of the policies and objectives of the Dublin City Development Plan 2016-2022 and the Special Planning Policy Recommendations (SPPRs) of the Ministerial Guidelines, and other relevant material planning considerations.

PLANNING REPORT & STATEMENT OF CONSISTENCY

2 INTRODUCTION

2.1 Strategic Housing Development Application

We, Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, are instructed by our Client (the Applicant), Ruirside Developments Limited, Usher House, Dundrum, Dublin 14, to prepare this Strategic Housing Development (SHD) Planning Application Report & Statement of Consistency.

On 28 May 2020, An Order was made by An Bord Pleanála (the Board) confirming a split decision (ABP Ref. 306569-20 refers), to:

- Grant Permission for 321no. Build-to-Rent (BTR) residential apartments, ancillary residents' amenity facilities, commercial office (c.3,698 sq m), retail (c.214 sq m) and café/restaurant (c.236 sq m), accommodated in 5no. blocks ranging from 8 to 13 storeys (c. 31,146 sq m) over ancillary basement area, and all associated and ancillary conservation, landscaping and site development works.
- **Refuse Permission for a 29-storey 'Block A' (12,207 sq m gfa), accommodating 160no. BTR residential apartments, ancillary residents' amenity areas and roof gardens, 1no. café/restaurant (c.208 sq m) and ancillary plant/storage.**

Both Dublin City Council (DCC) and the Board were supportive in principle of a tall, slender building at this location, but it was determined that the architectural quality and expression of the proposed tower was not of sufficiently high quality to be an enduring landmark building befitting this pivotal site location at the western edge of the city centre.

An opportunity was identified by the Board Inspector for a revised building design to be subject of a separate planning application. The Applicant and the Design Team have sought to conscientiously address the concerns expressed by both the Board and DCC, in bringing forward a radical new landmark building design for this site.

In summary, the proposed SHD at the former Hickey's site, at 42A Parkgate Street, Dublin 8, broadly comprises:

A new design proposal for a 30 storey tower (Block A) including 198 no. BTR apartment units, ancillary residential amenities, café/restaurant floorspace space and associated facilities, and replacement office floor area at its new interface with consented Block B2 office building. Associated works shall include amendments to the consented office building (B2) and public realm, required to manage their interface with the new Block A building. Provision of an additional 16no. bicycle parking spaces in the undercroft of consented Block B1. Provision of a telecoms booster antennae at roof level of the consented Block B1. The bracing of the river wall against the new building, in so far as it affects the river wall, will be as permitted under ABP Ref. 306569-20.

The Applicant is seeking planning permission with a life of 8 years.

This Planning Application Report accompanies an SHD Planning Application to the Board, made under Section 8 of the Planning & Development (Housing) and Residential Tenancies Act 2016, as amended (hereafter referred to as 'the SHD Act')

The SHD Planning Application is made by Ruirside Developments Limited, following its consultation with Dublin City Council under Section 247 of the Planning & Development Act 2000 (as amended) and with the Board, undertaken in accordance with the provisions of Sections 5 and 6 of the SHD Act, and having regard to the Board's written 'Pre-Application Consultation Opinion' dated 23 April 2021.

This Planning Application Report addresses the requirements for an SHD Application, under the SHD Act, to include a written statement:

- Setting out how the proposal will be consistent with the objectives of the relevant development plan.

- Demonstrating consistency with the relevant Specific Planning Policy Requirements (SPPRs) of relevant Section 28 Ministerial Guidelines.
- Addressing the notice given by the Board under section 6(7) of the SHD Act of its opinion, dated 23 April 2021, that while the documents enclosed with the request for pre-application consultations constituted a reasonable basis for an SHD application, pursuant to article 285(5)(b) of the Planning and Development (SHD) Regulations 2017, specific information is to be submitted with this application for permission, including:
 - Drawings that clearly outline the proposed amendments to the ABP-306569-20 consented scheme.
 - Visual Impact Assessment addressing the relationship between the proposed development and existing/permitted development in the wider area.
 - Materials Strategy for the proposed building, open spaces, paved area and boundaries, and a Building Life Cycle Report.
 - Details of the extent and purpose of proposed open space and communal / recreational amenities and their accessibility to the residents of proposed Block A.
 - Housing Quality Assessment of the proposed apartments.
 - Daylight and sunlight analysis.
 - Further clarification on transportation matters raised by Dublin City Council's Transportation Planning Division (18/01/2021).
 - Site layout plan showing areas to be taken in charge by the local authority.

This application is accompanied also by a separate statement indicating why, notwithstanding a material contravention of the relevant development plan, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000 (as amended) (hereafter referred to as 'the PDA').

The planning report also addresses the following planning policy:

- National Planning Framework, Ireland 2040 (NPF).
- Eastern & Midlands Regional Spatial & Economic Strategy (RSES) and Dublin Metropolitan Area Spatial Plan (DMASP).
- Smarter Travel – A Sustainable Transport Future, A New Transport Policy for Ireland 2009-2020.
- Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009). And accompanying Best Practice Urban Design Manual.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (revised 2020).
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018).
- Guidelines for Childcare Facilities (2001)
- Dublin City Development Plan 2016 – 2022.
- Other relevant national and regional planning strategies, objectives and planning design guidelines for achieving sustainable urban residential development in the area.

Enclosed with the application is a Part V Proposal, including letter prepared by Stephen Little & Associates and associated drawing prepared by Reddy Architecture + Urbanism (refer to the accompanying Drawing Register). These identify how the Applicant proposes to comply with Section 96 of the PDA, as agreed in principle with Dublin City Council. A DCC Part V Validation Letter, dated 4 December 2021, is enclosed with this application, confirming that negotiations have commenced. See Section 5.3 below for Part V consultation details.

A letter of consent from the owner of the former Hickeys site itself is enclosed within the SHD Planning Application.

Letters of consent from Dublin City Council's Transportation and Parks Divisions are enclosed as the application site (red line boundary) extends to lands currently within their control. The map attached to these letters shows the extent of the Council's lands.

The likely significant effects of the proposed and cumulative development of the application site on the environment are examined in the the Environmental Impact Assessment Report (EIAR), Appropriate Assessment screening and the Natura Impact Statement, which accompany the SHD Planning Application.

In accordance with the statutory regulations, we confirm that the sum of €51,633.92 is the appropriate application fee in this case. An EFT Proof of payment for this amount is enclosed with the SHD Planning Application.

This Planning Report & Statement of Consistency should be read in conjunction with the SHD planning application plans and particulars submitted to the Board. A complete list of application enclosures can be found at Section 19 (Enclosures) of this Planning Report.

2.2 The Consented Development

On 28 May 2020, an Order was made by the Board confirming a split decision (ABP-306569-20 refers), to:

- Grant Permission for 321no.'BTR' residential apartments, ancillary residents' amenity facilities, commercial office (c. 3,698 sq m), retail (c. 214 sq m) and café/restaurant (c. 236 sq m), accommodated in 5no. blocks ranging from 8 to 13 storeys (c. 31,146 sq m) over ancillary basement area, and all associated and ancillary conservation, landscaping and site development works.
- Refuse Permission for a 29-storey 'Block A' (12,207 sq m gfa), accommodating 160no. 'BTR' residential apartments, ancillary residents' amenity areas and roof gardens, 1no. café/restaurant (c. 208 sq m) and ancillary plant/storage.

We confirm that the Applicant is seeking permission only for a new 30 storey tower (Block A), at the location of the refused tower, including 198no. BTR apartment units, ancillary residential amenities, café/restaurant floorspace space and associated facilities, and replacement office floor area at its new interface with consented Block B2 office building. Associated works shall include amendments to the consented office building (B2) and public realm, required to manage their interface with the new Block A building. Provision of an additional 16no. bicycle parking spaces in the undercroft of consented Block B1. Provision of a telecoms booster antennae at roof level of the consented Block B1. The bracing of the river wall against the new building, in so far as it affects the river wall, will be as permitted under ABP Ref. 306569-20.

This all sits within the context of the otherwise consented residential-led mixed use redevelopment of the site measuring 0.82 ha (ABP-306569-20 refers).

The red line site boundary for this planning application remains the same as that of the ABP-306569-20 planning unit, as the proposed Block A is inextricably linked to the otherwise consented scheme. However, planning permission is not being sought again for the consented development, save for the necessary design amendments to facilitate the proposed new building. For clarity, the proposed development and associated works are delineated with a green dashed line on the application site and building plans.

2.3 Brief Description of the Proposed Development

In brief, permission is sought for Strategic Housing Development, with a life of 8 years, at 42A Parkgate Street, Dublin 8, for development comprising:

A 30-storey residential building ('Block A') (c.14,364 sq m gfa), including residential, café/restaurant, replacement office use and ancillary accommodation and works, located in the eastern apex of the site subject of otherwise consented development under ABP-306569-20.

The proposed new Block A building accommodates:

- 198no. 'Build To Rent' residential apartments (73no. studios, 97no. 1-bed, 27no. 2-bed & 1no. 3-bed) from 1st to 27th floors inclusive, including 53no. units with 'winter garden' balconies on the building's eastern elevation.
- Ancillary internal (c.384 sq m) and external (c.255 sq m) residents' private communal amenity areas and facilities, including ground floor reception/concierge area, lounge bars at mezzanine and 9th floors, roof gardens at 9th and 28th floors and access to residents' private communal amenity areas within the consented scheme ABP-306569-20.
- 1no. café/restaurant (c.223 sq m) at ground floor.
- Replacement office floor area (c.595.6 sq m total) accommodated between 1st and 8th floor levels of Block A.
- Ancillary residential bicycle storage (22no. spaces), refuse, circulation and plant, and non-residential back of house and circulation areas at ground and mezzanine floors.
- Building Maintenance Unit (BMU) at roof level.

Ancillary and associated site works and other structural and landscape works to tie the proposed new Block A building in with the consented development (ABP. Ref. 306569-20). Proposed amendments to the consented scheme, include:

- At the interface of proposed Block A with the consented Block B2 office building:
 - a reduction by c.909 sq m total of office floor area over 6 floors within the consented Block B2 office building;
 - a reduction by c.35 sq m of external residential amenity and associated minor amendments to landscaping at roof level of consented Block B2; and,
 - localised changes to the northern Parkgate St façade of the consented Block B2 to include a shadow gap at its junction with proposed Block A.
- 16no. additional bicycle parking spaces accommodated within consented Block B1 undercroft area.
- Minor localised amendments to adjoining consented public realm area to tie in with proposed 'Block A' at ground level.
- New telecommunications infrastructure at roof level of consented Block B1, including: 4no. 300mm microwave link dishes mounted on 2no. 2m high steel poles fixed to the consented lift shaft overrun, housed within GRP radio friendly shrouds, to mitigate potential for interference with existing telecommunication channels.

There is no increase in office space attributable to the proposed development. There is in fact a net loss of office floor area across the consented and proposed schemes (i.e. -909 sq m + 595.6 sq m = -313.4 sq m).

The site within which the proposed works sit, benefits from extant permission for residential-led mixed use strategic housing development under ABP 306569-20 (i.e. the consented development). Permission is not being re-sought for the consented development, save for the proposed amendments to the consented scheme described above.

For avoidance of doubt, while the red line site boundary is drawn around the entire planning unit of ABP Ref. 306569-20, the development works for which permission is expressly sought are identified with a green dashed line, within the wider red line planning unit.

The overall site (c.0.82 ha) is then principally bounded by Parkgate Street to the north, the River Liffey to the south, an existing electricity substation and the junction of Sean Heuston Bridge and Parkgate Street to the east, existing Parkgate Place office and residential development to the west. The application site includes areas of public footpath and roadway on Parkgate Street and a small landscaped area at the junction of Sean Heuston Bridge and Parkgate Street. There are Protected Structures on site.

An Environmental Impact Assessment Report (EIAR), Appropriate Assessment (AA) Screening report and Natura Impact Statement (NIS) accompanies this SHD planning application.

2.4 Architectural Design Competition

Following the ABP-306569-20 decision to refuse the Block A tower building, consideration was given to the next steps to complete the consent at Parkgate Street with a revised proposal for Block A. The decision was made to engage with an internationally renowned architect with a proven track record in the design and delivery of tall residential buildings.

A longlist of approximately twenty architects was considered, before agreeing a shortlist of four who would be invited to tender. The selection criteria were based on tall residential buildings experience, experience on similar projects, existing relationships with the team and capacity to deliver architectural services in Ireland.

After much careful consideration, it was decided that Glenn Howells Architects were the most suitable firm to work with Reddy Architecture + Urbanism to deliver a tall residential building that is architecturally excellent and deliverable in Dublin. Glenn Howells experience was the most aligned with the objectives of this part of the development. Glenn Howells Architects has gained significant experience in the design and delivery of tall buildings through a wide variety of projects across all sectors and masterplans. They approach each design with careful consideration of context to ensure that they create places that are appropriate but also attractive and which help promote a positive connection between the users, residents and the wider community. Glenn Howells Architects have extensive experience of delivering bespoke high profile projects that have transformed communities and neighbourhoods, and which are already responding to the challenges of a post-pandemic world. Their experience extends from conception through to delivery on site, alongside inherent commercial awareness, experience of working at scale and with complex design and construction programmes. Their portfolio includes delivering homes in a range of tall elegant slender residential buildings in London at Canary Wharf (Wardian London), Vauxhall (Urbanest), King's Cross London (Urbanest), in Birmingham (Octagon, The Mercian, Bloc Grand Central and Rotunda) and Manchester (Student Castle). We refer the Board to the Company Profile Document, prepared by Glenn Howells Architects which accompanies this application for further details.

The continued engagement of Reddy Architecture + Urbanism has been critical in ensuring continuity and cohesion of the proposed new tower design with the balance of the consented scheme.

We trust that the Board will find that this approach has led to a design concept for Block A that will address its previous concerns (ABP-306569-20 refers) to achieve:

- A bespoke landmark building which realises the potential of the site.
- A building design reflective of its unique setting and its proposed residential use.
- Well considered materiality and architectural detailing.
- A quality mix of BTR residential accommodation.

2.5 Definition of Strategic Housing Development

We consider the proposed development to be SHD as defined by Section 3 of the SHD Act.

Section 3 of the SHD Act states, *inter alia*, that: -

“*‘strategic housing development’ means—*

(a) the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,

... which may include other uses on the land, the zoning of which facilitates such use, but only if —

*i) the **cumulative gross floor area of the houses...**, **comprises not less than 85 per cent**, or such other percentage as may be prescribed, **of the gross floor space of the proposed development ...**, and*

*ii) **the other uses cumulatively do not exceed —***

*l) 15 square metres gross floor space for each house ..., in the proposed development ..., subject to a **maximum of 4,500 square metres gross floor space** for such other uses in any development, or*

ll) such other area as may be prescribed, by reference to the number of houses or bed spaces in student accommodation within the proposed development or to which the proposed alteration of a planning permission so granted relates, which other area shall be subject to such other maximum area in the development as may be prescribed;”

(* SLA bold text emphasis identifies qualifying criteria for the proposed development)

Non-Residential Quantum

The proposed development constitutes SHD on the basis that:-

- The proposed development comprises a 30-storey building (14,364 sq m), accommodating:
- 198no. BTR residential units and residents’ facilities and amenities (c. 13,545 sq m gfa). This exceeds the 100no. unit / 85% residential threshold for SHD applications.
- The proposed building also accommodates non-residential use (c. 818.96 sq m gfa total), comprising 1no. café/restaurant (c. 223 sq m), replacement office floorspace (c. 595.6 sq m) and (0.36 sq m) occupied by the telecoms infrastructure on the roof of consented Block B2.
- This falls below the 4,500 sq m / 15% floor non-residential use threshold for SHD applications.

It may be noted that some amendments are proposed to the consented office building (Block B2) at the interface with the proposed new Block A building, resulting in a reduction of the consented office floor area by c.909 sq m within Block B2. A quantum of this (c. 595.6 sq m) is recaptured within the interface within proposed Block A. Overall, this represents a net loss of c.313.4 sq m office floor area across the consented and proposed schemes.

It can therefore also be demonstrated that within the combined consented and proposed development the non-residential floor area does not exceed 4,500 sq m or 15% of the overall floor area.

Land Use Zoning

The application site is subject to the following land use zoning objectives where residential, office and café/restaurant uses are acceptable in principle:

‘Objective Z5’: *“To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.”*

‘Objective Z9’: *“To preserve, provide and improve recreational amenity and open space and green networks.”*

This planning application comprises development that will complete the mixed-use regeneration of a brownfield inner city site, which is zoned for a mix of uses including residential and benefits from extant

SHD planning consent for residential-led mixed use development applicable to the majority of the overall site.

It should be noted that the proposed building does not adversely impact the delivery of the riverside walk permitted within the Z9 zone as part of the consented development under ABP-306569-20. The proposed building does not encroach on the Z9 zone.

No further works to protected structures are proposed as part of this application. The river wall will be braced against the new Block A building in the same manner as consented under ABP-306569-20, in so far as it affects the river wall.

Having regard to all of the above, we are of the considered opinion that the proposed development meets the criteria for SHD as set down in the Act.

2.6 Circulation to Prescribed Bodies

We acknowledge receipt of the Board's Opinion, together with the list of Prescribed Bodies that the Board has requested be circulated with a copy of the application.

Enclosed with the SHD Planning Application are copies of the Cover Letters issued with the application to the relevant Prescribed Bodies in this case, being: -

- Irish Water
- Transport Infrastructure Ireland
- Minister for Housing, Local Government and Heritage
- National Transport Authority
- Inland Fisheries Ireland
- Irish Aviation Authority
- An Taisce – the National Trust for Ireland
- Heritage Council
- Failte Ireland
- An Chomhairle Ealaíonn
- Dublin City Childcare Committee

2.7 The Applicant

We wish to confirm that the Applicant in this case is Ruirside Developments Limited. Contact details are provided below:

Name: Ruirside Developments Limited

Address: Usher House, Main Street, Dundrum, Dublin 14

Telephone: (01) 2164080

Email: info@charteredland.ie

2.8 Applicant's Legal Interest

The Applicant has sufficient legal interest in the lands subject of the proposed development to make this application.

A Letter of Consent to make the application, from the principal landowner, is enclosed with this SHD application.

Letters of consent from Dublin City Council's Transportation and Parks Divisions are enclosed as the application site (red line boundary) extends to lands currently within their control. The map attached to these letters shows the extent of the Council's lands.

2.9 Agent

This SHD application has been co-ordinated by Stephen Little & Associates, Chartered Town Planners and Development Consultants, as part of a Design Team led by Glen Howells Architects/Reddy Architecture & Urbanism.

Details of the agent are set out below for the convenience of the Board: -

Name: Stephen Little & Associates, Chartered Town Planners & Development Consultants.
Address: 26/27 Upper Pembroke Street, Dublin 2 D02 X361.
Telephone: 01-676 65 07.
Email: info@sla-pdc.com.

Due to current Covid-19 restrictions and in line with Government advice, Stephen Little & Associates continue to work remotely from our office in the interests of the health and safety of our staff, our clients and work colleagues. As such, the Board is invited to rely upon the email address supplied for communications relating to this project.

2.10 Statutory Planning Fee

A EFT proof of payment to the amount of €51,633.92, as the appropriate statutory fee in this instance, is enclosed with this SHD application.

The fee calculation is as follows:

Application	Fee Calculation	Fee Amount
198 residential units	€130 per unit	€25,740.00
818.6 sq m commercial floor area	€7.20 per sq.m (max 4,500 sq m)	€5,893.92
EIAR		€10,000.00
NIS		€10,000.00
Total SHD Application Fee		€51,633.92

2.11 Planning Design Team

The core Design Team involved in the preparation of this Application is comprised of: -

Stephen Little & Associates Chartered Town Planners & Development Consultants – Preparation and co-ordination of the SHD Planning Application. Town Planning guidance and input, including pre-planning consultation with DCC Planning Department and the Board. Preparation of Planning Report and Statement of Consistency and Material Contravention Statement.

Glen Howells Architects – Architectural design and detailing of the proposed new Block A building and interface with the consented scheme. Urban and architectural design co-ordination and design services.

Reddy Architecture + Urbanism – Preparation of planning drawings and schedules, input on overall design and material selection. Preparation of Architectural Design Statement, Housing Quality Assessment and Response to An Bord Pleanála Opinion document.

Arup Consulting Engineers – Full civil engineering consultancy services required to facilitate the integration of the proposed development (Block A) with the consented scheme, including expert advice on associated structural, transportation and drainage services design. Consultation with Irish Water.

Mitchell & Associates Landscape Architects – Preparation of landscape interface details associated with the integration of the proposed development with the consented scheme.

Model Works – Verified Photomontages of the proposed development from key views across Dublin City, showing the existing site with the consented and proposed development. Refer to EIAR.

ARC Architectural Consultants – Landscape and Visual Impact Assessment. Refer to EIAR.

IN2 Consulting Engineers – Sunlight / Daylight analysis and Site Wind Analysis. Refer to EIAR. Preparation of Energy Statement.

AWN Consulting – Preparation of Construction and Demolition Waste Management Plan and Operational Waste Management Plan. Refer to EIAR.

Independent Site Management (ISM) - Specific Assessment – Section 3.2 of the Building Height Guidelines (2018).

Aramark –Property Management Strategy and Building Lifecycle Report.

Moore Group – Appropriate Assessment Screening and Natura Impact Statement.

Section 19 of this Report identifies the plans and particulars that constitute this SHD planning application. Further plan schedules are provided by each of the design consultants.

2.12 EIAR Team

The EIAR has been co-ordinated and prepared by Stephen Little & Associates. The following lists the expert consultants involved in the preparation of the EIAR for the proposed development: -

Stephen Little & Associates Chartered Town Planners & Development Consultants - Preparation and Co-ordination of EIAR and preparation of EIAR chapters, including the Introduction, Description, Summary, Planning and Policy, Cumulative Effects and Interaction of Effects.

Reddy Architecture & Urbanism – EIAR Chapter relating to Alternatives.

Arup – EIAR chapters including Construction, Traffic & Transportation, Air Quality, Climate (with input from IN2), Water, Land and Soils, Hydrogeology, Population and Human Health, Material Assets, Major Accidents and Construction and Environmental Management Plan (CEMP).

AWN Consulting –EIAR Chapters including Noise and Vibration, Resource and Waste Management.

ARC Consultants – EIAR Chapters, including Landscape and Visual Impact (Photomontages by Modelworks. Cross Sections and Axonometrics prepared by Reddy Architecture and Urbanism and CGIs prepared by V1, Reddy Architecture and Urbanism and Glenn Howells Architects) and Architectural Heritage.

Courtney Deery Archaeology – EIAR Chapter relating to Archaeology and Cultural Heritage

Moore Group – EIAR Chapter relating to Biodiversity.

3 APPLICATION SITE & CONTEXT

3.1 Site Description

The red line site boundary is extended to match the planning unit ABP-306569-20 for consented residential-led mixed use development.

The proposed development, including Block A and its interface with the consented scheme and proposed amendments to consented Block B is delineated by a dashed green line, and is contained within the wider planning unit ABP-306-569-20.

Permission is only sought for proposed Block A and associated interface works. A fresh permission for the consented scheme is not sought as part of this SHD application. However, the red line has been extended to the full planning unit in recognition of the fact that the proposed development is intrinsically linked with the consented scheme.



Figure 1: Subject site outlined in red (dashed green lines indicate area subject to proposed Block A and areas subject to amendments to consented Block B - Approximate Overlay by SLA). Please refer to the enclosed Site Location Plan and Site Layout Plan, prepared by Reddy Architecture & Urbanism for the definitive boundary of the subject site.

The application site is a brownfield site, last occupied by Hickey's Fabrics warehouse and main office. The site was formerly in use by Hickey's Fabrics and is currently unused. It benefits from planning permission for residential-led mixed use development that does not extend to the proposed Block A building (refer to ABP-306569-20 split permission and refusal, dated 28 May 2020).

The ABP-306569-20 planning unit (0.82 ha) is generally bounded by Parkgate Street to the north, the River Liffey to the south, the junction of Sean Heuston Bridge and Parkgate Street and a small electricity substation to the east, and a four-storey office development (Parkgate Business Centre) and five-storey apartment scheme (Parkgate Place) to the immediate west. Heuston Station is on the opposite side of the River Liffey to the south of the site. There are traditional two and three-storey terraced buildings on the northern and southern sides of Parkgate Street; the Aisling Hotel (six-storey) and a car showroom are located to the north east of the site.

The site is centrally located at the western termination of the city quays, in an historic area of the city and at a major transport hub. The consented and proposed schemes, in combination, present a unique opportunity to provide a residential-led mixed-use development which will contribute to the revitalisation and regeneration of this site and within the Heuston environs gateway. This is a unique site in the city given its location, which affords extensive street frontage on Parkgate street and a south facing boundary along the river Liffey.

The application site is easily accessible on foot, being within walking distance of most of the key retail, employment and recreational amenities of the city centre. The site is close to various healthcare services, including St. Patricks University Hospital and St. James' Hospital. The area is also well served by legal and administrative services, with the new Criminal Courts of Justice, the Four Courts and Dublin City Council Civic Offices all a short distance away.

The site is proximate to cycle facilities along the quays and to a number of Dublin Bikes Stations including at Parkgate Street, Heuston Bridge South and the Heuston Bridge North. As part of the permitted scheme the Heuston Bridge North station will be relocated to accommodate the proposed redevelopment of the application site. The operators (JCDecaux) will agree the relocation of the station with Dublin City Council (DCC).

The site is within walking distance of a number of significant public transportation services, including Heuston Station Intercity Railway Station, Heuston Red Line LUAS stop (linking to Connolly Station) and numerous Dublin bus services which operate on Parkgate Street and the City Quays (route nos. 25, 25a, 25b, 26, 66, 66a, 66b, 66e, 67, 69 and 145). The application site is easily within walking distance of most of the key amenities of the city centre.

Significant local historic features include the City Quays, Heuston Station, Dr Steeven's Hospital, the Royal Hospital Kilmainham, the Guinness Brewery, Collins Barracks, Phoenix Park (including the Wellington Monument) and other protected structures along Parkgate Street. Consequently, the site also lies adjacent to an excellent range of cultural and recreational amenities.

The Phoenix Park is within 500m of the site and is a large urban park of 707 hectares comprising woodlands, ponds and walks and a wide range of amenities including sports clubs, Dublin Zoo and Bike rentals. Collins Barracks contains the Museum of Decorative Arts along with Courtyards and Gardens and is located within 500m of the site. The Irish Museum of Modern Art is a c.1km walk from the site. It contains flower gardens, walks and the art museum within its walls and hosts a number of different events throughout the year. The Irish National War Memorial Gardens is another park nearby the site, a c. 1.7 km walk from Parkgate Street. It has access to walks along the river Liffey, around the monuments and to hurling grounds. Part of the sporting and university culture is also located in this part of the city on nearby Chapelizod Road which is home to UCD & Trinity boatclubs, Neptune, Garda Boat Club. The Colours Boat Race is also an annual event on the Liffey. Parkgate Street itself provides a (pedestrian and bicycle) route to these boat clubs to the west of the site.

The application site lies within a Conservation Area, designated in the Dublin City Development Plan. The wider planning unit contains a number of historic structures, including Protected Structures (see Section 3.3 below).

3.2 Existing, Consented & Proposed Uses

The application site is a brownfield site, formerly in use by Hickey's Fabrics and is currently unused.

On 28 May 2020, an Order was made by the Board confirming a split decision (ABP Ref. 306569-20 refers), to:

- Grant Permission for 321no.'BTR' residential apartments, ancillary residents' amenity facilities, commercial office (c. 3,698 sq m), retail (c. 214 sq m) and café/restaurant (c. 236 sq m), accommodated in 5no. blocks ranging from 8 to 13 storeys (c. 31,146 sq m) over ancillary basement area, and all associated and ancillary conservation, landscaping and site development works.

- Refuse Permission for a 29-storey 'Block A' (12,207 sq m gfa), accommodating 160no. 'BTR' residential apartments, ancillary residents' amenity areas and roof gardens, 1no. café/restaurant (c. 208 sq m) and ancillary plant/storage.

The heritage significance of some of the existing buildings and structures on the site of the consented scheme (Reg Ref. ABP-306569-20), as well as the significance of the site within the Conservation Area along the Liffey banks, is well understood. The conservation, repair, refurbishment and adaptive reuse of the Protected Structures in situ forms part of the consented scheme. Other late 19th century buildings and features of historic interest (not protected structures) are also to be integrated into the consented development. For the avoidance of doubt, the proposed development subject of this application does not involve works to Protected Structures or other historic buildings / structures. This is covered by the consented scheme under ABP-306569-20.

In the case of the current SHD application, permission is sought only for a new 30 storey tower (Block A), at the location of the refused tower, including 198no. BTR apartment units, ancillary internal (c.384 sq m) and external (c.255 sq m) residential amenities, a café/restaurant (c.223 sq m), and replacement office floor area (c.595.6 sq m) at its new interface with consented Block B2 office building. Associated works shall include amendments to the consented office building (B2) and public realm, required to manage their interface with the new Block A building. Provision of an additional 16no bicycle parking spaces in the undercroft of consented Block B1. Provision of a telecoms booster antennae at roof level of the consented Block B1. The bracing of the river wall against the new building, in so far as it affects the river wall, will be as permitted under ABP Ref. 306569-20.

The proposed new building is contained within Z5 zoned land. Full details of the proposed development are set out in Section 9 of this Report.

3.3 Conservation Area and Protected Structures

The site is located within a larger 'Conservation Area' designated in the Dublin City Development Plan along the River Liffey and its banks and quays. Policies SC25 and CHC4 of the Plan promote high quality, inclusive urban design, architecture and public open space that positively contributes to the city's built and natural environments, taking opportunities in designated conservation areas to enhance their special character and distinctiveness that is derived from historic buildings and other important features. One of the principles of Strategic Development and Regeneration Area (SDRA) 7 (within which the subject site lies) is to forge dynamic relationships of contemporary urban form and sustainable density with cultural institutions, historic fabric and setting in the Heuston environs.

The significance of the site within the designated Conservation Area along the Liffey banks and the heritage significance of the existing buildings and structures on site, and their conservation, integration or demolition as part of the consented scheme, has been established under ABP-306569-20. This permits the conservation, refurbishment, repair and adaption of existing protected structures, including:

- Entrance stone archway (protected structure) to be conserved, refurbished, repaired and adapted for use as pedestrian access to proposed residents' communal open space, entrance foyers to Block B1 and Blocks C1, C2 and C3 and ancillary amenities.
- Riverside stone wall (protected structure) to be conserved, refurbished, repaired and adapted, including partial demolition comprising the enlargement of existing opes and creation of new opes and lintel treatments for incorporation within the riverside stone wall, as part of the proposed riverside amenity walkway.
- Turret (protected structure) at the eastern end of the riverside stone wall to be conserved, refurbished, repaired and adapted as an integrated part of riverside stone wall and proposed amenity walkway.
- Square Tower on riverfront (protected structure) to be conserved, refurbished, repaired and adapted as an integrated part of riverside stone wall proposed and amenity walkway.

In respect of the other structures, that are not protected structures, ABP-306569-20 also permits:

- Conservation, refurbishment, repair and adaption of the larger of the two riverfront gabled building ('River Building') for use as gym for residents of the development, accessible from Block C1 undercroft and residents' courtyard at ground level, and incorporation of building as integrated part of riverside stone wall and proposed riverside amenity walkway.
- Conservation, refurbishment, repair and adaption of the southern façade of the smaller riverfront gabled building as part of riverside wall and incorporated with the amenity walkway. Demolition of the remainder of the building fabric.

The demolition of all other structures within the former Hickey's Fabrics site, including the large single storey warehouse building with curved wall to Parkgate Street and all warehouse internal walls and partitions including the southern brick wall running parallel to the interior of the riverside stone wall, a small two storey building adjacent to the entrance stone archway and the former 2-storey detached house (Parkgate House) at the north west corner of the site, and other miscellaneous structures, is permitted under ABP-306569-20.

The Board's Inspector's Report (ABP-306569-20) welcomed the refurbishment and reuse of the Protected Structures and considered that an appropriate balance had been achieved between protecting the historical significance of the site and enabling its redevelopment.

For the avoidance of doubt, the proposed development the subject of this current SHD application for Block A and associated interface works does not involve any works to Protected Structures or other historic buildings / structures. These have been consented under ABP-306569-20.

Cultural heritage (architectural heritage and archaeology) are nonetheless addressed in the EIAR which accompanies this SHD application.

For further information on the historic setting of the site we refer the Board to the Landscape and Visual Impact Assessment Chapter of the EIAR, prepared by ARC Architectural Consultants.

4 RELEVANT PLANNING HISTORY

The site has been the subject of two previous planning applications for significant redevelopment. A summary is provided below.

A number of other planning applications were made on the site between the 1960s to the 1980s. Due to the significant intervening period, and having regard to the more recent permission granted, they are not considered relevant for further discussion.

4.1 ABP-306569-20 (The Consented Development)

4.1.1 ABP-306569-20 – The Proposed Development / SHD Planning Application

On 5 February 2020, Ruirside Development Limited applied for permission for a Strategic Housing Development, comprising residential-led mixed use redevelopment (c. 43,353 sq m gross floor area) of at this brownfield site. This included 6no. identifiable blocks ranging in height from 8 to 29 storeys with basement and undercroft. The blocks were arranged to create a strong frontage along Parkgate Street and to extend building fingers towards the river side of the site, to ensure that open spaces and public realm would benefit from good southern aspect and sunlight penetration.

The proposed uses included: 481no. 'Build To Rent' apartments (66no. studio units, 298no. 1-bed units and 117no. 2-bed units); ancillary residents' amenity rooms and facilities, including co-working spaces, one of which (c. 119 sq m) to be made available to the public for hire for cultural uses/ events; commercial office (c. 3,698 sq m), retail (c. 214 sq m) and café/ restaurant (c. 444 sq m) uses; and all associated and ancillary conservation and site development works.

Proposed block description was as follows:

- Block A (c. 12,207 sq m gross floor area): 29-storeys with setback at 25th floor, accommodating 1no. café/restaurant (c. 208 sq m), residents' amenity areas and 160no. apartments. Residents' roof gardens at 9th and 25th floors. Ancillary plant / storage at ground floor level.
- Block B1 (c. 10,520 sq m): 10 to 13-storeys with setback at 7th floor, accommodating 1no. café/ restaurant (c. 236 sq m), 1no. retail unit with ancillary café (c. 134 sq m), resident's amenity areas, including co-working spaces made available to the residential community within the proposed development, and one of which (c. 119 sq m) to be made available also to the public for hire for cultural uses/ events, and 141no. apartments. Residents' roof gardens at 9th floor. Ancillary plant / storage at basement and ground floor level.
- Block B2 (c. 3,698 sq m): 8-storeys with setback at 6th floor, including 6 storeys of commercial office floorspace (c. 3,698 sq m) over entrance foyer and site entrance. Residents' garden on the roof. Ancillary plant / storage at basement level.
- Block C1 (c. 4,207 sq m): 9-storeys, accommodating 58no. apartments. Ancillary plant / storage at undercroft and ground floor level. Link with 'River Building' at undercroft level.
- Block C2 (c. 2,520 sq m): 9-storeys, accommodating residents' amenity areas and 40no. apartments. Residents' roof garden at 8th floor.
- Block C3 (c. 6,274 sq m): 11-storey building over partial basement with setback at 7th floor, accommodating 1no. retail unit (c. 80 sq. m), residents' amenity areas and 82no. apartments. Residents' roof garden at 7th floor. Ancillary plant / storage at ground floor level.
- Associated and ancillary conservation, site development, infrastructure, landscaping and boundary treatment works, including:
 - Public open space (c.1409 sq m), including a plaza and riverside walkway.
 - Residents' communal open space, including courtyard at ground level and residents' roof gardens at 7th, 8th, 9th and 25th floor levels. Residential apartment balconies on south, east and west elevations of all residential buildings and on north elevation of tower.

Conservation, refurbishment, repair and adaption of existing protected structures, including:

- Entrance stone archway (protected structure) to be conserved, refurbished, repaired and adapted for use as pedestrian access to proposed residents' communal open space, entrance foyers to Block B1 and Blocks C1, C2 and C3 and ancillary amenities.
 - Riverside stone wall (protected structure) to be conserved, refurbished, repaired and adapted, including partial demolition comprising the enlargement of existing opes and creation of new opes and lintel treatments for incorporation within the riverside stone wall, as part of the proposed riverside amenity walkway.
 - Turret (protected structure) at the eastern end of the riverside stone wall to be conserved, refurbished, repaired and adapted as an integrated part of riverside stone wall and proposed amenity walkway.
 - Square Tower on riverfront (protected structure) to be conserved, refurbished, repaired and adapted as an integrated part of riverside stone wall proposed and amenity walkway.
- Conservation, refurbishment, repair and adaption of the larger of the two riverfront gabled building ('River Building') for use as gym for residents of the development, accessible from Block C1 undercroft and residents' courtyard at ground level, and incorporation of building as integrated part of riverside stone wall and proposed riverside amenity walkway.
 - Conservation, refurbishment, repair and adaption of the southern façade of the smaller riverfront gabled building as part of riverside wall and incorporated with the amenity walkway. Demolition of the remainder of the building fabric.
 - Demolition of all other structures within the former Hickey's Fabrics site, including the large single storey warehouse building with curved wall to Parkgate Street and all warehouse internal walls and partitions including the southern brick wall running parallel to the interior of the riverside stone wall, a small two storey building adjacent to the entrance stone archway and the former 2-storey detached house (Parkgate House) at the north west corner of the site, and other miscellaneous structures.
 - 2no. new pedestrian site entrances at Parkgate Street, connecting to proposed public plaza and the proposed riverside amenity walkway.
 - 1no. new vehicular access via Parkgate Street to surface and basement parking areas at western edge of the site.
 - 26no. car parking spaces (total) at surface and basement levels.
 - 551no. bicycle parking spaces (total) at surface, undercroft and basement levels.
 - Ancillary plant, bin storage and remote storage at ground and basement levels.
 - Ancillary plant and telecommunications antennae at roof level.
 - Solar panels on the roof of proposed Blocks B and C.
 - Ancillary works along the southern footpath on Parkgate Street and in the public roadway, including new loading bay, removal of recycling bins and Dublin Bikes Station No. 92 and surface water drainage works including new sections of pipework.

4.1.2 ABP-306569-20 – Dublin City Council and ABP Insepctor's Assessments

The following provides our summary review of the key issues raised by Dublin City Council to An Bord Pleanala (April 2020), in respect of the Block A tower building proposed under ABP-306569-20:

- A tall landmark building on the site is warranted at this site. The concerns do not relate to height or slenderness, rather architectural design and finish.
- The 'commercial appearance' of the façade treatment is not reflective of its residential use.

- Given its pivotal location, on an axis to the River Liffey and its gateway setting adjacent to Heuston Station, a tower of exceptional architectural character, quality and refinement is required.
- Minor amendments to the building façade and materials is not sufficient to improve the design quality to an acceptable level. Material change to the tower design is required.
- The proposed building design does not successfully address the opportunities provided by the site and its impact on the wider city.
- The inclusion of large blank panels and the framing of the windows on every third floor contribute to a façade that does not successfully achieve the design quality required for a landmark building.
- The design and treatment of the building does not fully integrate with its surroundings. It does not result in a building that would enhance the character and public realm of the area or the wider city views.
- The colonnaded base of the tower beside the existing sub-station should be designed out to avoid unmonitored alcoves, set-backs and alley conditions which could encourage anti-social behaviour.
- A new more successful design for Block A could be achieved under a separate planning application.

The following provides our summary review of the key issues raised by the Board Inspector (14 May 2020), in respect of the Block A tower building proposed under ABP-306569-20:

- Generally satisfied with the slenderness and principle of taller building height for Block A.
- The architectural expression appears “generic”.
- A distinctive, high quality and enduring landmark building is required at this pivotal, highly visible site within the city.
- From a visual amenity perspective it should sit comfortably alongside Heuston Station and the nearby Phoenix Park. It should not negatively impact on important views within the city.
- Block A as proposed was considered likely to have significant adverse indirect impacts on the setting of Heuston Station, not in terms of its height but in terms of its architectural design.
- The design of proposed Block A was considered to be contrary to the following provisions of the Dublin City Development Plan 2016-2022:
 - **DCDP Section 16.7.2 Assessment Criteria for High Buildings** (see ABP Order)
 - **SDRA 7** “...architectural designs of exceptional high quality.” (see ABP Order)
 - **Policy SC25** (see ABP Order)
 - **Policy SC17** to “...ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city...” ;
 - **Policy SC26** to “... innovation in architectural design to produce contemporary buildings which contribute to the city’s acknowledged culture of enterprise and innovation, and which mitigates, and is resilient to, the impacts of climate change.”
- The level of provision of private open space (balconies) was noted as a concern. While flexibility is provided by **SPPR 8** for declared ‘BTR’ residential apartment schemes, the Applicant would need to demonstrate how residents’ access to communal open space and internal amenity areas compensates for absence of private balconies in individual apartments.
- There is an opportunity for a new revised design for Block A to be achieved under a separate planning application.
- An open design competition is recommended.

4.1.3 ABP-306569-20 – The Board’s Order (The Consented Development)

On 28 May 2020, An Order was made by the Board confirming a split decision (ABP Ref. 306569-20 refers), which is to:

- Grant Permission for 321no. ‘BTR’ residential apartments, ancillary residents’ amenity facilities, commercial office (c. 3,698 sq m), retail (c. 214 sq m) and café/restaurant (c. 236 sq m), accommodated in 5no. blocks ranging from 8 to 13 storeys (c. 31,146 sq m) over ancillary basement area, and all associated and ancillary conservation, landscaping and site development works.
- Refuse Permission for the 29-storey ‘Block A’ tower (12,207 sq m gfa), accommodating 160no. ‘BTR’ residential apartments, ancillary residents’ amenity areas and roof gardens, 1no. café/restaurant (c. 208 sq m) and ancillary plant/storage.



Figure 2: Extract from drawing PGATE-RAU-ZZ-00-DR-A-GAP-31100 - Ground Floor Plan, prepared by Reddy Architecture + Urbanism, showing ground floor area of consented and refused development under ABP-306569-20

The Board refused to grant permission for the 29 storey Block A tower building for the following reasons:

“Policy SC25 of the Dublin City Development Plan 2016-2022 seeks to ‘promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city’s built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate’. In addition, the guiding principles of Strategic Development and Regeneration Area 7 Heuston Station and Environs (SDRA 7), together with the Assessment Criteria for Higher Buildings, as set out in the Dublin

City Development Plan 2016-2022, refer to architectural designs of exceptional high standard and architectural excellence for high buildings.

*Having regard to the prominent and sensitive location of the subject site by reason of its important gateway location for the city; its relationship to the River Liffey; together with its connection to Heuston Station and the Phoenix Park; it is considered that the proposed development, due to its architectural design quality and materiality, does not successfully address the opportunities provided by the site; does not protect nor enhance the skyline at this location nor does it make a positive contribution to the urban character of the area. It has not been adequately demonstrated to the Bord that a building of exceptional architectural design has been proposed in Block A and, if permitted, it would seriously detract from the setting and character of Heuston station, one of the city's important architectural landmarks. Having regard to all of the above, the proposal is therefore considered not to comply with **Policy SC25** of the Dublin City Development Plan 2016-2022; would be contrary to the **guiding principle of SDRA 7** which seeks architectural designs of exceptional high standard and would be contrary to the **Assessment Criteria for Higher Buildings**, as set out in the Dublin City Development Plan 2016-2022 which seeks architectural excellence for high buildings. The proposal would seriously injure the urban character and visual amenities at this pivotal location and would be contrary to the proper planning and sustainable development of the area."*

(SLA bold font emphasis)

Both Dublin City Council (DCC) and An Bord Pleanála (the Board) were largely supportive of the general proposal and in particular, the principal of the tower element in terms of height and scale. However it was determined that the architectural quality and expression of the apartment block was not of sufficient quality to be an enduring, landmark building.

An opportunity was however identified by the Inspector of the Board that a new, revised design could be subject of a separate planning application. It is submitted that the Applicant and the Design Team have now addressed the concerns raised by both the Board and DCC in bringing forward a fresh concept as part of this pre application consultation. Furthermore, it is considered that these proposals can deliver a suitably designed landmark building at this location.

4.2 DCC Reg. Ref. 3613/06 (ABP Reg. Ref. PL29N.221587)

Hickey and Company Limited applied for permission on 21 June 2006 for a significant mixed use residential and commercial development, to include offices, retail, restaurant and creche facilities, in buildings ranging up to 9 storeys, at the former Hickey's site.

The Planning Authority requested Further Information on 10 August 2006. Following the Applicant's response to this, the Planning Authority granted permission subject to 34no. conditions on 19 December 2006. This decision was appealed by 2no. 3rd Parties and by the 1st Party.

A review of the Board Inspector's report in that case identifies the following notable aspects of that assessment, relevant to the consented (ABP-306569-20) and more particularly the potential for the proposed (Block A) development:

- The proposed uses generally conformed to the Z5 land use zoning and the provision of access along the river frontage was in accordance with the Z9 zoning,
- Precedent was established for significant development within the Heuston Regeneration Strategy and Development Framework area, by the following cases:
 - **OPW / St John's Road Depot** mixed use scheme (c.98,389 sq m total gfa, including commercial (c.65k sq m), cultural (c.4k sq m) and residential (267no. apartments) in 18no. buildings ranging from **2-12 storeys**, at a site measuring c.3.9 ha), bounded by the Royal Hospital Kilmainham, granted by ABP in 2004 (PL.29S.206528). [i.e. existing Heuston South Quarter at St John's Road and Military Road]

- **Military Road** mixed use scheme (c.52,111 sq m total gfa, including commercial (c.21k sq m), cultural (c.7k sq m) and residential (197no. apartments) in 14no. buildings ranging from **1-32 storeys**, at a site measuring c.3.43 ha) and works to protected structures, granted by ABP in 2005 (PL.29S.210196). 10 year permission not implemented. (See Section 4.3 below for further reference.)
- There were reasonable aims to intensify development within built up areas close to public transport connections and having regard to other planning objectives.
- The development options for the site, illustrated in the Heuston Gateway Development Framework Plan (Dublin City Council, 2003) were not definitive, and the identified 'visual connections' were not 'untouchable'.
- The Framework Plan identified potential for increased connection between Heuston Station, Parkgate Street and Phoenix Park, to be realised through development options including: (1) Mixed use residential and commercial (office, retail, services, leisure, etc) development, with external space connecting to Parkgate Street and set back from river to facilitate river side amenity walk. (2) A high profile landmark, public, cultural building at this site.
- The site location marks a change in how the River responds to the city context from natural to controlled urban.
- In relation to non-protected structures, given an appropriate redevelopment proposal, the existing wall along Parkgate Street, the large warehouse and other miscellaneous buildings / structures could be removed.

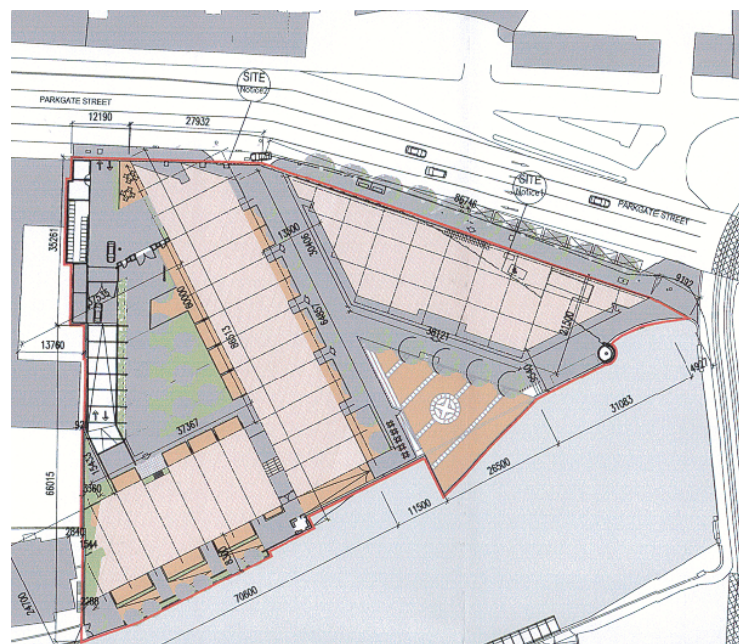


Figure 3: Site Location and Layout Plans of the 2006 application.

In the case of this particular development proposal, the Board, by order dated 14 September 2007, decided to refuse permission for the following 2no. reasons:

1. *The application site lies within the Heuston Station and Environs Framework Development Area (FDA7), as designated in the current Dublin City Development Plan, on a significant visual connection running from the City Quays to the Phoenix Park and the Wellington Monument and in an area close to the key focal point of Heuston Station with "... famous views into and around the station environs ..."* as identified in the Heuston Gateway Regeneration Strategy and Development Framework Plan. Furthermore, the site is located within a conservation area, as designated in the development plan, wherein it is the stated policy of the planning

authority to protect the character and historic fabric and to ensure that new buildings complement the character of the existing architecture in design, materials and scale. In addition, the site lies in close proximity to and affecting the setting of protected structures including Heuston Station to the south of the river and in a location of significant historic, amenity and tourism importance. Having regard to the scale, massing and generalised design, which is bland and repetitive, it is considered that the proposed development would not reflect the pivotal and sensitive nature of the site and would interfere with views and prospects of special amenity in the environs of the site which it is necessary to preserve, would detract from the character and appearance of the conservation area at this point and would adversely affect the setting of protected structures in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

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

It is relevant to highlight that since this decision was made, there has been a significant shift to a planning policy context that positively promotes the sustainable regeneration of brownfield city centre sites with high density and higher building height.

The role of the regeneration of Heuston and Environs as a western counter balance to development at Docklands, at a gateway to the *city centre*, is also relevant. At a strategic level, this area is no longer considered an 'edge of city' site, rather an 'edge of city centre', in the context of the strategic identification of 'Dublin & Suburbs' as the focus for higher density development.

Since the publication of the Heuston Gateway Framework Plan (Dublin City Council 2003), the area has undergone significant redevelopment. The guiding principles for the development of the land banks that remain within the Heuston and Environs area (SDRA 7) are now set out in Chapter 15 (section 15.1.1.10) of the City Development Plan. See further discussion of in Section 12 of this planning report.

4.3 Planning Precedent Cases

4.3.1 Reg. Ref: 1290/04 (ABP Reg Ref: PL29S.210196) – OPW Site, Military Road, Kilmainham

On 10 February 2004, The Commissioners for Public Works applied for a 10 year planning permission for a mixed use development (c. 52,111 sq m), at a site (3.43 ha) on Military Road, Kilmainham, immediately south of Heuston Station. Proposed development comprised 14no. buildings ranging from 1 to 32 storeys (over basement), to accommodate 197no. residential units (c. 20,152 sq. m), offices (14,095 sq m), 19 no. retail units (2,747 sq m), health club (c. 780 sq m), 2no. restaurants (c. 1,569 sq m), public house (c. 453 sq m), childcare facility (c. 124 sq m), educational facility (c. 838 sq. m), museum building (5,571 sq m) and other cultural facilities (c. 1,711 sq m) and associated site works.

Notably the proposal included a 32-storey tower, with 28no. floors in residential use and restaurant use at lower levels.

Following the Applicant's response to a request for further information (5 October 2004), Dublin City Council decided to grant permission (with 31no. conditions), dated 30 November 2004.

The decision was appealed to the Board. The Inspector's Report recommended a grant of permission subject to 30 no. conditions, which included the omission of the 32 storey block.

On the 29 November 2004 the Board made an Order granting permission (with 32no. conditions) and retaining the 32-storey tower. The Board's Order stated that the proposed development:

"... would constitute an appropriate mix of land uses at this location, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of impact on protected structures and recorded monuments, and traffic safety and convenience and would constitute an appropriate form of development of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area."

It was further noted by the Board that:

"In deciding not to accept the Inspector's recommendation to require omission of Building C5 (the 32 storey residential block), the Board considered that this building would be acceptable in terms of its visual impact, having regard to both its design quality and its particular location. In this regard, the Board noted that the site can be considered to lie outside the historic core of the city. The Board made its decision on the basis of the merits of the particular scheme and did not consider that the decision should be regarded as a precedent in relation to any other proposal for a high building in the city, including in the Heuston Framework Development Area."

It should be noted that this permission was not implemented on site, and that the permission has now withered. In 2017 the site was entered onto the Council's Vacant Sites Register.

In August 2018, OPW planning approval was established to develop a new 6-storey Garda Headquarters complex, over 2-storeys of underground car parking (220no. spaces), at this site. While Dublin City Council made submissions to the OPW, neither DCC nor the Board had a role in granting planning permission. The development is due to be completed by 2022.

4.3.2 Cork City Council Ref TP 19/38589 and ABP-308596-20

It is noted that the Board recently upheld a decision by Cork City Council to grant permission for development comprising the redevelopment of the Custom House site, at Custom House Quay in Cork City, to include a new 34-storey hotel tower (c.140m high).

In granting permission the Board accepted that the proposed tall, contemporary building would have a significant impact on the urban and visual character of the area and would be prominent in key views. However, given the high quality design and finish of the proposed building, and the juxtaposition of old and proposed, the proposed development would add to the visual attractiveness and built character of the city. In its conclusions, the Board considered that the proposed development would:

- Secure the redevelopment of strategic, under-utilised urban land in a prominent city centre location.
- Assist in the re-development and rejuvenation of this part of Cork City Centre in accordance with the policies and objectives of the development Plan.
- Be consistent with national, regional and local policy objectives seeking to secure more compact and higher density development in city centre areas.
- Enhance the skyline and urban character of the city.
- Would not seriously injure key views or vistas, or the character and appearance of protected structures.

While the proposed development subject of the current application for a tall building, at Parkgate Street in Dublin, will be assessed on its own design merits and site context, we would submit that many of the Board's findings in respect of ABP-308569-20 are equally applicable in the case of the proposed development at Parkgate Street, Dublin.

4.4 Planning History Lessons

Planning history indicates that the Heuston gateway has been identified as an area suitable for intensive urban regeneration, including mid-rise and tall landmark buildings for nearly 20 years. It has been considered that a tall landmark building could make a positive contribution to the City skyline, where of suitably high architectural design and quality. This could be achieved within the context of the historic and conservation setting of the area and the protection of key views and vistas.

In the case of both previous applications at the subject site, both DCC and the Board have been generally supportive of the substantial redevelopment of this site. There has been a clear focus on how development at this site would be integrated with the city character and skyline. As a gateway to the city centre, with excellent access to public transport and the varied amenities of the city, it has been deemed an appropriate location for a tall landmark building of slender proportions. Both DCC and the Board's Inspector, in the case of ABP-306569-20, suggested that there was merit for a separate application to be made for an alternative design for a tall landmark building at this site, to achieve the architectural excellence befitting the site location. The decision of the Board all but invites the Applicant to make a further application for this building, not having included any conditions that would seek to resolve the in eastern elevation of office Block B2 as part of the consented scheme.

The Applicant has carefully considered the valuable assessment by both Dublin City Council and An Bord Pleanala, and any residual issues raised in 3rd party submissions in the case of ABP-306569-20. The design of Block A is now revised to achieve similar height and slender proportions. There has been a renewed focus on the achievement of greater architectural excellence in the radically new expression and detailing of the Block A building now proposed, in order to meet the Building Height Guidelines criteria and the following Dublin City Development Plan objectives:

- The development principles for **SDRA 7**.
- **Section 16.7.2** assessment criteria for high buildings (generally buildings greater than 50m high) - in its relationship to the surrounding context, including the consented scheme, the city skyline and key views, historic environment, other landmarks and public transportation.
- **Policy SC17** to *"...ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city..."*.
- **Policy SC25** to promote sustainable and inclusive development, in buildings of exemplary high standard, that makes a positive contribution to the city's distinctive built environment and heritage, including the creation of new landmarks where appropriate.
- **Policy SC26** to achieve *"...innovation in architectural design to produce contemporary buildings which contribute to the city's acknowledged culture of enterprise and innovation, and which mitigates, and is resilient to, the impacts of climate change."*

The proposed Block A development is discussed in respect of these Guidelines and the Development Plan policies later in this report (See Sections 11 & 12).

Carefully considered, specialist architectural design by Glenn Howells in consultation with Reddy Architecture & Urbanism, ensures that the proposed tower (Block A) delivers exceptional architectural expression and design quality. It will contribute positively to the city skyline as a landmark building of note. Pre-planning consultation with DCC has informed the selected building form, expression and selection of materials. Further pre-application consultation with An Bord Pleanala has notably not resulted in an Opinion that the Applicant further considers and amends the proposed building form and architectural expression. It is however noted that further specific information is required to assist the Board with its assessment and determination of this SHD application (see Section 6 below).

The revised proposal for Block A now before the Board is considered to successfully address the previous concerns raised in the context of this application site. The proposed landmark building will enhance the legibility and navigation of the city, forge a dynamic relationship with other historic and new buildings in the area, and extend the public perception of the city centre as far as the western Heuston gateway. The proposed development is appropriate to this strategic regeneration area (SDRA7) and the dynamic, ever evolving character of a successful city centre. While the building will be visible, this goes hand in

hand with its landmark function at a transportation and city gateway. The new approach to its architectural expression and materiality will ensure that it will make a positive impression and contribution to the city skyline.

5 PRIOR CONSULTATION IN RESPECT OF PROPOSED STRATEGIC HOUSING DEVELOPMENT

5.1 An Bord Pleanála Pre-Application Consultation

A Pre-Application Consultation Meeting was held on 15 April 2021 under Section 6 the SHD Act. This was attended by representatives from the Board, DCC, the Applicant and its Design Team.

Broadly, the following issues were discussed at the tripartite meeting: -

- Development strategy for Block A to have regard to planning history, architectural design/materiality, ground floor uses/animation, unit mix, open space/recreational amenity provision.
- Residential Amenity.
- Transportation.
- Drainage .
- Other matters to be addressed in the SHD application to include: micro-climate; Building Lifecycle Report; childcare assessment; CGIs/visualisations/cross section.
- EIAR and procedural matters relating to extent of proposal.

The Board in its formal Opinion, dated 23 April 2021, listed specific information that should be submitted with this SHD application.

A response to the Board Opinion is included at Section 6 of this Report. This includes cross references to the relevant plans and particulars submitted with the SHD application that further describe, illustrate and/or analyse the proposed development.

We draw the Board's attention also to the Response Document, prepared by Reddy Urbanism and Architecture in association with Glenn Howells Architects, which describes and illustrates the architectural design response to issues raised by An Bord Pleanála at pre-application consultation stage and in its Opinion dated 23 April 2021.

We refer the Board otherwise to the plans and particulars submitted with the application which are set out in the Enclosures List at the end of this Report (Section 19), which details all of the material submitted in support of this SHD Planning Application.

We refer also to the EIAR co-ordinated by Stephen Little & Associates, and to the AA Screening Report and Natural Impact Statement prepared by the Moore Group.

5.2 Section 247 Consultation with Dublin City Council

Prior to the formal Pre-Application Consultation with An Bord Pleanála, a series of preliminary and formal Section 247 meetings and other 'without prejudice' pre-planning consultation took place with Dublin City Council, between August and November 2020.

Minutes of these 'without prejudice' meetings were provided to the Board at pre-application consultation by DCC, for its information.

We set out below the Applicant's interpretation of the issues discussed with DCC at these meetings.

5.2.1 Section 247 Meeting No. 1 – 27 August 2020

A formal Section 247 meeting held on 27 August 2020 was attended by the following planning officers of the Planning Authority:

- Mary Conway Deputy City Planner
- Rhona Naughton, Senior Planner
- Kiaran Sweeny, Senior Executive Planner

An initial presentation by the applicant revisited the principles of the split decision of ABP-306569-20 and the proposed architectural design concept for the new Block A residential building. This meeting explored a number of the fundamental principles associated with the redesign of proposed Block A at this site, including:-

- Building form,
- Height,
- Materiality,
- Interface with the consented office building (Block B2),
- Residential quality and adaptability, and
- Private and communal amenity spaces.

The building form options for the proposed tower were presented. DCC welcomed the revised proposal in principle and selected its preferred building form option, having regard to the expert design advice offered by the Applicant's design team. A second meeting was recommended in order to further explore the further work up of the preferred building design option, building expression and materiality, ground floor uses and activation around the base / public realm (streets and spaces) and its relationship with the river wall and walkway.

5.2.2 Meeting No. 2. – 10 November 2020

This meeting was attended by the following officials of the Planning Authority:

- Mary Conway Deputy City Planner
- Rhona Naughton, Senior Planner
- Kiaran Sweeny, Senior Executive Planner

The Applicant presented the preferred building form option for the proposed residential tower. Further detail and design solutions were presented to DCC in respect of the building design components, at the base, middle and crown/lantern; building expression and materiality; Block A interface with consented Block B2 office building and adjoining public realm; residential unit quality and adaptability; and, private and communal residential amenity spaces and accessibility.

Other issues discussed included:-

- Impact of the proposed building on the riverside walk (space, animation, movement and security along the route around the base of Block A).
- Interconnectivity with residential amenities located in the consented scheme.
- The design of winter gardens as the preferred approach to private open space provision to proposed apartments on the eastern elevation.
- Glazing treatment to reduce potential for visual clutter associated with residential use within the apartment units.

The valued feedback from Dublin City Council greatly influenced the design of proposed Block A and its interface with the consented scheme, subject of the pre-application consultation submission to the Board and follow up tripartite meeting on 15 April 2021.

We refer to Section 7 of this report for the identification of issues raised by Dublin City Council in its formal pre-application submission to the Board, referred to also at the tripartite meeting on 15 April 2021, and the Applicant's response to these issues.

5.3 DCC Housing Department – Part V Consultation

A Part V proposal was presented, without prejudice, to the DCC Housing Department, prior to the making of this SHD application. We refer to the validation letter from DCC, dated 4 December 2020, as evidence that an acceptable proposal has been initiated.

We refer the Board to Section 9.10 of this report which sets out the applicant's Part V proposal to meet its obligations in respect of both the consented and proposed residential development.

The SHD application is accompanied by a Part V Proposal Letter dated 25 November 2020, prepared by Stephen Little & Associates and associated drawing and drawing no. PGATE-RAU-ZZ-ZZ-DR-A-GAP-31060, prepared by Reddy Architecture and Urbanism. Cost estimates relating to this proposal, to the level of detail commensurate with this stage of the Part V process having regard to Circular Letter 10/2015, have been provided to the Board with this application.

We acknowledge that the ultimate agreement with regard to Part V is dependent: (a) upon receipt of a final grant of permission; and (b) upon site value at the time the Permission is granted; neither of which can be confirmed at this time.

5.4 Other Consultation

5.4.1 Irish Water

Arup Consulting Engineers engaged in consultation meetings with Irish Water. This was supplemented by email and telephone communications.

In addition, Arup Consulting Engineers submitted a Pre-Connection Enquiry to Irish Water.

Enclosed with the SHD application is a 'Confirmation of Feasibility Statement', dated 14 October 2020.

A Statement of Design Acceptance is also enclosed herewith. As the water and wastewater infrastructure design for the proposed and consented development has not changed since the previously granted planning application ABP- 306569-20, it has been confirmed by Irish Water that the Statement of Design Acceptance, dated 13 December 2019 remains valid.

Please refer to the accompanying Drainage and Watermain Planning Report (Appendix E), prepared by Arup Consulting Engineers which encloses the Confirmation of Feasibility, Statement of Design Acceptance and Irish Water correspondence which confirms that the proposed and consented development can be facilitated by connection to the Irish Water network.

5.4.2 Transport Infrastructure Ireland

Arup Consulting Engineers have engaged in consultation with Transport Infrastructure Ireland (TII) and the DCC Transport and Planning Division on matters concerning transportation facilities, and potential additional impact on pedestrian, cycle, bus, LUAS and vehicular movement and infrastructure, associated with proposed Block A in the context of the ABP-306569-20 consented scheme.

5.4.3 Irish Aviation Authority

Stephen Little and Associates consulted with the Irish Aviation Authority (IAA) on the development proposal for a 30-storey building at this site. The IAA responded by letter dated 09 April 2021 (enclosed with the application) setting out its requirements.

The IAA requirements include that an obstacle warning light scheme is to be agreed by way of planning condition. IAA to be notified 30 days in advance of commencing crane operations. We confirm that the applicant will be in a position to comply with the requirements set out by the IAA.

6 APPLICANT'S RESPONSE TO AN BORD PLEANALA OPINION

In accordance with Section 6(7) of the SHD Act, and Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the Board has set out its written opinion, dated 23 April 2021, that:

- The documents submitted at pre-application consultation stage constituted a reasonable basis for an SHD Application.
- Specified further information should be submitted with the SHD application for permission for the proposed development.

Before proceeding to set out the particulars and characteristics of the proposed development now before the Board (see Section 9 below), we refer to Section 6.1 below that identifies the specific information submitted with this application, as expressly requested in the Board's formal Opinion.

This should be read in conjunction with the plans and particulars that accompany the application, which provide a further illustration, written description and analysis of the proposed development. For the convenience of the Board, we cross reference the relevant material, as appropriate, in Section 6.1 below.

We note that Article 297(3) provides –

(3) Where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.

In this case, the Board was not of the opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission. Accordingly, it is not necessary for this application to be accompanied by a statement of proposals to address issues raised in the Board's notice. As has already been noted, the specific items of information that the Board, in its notice, required to be submitted with the present application, are addressed in Section 6.1 below.

We can furthermore confirm that in making this SHD application the Applicant will have issued notification to the Prescribed Bodies identified in the Board's Opinion, inviting submissions on the application (see cover letters enclosed with application). We refer the Board also to Section 2.6 of this planning report for a list of the prescribed bodies that have been notified.

6.1 Response to Specific Further Information Requested in ABP Opinion

6.1.1 Specific Further Information Item 1 – Proposed Amendments to Consented Scheme (ABP-306569-20)

Drawings (plans, sections and elevations), as necessary, which clearly outline all proposed amendments to the previously permitted scheme on the overall site (permitted under ABP-306569-20).

(SLA bold font emphasis)

We refer the Board in the first instance to the enclosed architectural plans, sections and elevations, prepared by Reddy Architecture and Urbanism which illustrate and describe all proposed amendments to the consented scheme within the wider planning unit (ABP-306569-20 refers).

We also refer to the 'Response to An Bord Pleanala Opinion' document prepared by Reddy Architecture and Urbanism, in association with Glenn Howells Architects, which illustrates how proposed Block A amends the consented scheme.

For the convenience of the Board, we briefly describe these proposed amendments to the consented scheme below, which include:

6.1.1.1 Amendment to Consented Office Floor Area in Block B2

Amendments to the office floor area within consented Block B2 are proposed where it interfaces with the proposed new Block A (1st to 8th floor levels).

This results in the reduction in consented office floor area by c.909 sq m over 6 levels (1st to 6th floor) of consented Block B2. This is compensated largely by the replacement of c.595.6 sq m of Block B2 office floor area, over 6 levels, within the new footprint of proposed Block A. The net loss of consented office floor area is c.313.4 sq m within the Block B2 building.

It should be noted that the floor levels of office Block B2 and proposed residential building Block A are not equivalent, owing to differences in floor to floor heights between office and residential accommodation. As such 'office voids' will occur at some floor levels of proposed Block A where it interfaces with office Block B2. While interlocking, the blocks are separate, self-contained buildings.

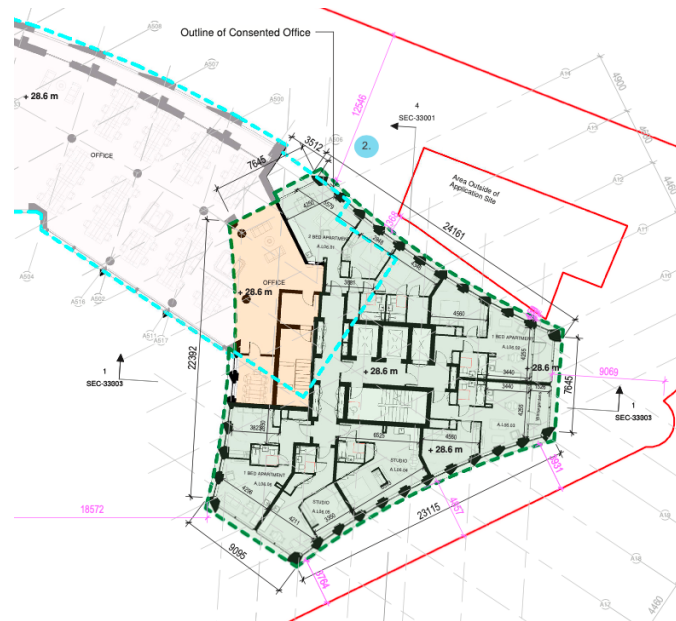


Figure 4: Reduction of office floor area within consented Block B2 (1st to 6th floor), partially recaptured within proposed Block A footprint (1st to 8th floor levels).

For the avoidance of doubt the total cumulative floor area of 'non-residential uses' does not exceed the maximum 4,500 sq m as set out under Section 3 of the SHD Act, in either the proposed or the combined consented and proposed scheme.

6.1.1.2 Amendment to Consented External Residential Amenity Area at Block B2

It is proposed to reduce the consented external residential amenity area at the roof of Block B2 by c.35 sq m. Associated minor amendments to the landscaping of the external space are also proposed.

This area (c.35 sq m) becomes part of internal residential amenity area (lounge) within proposed Block A.

We refer the Board to drawing number PGATE-RAU-ZZ-09-DR-A-GAP-31008 and PGATE-RAU-ZZ-09-DR-A-GAP-31053, prepared by Reddy Architecture and Urbanism, which illustrates the proposed amendments at Level 09. We refer also to the Landscape Report and drawings prepared by Mitchell & Associates Landscape Architects for further details on landscape modifications in this area.

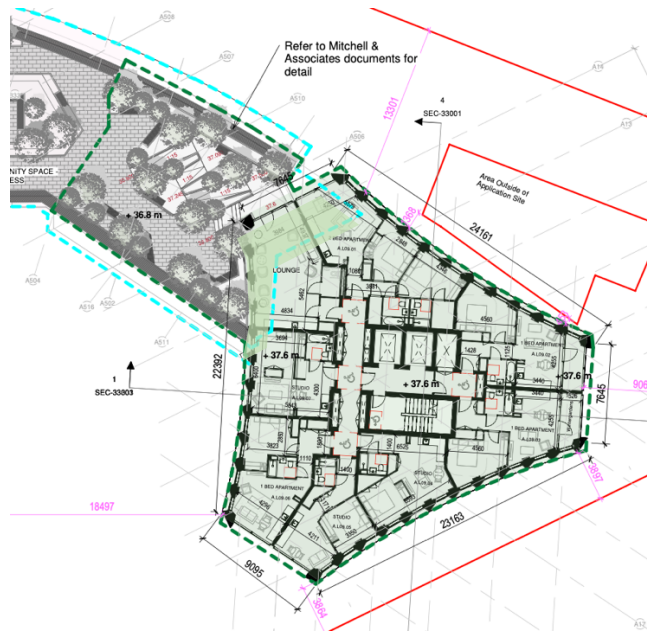


Figure 5: Reduction of consented external residential amenity space at roof level of Block B2, recaptured as internal residential amenity area within proposed Block A footprint (9th Floor).

A new 800mm level difference between the Block A floor plan and the external consented Block B2 roof plan has been introduced. The design has been adapted by introducing the steps and ramp to facilitate the level difference. This is used as opportunity to create a zone within the roof garden level to provide an enjoyable, sheltered and visually pleasant spaces with wider seating areas and planting. The roof garden at this level is otherwise previously consented under ABP-306569-20. We refer the Board to the Landscape Design Design Report, prepared by Mitchell & Associates (p.27 - 28) for further details of landscape modifications to the consented scheme.

6.1.1.3 Amendment to Consented Northern (Parkgate St) Facade at Block B2

It is proposed to introduce a ‘shadow gap’ at the Parkgate façade interface between consented Block B2 and proposed Block A.

The ‘shadow gap’ helps ensure adequate light and viewing aspect can be achieved for the residential accommodation in proposed Block A, and that a clear separation is perceived between the architecture of the proposed Block A tower and otherwise consented Block B2 office building.



Figure 6: Proposed 'shadow gap' between Block A and Block B2, amending consented Block B2 north (Parkgate St) façade

6.1.1.4 Additional Bicycle Parking Spaces at Undercroft in Consented Block B1

It is proposed to provide 16no. additional bicycle parking spaces at undercroft basement level of consented Block B1.

This is to address the uplift in residential units in revised Block A (i.e. an uplift of 38no. residential units compared to previous proposal). It proposed to also provide 22no. bicycle parking spaces at ground floor level in proposed Block A.

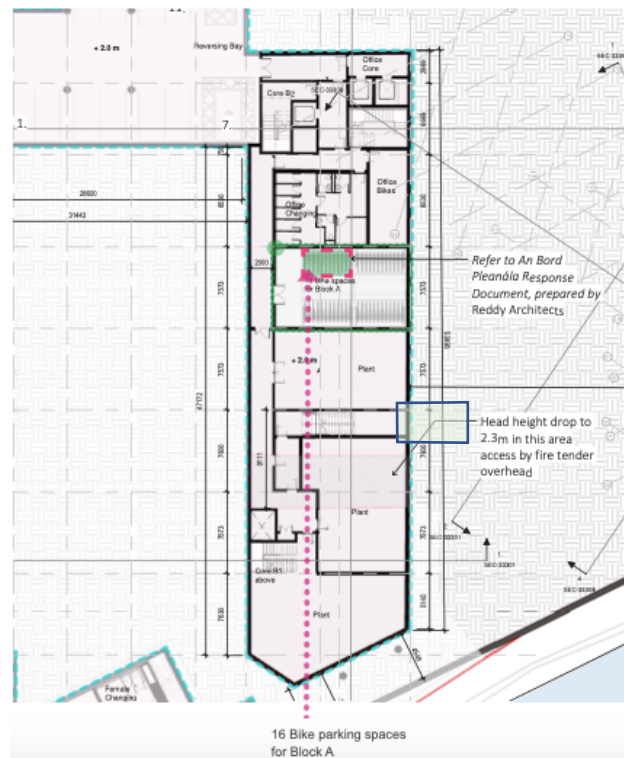


Figure 7: Proposed additional bike store located at undercroft level of consented Block B1

The additional cycle parking provision in the consented Block B1 undercroft can be facilitated through using permitted surplus floor space. For the avoidance of doubt the footprint of the consented undercroft basement area in Block B1 does not change as a result of this proposed amendment.

6.1.1.5 Minor Localised Amendments to the Consented Public Realm Adjoining Proposed Block A.

We refer to the Landscape Report and drawings prepared by Mitchell & Associates Landscape Architects for further details on landscape modifications to the consented public realm area, required to tie the revised building design of Block A into the consented scheme. The footprint of the proposed residential tower forms three curved planes. There have been no significant changes in the landscape design on the ground floor level and proposed landscape design amendments are visible exclusively around the Block A perimeter where paving has been modified. We refer the Board to the Landscape Design Design Report, prepared by Mitchell & Associates (p.16) for further details.

6.1.1.6 Telecommunications Antennae at Roof Level of Consented Block B1.

It is proposed to provide replacement telecommunications antennae at roof level of consented Block B1, including 4no. 300mm microwave link dishes mounted on 2no. 2m high steel poles fixed to the consented lift shaft overrun, housed within GRP radio friendly shrouds.

It is not clear whether the previous telecommunications antennae were permitted, having regard to Condition 17 of ABP-306569-20, which states:

“No development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of planning permission.”

In any event a modified proposal is now made for telecoms antennae at roof level of consented Block B1. The proposed telecommunications ‘hop site’ will enable retention of microwave telecommunications channels, as may be necessary. For the avoidance of doubt the antennae infrastructure is not for commercial purposes ancillary to the proposed or consented scheme.

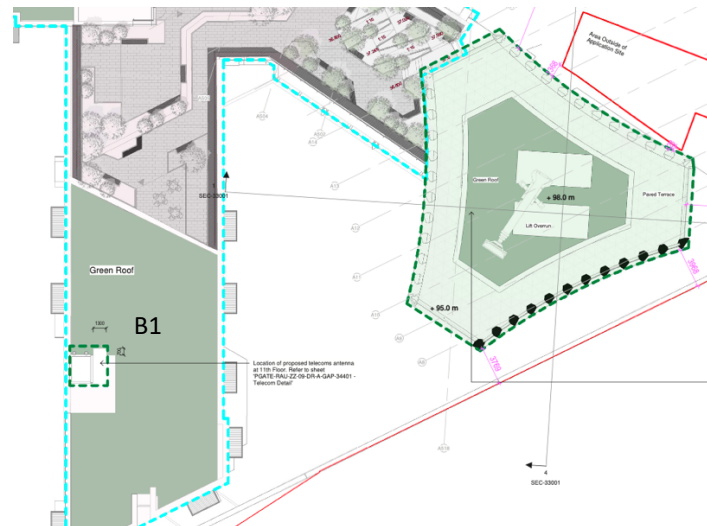


Figure 8: Proposed telecommunications antennae at roof level of consented Block B1

We refer the Board to the architectural plans and elevations, prepared by Reddy Architecture and Urbanism, and the Specific Assessment – Section 3.2 of the Building Height Guidelines (2018), prepared by ISM Limited, for further details on the proposed telecoms specifications and location.

We also refer the Board to Section 13.5.3.1 of Chapter 13 ‘Landscape and Visual Impact Assessment’ (LVIA) of the accompanying EIAR where the proposed telecommunications antennae is discussed. The LVIA concludes that “... It is unlikely that this telecommunications array will be visible in views of the proposed development. In the event that any part of the array is visible in any view, its visibility is unlikely to change the extent of likely visual effects as described and assessed in this chapter.”

6.1.2 Specific Further Information Item 2 – Visual Impact Assessment

A **Visual Impact Assessment** that includes **photomontages, cross sections, axiometric views and CGIs** clearly showing the relationship between the proposed development and existing/permitted development within the wider area. The assessment should address the **contribution of the block to the skyline and any impacts on key views**, including local views along Parkgate Street and in the vicinity of Heuston Station and Sean Heuston Bridge, along the Quays, from Phoenix Park, Island Bridge and Kilmainham to the west and from the wider historic areas of the city

(SLA bold font emphasis)

We refer the Board to the Landscape and Visual impact Assessment, prepared by ARC, which is provided as Chapter 13 of the accompanying EIAR.

In assessing the likely visual impact of the proposed development, the LVIA has regard to the verified photomontages views prepared by Modelworks and the cross sections, axonometric views prepared by

Reddy Architecture and Urbanism and CGIs prepared by V1, Reddy Architecture and Urbanism and Glenn Howells Architects. These show the relationship between the proposed and permitted/existing development within the surrounding city area.

The assessment concludes broadly that the proposed development makes a positive contribution to the city skyline, at this landmark site, within a strategic regeneration area at the western Hueston gateway to the city centre, and having regard to the historic setting of this area. No significant adverse visual impacts are predicted, the sensitivity of the receiving environment will also be largely unchanged and the extent of visibility of the landmark building now proposed will be very similar to that of the refused Block A landmark building.

6.1.3 Specific Further Information Item 3 – Materials Strategy

*A **Materials Strategy** that details all materials proposed for the **building, open spaces, paved areas and boundaries**. This strategy shall include details of the **colour, tone and texture of materials and the modelling and profiling of the materials** (including any cladding or framework system) on the proposed block. The statement should present a justification for the materials being used having regard to the need for **high quality and sustainable finishes** that create a **distinctive character** for the development overall, whilst also **responding to the character of the area**. In addition, the documentation should **include architectural drawings and imagery** at a scale that articulates the detail of the scheme including: **cross sections through blocks, streets and open spaces; details of finishes and frontages; the treatment of any feature elements including reveals, cut outs, undersides, entrances, landscaped areas and pathways; typical design details for base, middle and upper sections of the block; and detail of the proposed cladding system**. The documents should also have regard to the **durability of materials and the long-term management and maintenance** of the proposed development. In this regard, a **Building Life Cycle report** shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).*

(SLA bold font emphasis)

We refer the Board to Section 5.5 to 5.9 and Section 8.14 of the Architects Design Statement and Section 3 of the Response Document, prepared by Reddy Architecture and Urbanism in association with Glenn Howells Architects which provides details of the facade materials proposed. A mixture of reconstituted stone cladding and curtain wall glazing have been chosen to provide a finish of the highest quality befitting of a landmark building at this location.

The main objective of the architectural design intent is to create an exceptional, beautiful, refined and elegant building appropriate for this gateway site, which will contribute to Dublin's unique cityscape. Formed by three curved planes, proposed Block A is richly detailed and its masonry façades designed to be durable and weather well. Based on the constructive engagement with DCC to date, reconstituted stone cladding and curtain wall glazing has been chosen as the predominant materials for the proposed Block A tower building.

Reconstituted stone has been chosen for its strength, adaptability and quality of textures, while stimulating the appearance of natural stone. Panels are of the highest quality, low-maintenance, durable, fire-resistant, energy efficient and benefit from good acoustic quality. The reconstituted stone panels showcase the architectural excellence, curvature, deep reveals and sculptural articulation of the proposed building. The deep reveals are also functional in providing solar shading. The granite mix adds complex tones, colour and texture.

The articulated middle references the surrounding architecture and the lantern top creates a landmark image. The proposed curtain wall glazing then assists in streamlining the building components from base to articulated middle and crown. Glazed intersections, between the panels extending above the base, open out to provide excellent views across the city for prospective residents. The chamfered corners and individual tilted windows express the residential nature of the proposed tower, unlike the huge surfaces of unbroken curtain walling more characteristic of commercial towers.

Following the pre-application advice of Dublin City Council, a 600mm high frit has been added to the glass of the 'winter gardens' serving the proposed residential apartments located on the eastern corner of the building. This obscures the interior of the apartments to enhance privacy and to lower the

potential visual impact of domestic ‘clutter’ within the apartments. This move aims to maintain the floor to ceiling aesthetic, improve privacy and help reduce potential for overheating through solar gain.

The curvature of the building is reflected in the ground floor plan allowing areas of the river walk to expand and open out. The reconfiguring of the Block A footprint allows for enhanced passive surveillance of the river walk and a more generous and usable public space. A key design driver for the ground floor level was to achieve a transparent base. Limiting the amount of metalwork at the base of the proposed building is key to achieving the open feel from street level. The glazing is set into a dark polished concrete upstand that runs around the bottom of the block. This is done to build in a level of additional durability, helping with cleaning and day-to-day life of the building.

We refer the Board to the Landscape Design Report (p. 35 – 41) for details of the proposed amendments to materials used within the open spaces, paved areas and boundaries, to facilitate the tie in of proposed Block A with the consented scheme.

We refer the Board to the accompanying Building Lifecycle Report, prepared by Aramark. This report contains an assessment of long-term running and maintenance costs of the proposed development. On foot of this assessment, the Applicant proposes specific measures (contained in the report) to effectively manage and reduce costs for the benefit of residents.

6.1.4 Specific Further Information Item 4 –Open Space

*Details showing areas of **proposed open space and communal/recreational amenities**, clearly outlining **quantum** of such spaces; their proposed **uses** and detailing which **areas will be available to residents** of the proposed block*

(SLA bold font emphasis)

We refer the Board to the architectural plans, Schedule of Areas, Section 7.1 of the Architects Design Statement, Section 1.4 of the Response Document, prepared by Reddy Architecture and Urbanism in association with Glenn Howels Architects.

Private individual amenity space in the form of ‘wintergarden’ balconies (c. 318 sq m total) is provided for the 53no. apartments from 1st to 27th floors on the eastern elevation of Block A. Not all of the proposed BTR apartments therefore have individual private open space (in the form of private balconies), but all proposed apartments will have convenient access to the internal (c.384 sq m) and external (c.255 sq m) residential amenity areas within proposed Block A, and within the immediately adjacent consented scheme within the site (most immediately but not exclusively at roof level of Block B2 – equivalent to Level 09 of proposed Block A).

Each apartment will have convenient access to internal communal amenity areas (c.384 sq m total). These internal amenity areas are distributed at the ground floor foyer (c.75 sq m), at the mezzanine lounge area with kitchenette (c.132 sq m), and at lounges with hosting/dining facilities at 9th floor level (c.49 sq m) and 28th floor level (c.128 sq m) within proposed Block A.

Prospective residents of proposed Block A will furthermore have access to the consented and proposed external residential amenity areas. This includes the consented residential amenity roof terrace located on Block B2 (c.595.6 sq m as amended) and the proposed new amenity terrace at 28th roof floor level of Block A (c. 255 sq m). These external spaces are accessed from the respective lounge areas at 9th and 28th floor levels of proposed Block A.

The external spaces are designed to afford excellent views and high quality usable amenity space for residents. The consented external amenity area (Block B2 roof) is accessed from proposed Block A Level 09. Here a 1.5m screen is provided as consented under ABP-306569-20 and carefully placed planting serves to mitigate against any adverse wind conditions at roof level of Block B2. At 28th roof floor level of proposed Block A, there is a landscaped terrace and viewing platform. Full height (2m high) glazing, serves to mitigate against any microclimatic wind effects to provide a comfortable environment and emits the need for additional railing or guarding whilst allowing dramatic 360 degree views of the surrounding city.

Prospective residents of proposed Block A will also benefit from access to communal amenity spaces which are part of the consented scheme, including ground level landscaped communal courtyard, co-working spaces in Blocks B1 and C2 and the River Building with gym facilities.

We refer the Board to the Landscape Design Report (p. 16 - 29), prepared by Mitchell & Associates Landscape Architects for further details

6.1.5 Specific Further Information Item 5 – Housing Quality Assessment

A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, which shows compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments.

(SLA bold font emphasis)

We refer the Board to the accompanying Housing Quality Assessment, prepared by Reddy Architecture and Urbanism, which demonstrates how the proposed apartments comply with the requirements of the Apartment Guidelines (revised 2020).

In respect of compliance with the Apartment Guidelines, we direct the Board also to the Statement of Consistency in Section 11.2.3 of this report, which addresses the specific planning policy requirements of those Guidelines.

6.1.6 Specific Further Information Item 6 – Daylight and Sunlight Analysis

Daylight and Sunlight Analysis

The curved façade of the proposed Block A features a rigorous grid with plenty of full height openings to get the maximum amount of daylight penetration into the units.

The triangular plan has the additional benefit that there are no true north facing apartments and by cutting back the corners this results in 152no. (77%) dual aspect units across the proposed residential tower.

We refer the Board to the Sunlight & Daylight analysis, prepared by IN2 Engineering.

The analysis illustrates the Daylight calculations that were carried out on all rooms for the proposed tower. The analysis found that all living/dining and bedroom spaces are compliant with the best practice guidelines recommendations.

With regard to daylight for the proposed units, the results determined the following:

“The results determined an excellent level of daylight was achieved for all spaces within the development with no spaces below the BRE minimum values. It was determined that an ADF of 2% or higher would be provided for all KLD spaces across the development with 50% (i.e. median) of the units achieving an ADF in excess of 4.5% as illustrated in figure 3.1.1. Similarly, the median ADF for bedrooms is in excess of 3.5% as per figure 3.1.2. Due to the specific topology of this site, it can be further noted that no combined Kitchen / Living / Dining (KLD) achieved an average daylight factor of less than 2.3%.

In this particular instance the tower form of the building (relative shallow plan and maximisation of dual aspect) has enabled a space layout that result in the Kitchenettes with adjacency to the façade which have enable all KLD in the entirety of the tower to achieve in excess of a 2% for the KLD spaces. This is a performance as originally envisaged for housing in the BS Guide i.e 2.0% for combine multi-purpose spaces.”

The consented scheme (ABP-306569-20) has been designed in the context of a tower building being located at the eastern site apex. A sunlight-daylight assessment of the impact of the new tower design on the adjacent consented scheme has been carried out. This assessment finds that, given the proposed residential tower is located to the north east, there is no significant additional adverse impact to the permitted amenity areas located to the south, nor on the existing neighbouring Parkgate Place development to the west of the overall site.

With regard to the consented residential units in Block B1 (ABP-306569-20), the sunlight-daylight assessment states:

“The results determined that whilst there would be some reduction in VSC availability, the works carried out on the previously permitted scheme to ensure good daylight availability to the units has resulted in the ADF being relatively consistent with previous results, with most space still achieving ADF’s above the BRE minimum guidance. One bedroom has greater than 0.8 times its previous value for ADF (and 98% it’s VSC) yet it can be noted that this unit was also failing to meet the minimum guidance in the permitted scheme. Therefore, due to these results for the lower floors and an understanding that daylight will improve on the upper floors, it is concluded that the new tower has only negligible impact on permitted scheme, however it is put forward that the architectural merits of the proposal in the round present a higher quality scheme that mitigates these minor to moderate impacts.”

We would echo the findings of the IN2 sunlight-daylight report, that from a planning perspective, notwithstanding some comparative (negligible) additional impact on one bedroom within the identified unit in the consented scheme, the proposed development may be favourably considered by the Board on the basis that:

- Both DCC and ABP have previously accepted the principle of a tall, slender building at this location within the site.
- Block A was not previously refused on the basis of sunlight-daylight impact.
- The desirability of achieving the wider Development Plan objectives of the Z5 zoning and SDRA 7 principles for urban regeneration at this site, including the promotion of tall buildings.
- The previous findings of the Board Inspector (ABP-306569-20, Inspector’s Report, Section 9.6.5, p.48) regarding the urban context of the development and that residential design and amenity standards had otherwise been met in respect of unit size, dual aspect, floor to ceiling heights and access to residential amenities.

Broadly then, as the proposed tower is sited in the east end of the site and casts a shadow northward, there is no predicted adverse sunlight impact for the the consented amenity spaces within the site.

Neighbouring buildings on Montpelier Hill have also been assessed as illustrated in section 4.0. The quantitative analysis determined that there would be no negative impact on the neighbouring houses as a result of the proposed development. Additionally, appendix B of the Daylight & Sunlight Analysis provides further analysis which identifies that the shadow of the proposed tower would only be incident on these dwellings for part of one hour per day.

In summary, excellent daylight will be achieved for all spaces within the tower with no negative impacts on the surrounding permitted or existing environment.

6.1.7 Specific Further Information Item 7 – Traffic and Transport

*Additional details in relation to **traffic and transport matters**, having regard to the requirements of the Transportation Planning Division (report dated 18/01/2021) as indicated in the Planning Authority’s Opinion (Addendum B).*

We set out below the items raised in the Dublin City Council Transportation Division report (dated 18 January 2021) and how these requirements are address in the planning application.

We refer the Board also to Section 7 of the An Bord Pleanála Response Document, prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects.

6.1.7.1 Interface with Public Realm

Dublin City Council Transportation Division Report (18 January 2021) states:

“The proposed building line shall not extend into the public footpath, and the application drawings shall clearly demonstrate the interface between the proposed building line and the public realm. A drawing detailing topographical survey information overlain by proposed site layout shall be provided.”

We refer the Board to the architectural drawings, prepared by Reddy Architecture & Urbanism which demonstrates that the proposed building line does not extend into the public footpath.

6.1.7.2 Entrance Doors to Parkgate Street / Public Realm

Dublin City Council Transportation Division Report (18 January 2021) states:

“The submitted Ground Floor Plan incorrectly shows outward opening doors onto Parkgate Street as part of permitted scheme under reg. ref. SHD0001/20 (ABP Ref. 306569-20). The design of the entrance to the public open space varies between the various submitted layout drawings. The applicant should ensure that the permitted scheme is accurately detailed as part of the overall site layout submission, unless where changes are proposed and that any proposed changes are clearly noted.”

The design of proposed Block A is entirely new.

Fire escape doors will be outward opening as required. Otherwise, any anomalies in respect of the design of outward opening of entrance doors to Parkgate Street or the public open space have been resolved in the planning drawings prepared by Reddy Architecture and Urbanism.

6.1.7.3 Access Clearance for the Public Open Space

Dublin City Council Transportation Division Report (18 January 2021) states:

“It is not clear from the proposed layout of Block A whether this reduces the access clearance for the public open space. Auto-track drawings are to be submitted if the proposed development impact on permitted vehicular access arrangements.”

We refer the Board the ‘Response’ document prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects, which includes Autotrack analysis of the public open space in the context of the proposed new Block A building.

We also refer the Board to the Transport Statement (Appendix B - Site Autotrack Analysis), prepared by Arup Consulting Engineers which demonstrates that the proposed building does not adversely impact the access clearance arrangements for the otherwise consented scheme.

6.1.7.4 Construction Phasing of Permitted and Proposed Development

Dublin City Council Transportation Division Report (18 January 2021) states:

“The EIAR should consider the construction phasing programme having regard to permitted and proposed blocks, if applicable. If completion and occupation of the development is to be phased with construction then the impact should be assessed.”

We refer the Board to Chapter 4 ‘Construction Strategy’ of the accompanying EIAR. Section 4.3 of Chapter 4 outlines and considers the indicative construction strategy and phasing programme for the consented scheme and proposed Block A.

6.1.7.5 Preliminary Construction Management Plan and LUAS

Dublin City Council Transportation Division Report (18 January 2021) states:

“The preliminary construction management plan shall address proximity and potential impact on the LUAS.”

We refer the Board to Section 6.9 of the Construction and Environmental Management Plan (CEMP) (Appendix 4.1 of the enclosed EIAR refers).

The Luas line is c. 21m from the site boundary at its closest point and the proposed works are not therefore understood by the Applicant to be *“on or adjacent to the Luas”*.

Notwithstanding, the preliminary CEMP confirms that the demolition works on site are low risk and associated vibrations will remain within the limits set with the *‘Code of Practice for Works on, Near or Adjacent to the Luas Light Rail System.’*

Vibration works during construction works will also adhere to these limits.

6.1.7.6 Bicycle Parking

Dublin City Council Transportation Division Report (18 January 2021) states:

“Additional cycle parking layouts should be clearly demonstrated and clarity provided on the overall provision and assignment of spaces. The provision of additional visitor cycle parking should be considered including cargo bike spaces.”

We refer the Board to Section 1.3 of the Response Document and to the Housing Quality Assessment, both prepared by Reddy Architecture and Urbanism, for further illustration and description of the proposed cycle parking assignment for Block A. We also refer the Board to the Transport Statement, prepared by Arup which provides details on the provision of cycle parking.

The redesign of proposed Block A results in an uplift of 38no. residential units compared to the previous proposal. Allowance for this has been made in respect of the consented and proposed bicycle parking provision. 38no. additional cycle parking spaces are proposed as part of this application. 22no. are proposed within the Block A ground floor area. The balance (16no.) are accommodated as an amendment to the consented scheme, in the undercroft basement area of of consented Block B1.

We refer the Board to Section 6.1.1.4 above in this report for the location of the proposed additional bicycle parking spaces in Block B1. For the avoidance of doubt, we can confirm that the footprint of the undercroft basement area within the consented Block B1 remains as permitted (ABP 306569-20 refers). The additional cycle parking is accommodated through utilisation of surplus floor within the consented area.

6.1.8 Specific Further Information Item 8 – Taking in Charge

*A site layout plan clearly indicating what areas are to be **taken in charge** by the Local Authority, if any*

We refer the Board to the ‘Site Ownership Plan’ (dwg. no. PGATE-RAU-DR-A-MPL-31004), prepared by Reddy Architecture & Urbanism.

It is not proposed that the development would be taken in charge. Both the consented and proposed development is declared ‘build to rent’, and so constitutes a privately managed scheme. We refer to the enclosed Management Strategy and Legal Covenant, prepared by Aramark, which confirms this.

In respect of the interface of the proposed tower with the public road at Parkgate Street, these lands are already controlled by Dublin City Council. We refer to the letters of consent that accompany the planning application.

7 APPLICANT'S RESPONSE TO ISSUES RAISED IN DUBLIN CITY COUNCIL'S PRE-APPLICATION SUBMISSION TO THE BOARD

As provided for under Section 6(4)(b) of the Act of 2016, the Planning Authority submitted its pre-application written opinion (dated 25 January 2021) to An Bord Pleanála.

Our summary interpretation of the Dublin City Council report, includes its positive findings in respect of the proposed development, that:

- The Applicant has appropriately identified all of the strategic and local policies and objectives considered relevant to the proposed development, including strategic policy and guidelines relating to sustainable density, residential apartment and BTR schemes, building height, urban / architectural design criteria, and City Development Plan objectives relating to plot ratio, site coverage, land use zoning, SDRA7 principles, key views, residential development standards and unit mix.
- Other Council Departments (including Transport, Drainage, EHO, Parks, Archaeology and Housing) have raised no specific objections, subject to identified issues being addressed (see below).
- Findings of pre-app LVIA are noted. The LVIA will be a key topic for the EIAR to accompany the application. ABP is the competent authority for Environmental Impact Assessment.
- There are no works to protected structures. Heritage conservation and visual impact in local historic context of Parkgate Street, Heuston Station and along Quays will be addressed in EIAR.
- The Natura Impact Statement (NIS) prepared for the previous application concluded no significant impact on European Sites. ABP is the competent authority.
- Consistent in principle with strategic policy for residential development in urban areas, close to major transport hub.
- Consistent in principle with land use zoning.
- This is an appropriate location in principle for a tall building. Refer to Building Height Strategy & SDRA7 principles.
- Suitable in principle for higher density.
- Sensitive site, prominent position, visual connection between City Quays and Phoenix Park / Wellington Monument, within a 'Conservation Area'. To be taken into account in building design.
- Slenderness ratio of previous scheme acceptable in principle.
- The proposed tower differs considerably in form, materials and architectural expression compared to previous proposal. Generally satisfied that the scale, design and slenderness of the new proposal can be accommodated at this site and is an appropriate response to concerns raised in previous application.
- Open space at ground level, including consented plaza and river walk, activated by café/restaurant and residents' lounge, welcomed. Would prefer a wider pedestrian route, but accepts this may not be structurally possible.
- Generally satisfied with how interface with office block (B2) is proposed to be managed, in design terms.
- Part V agreement in principal has been reached.

The DCC Opinion concluded that *"Overall, the principle of development of the site is supported and in many respects, the proposed development meets the objectives of the Development Plan. However there are a number of issues that require further consideration in the event of a planning application being lodged."*

We set out below the further information items raised in the DCC Opinion and set out the Applicant's response thereafter.

7.1 DCC Item 1: Clarification of Proposed Amendments to Consented Scheme

The DCC formal pre-application submission to the Board (25 January 2021) states:

“...set out in detail all of the proposed amendments to the consented scheme.”

We refer the Board to the Applicant’s response to ‘Specific Further Information Item 1 – Proposed Amendments to Consented Scheme (ABP-306569-20)’, set out in Section 6.1.1 of this report above. It is not considered necessary to repeat the response here.

We then refer the Board again to the Architectural Drawings (plans, sections and elevations), Architectural Design Statement and Response Document, prepared by Reddy Architecture & Urbanism in association with Glenn Howels Architects, which clearly outline the permitted and proposed scheme and the proposed areas subject amendment as part of this planning application.

We also refer the Board to the Landscape Design Report (p. 16, 27 & 28) and drawings, prepared by Mitchell & Associates Landscape Architects which also clearly outline the permitted and proposed scheme and the proposed areas subject amendment as part of this planning application.

7.2 DCC Item 2: Residential Unit Mix

The DCC formal pre-application submission to the Board (25 January 2021) states:

“...mix of apartments within the scheme which is predominantly studio and one bed units. Having regard to the location and nature of the high density residential development the Planning Authority is of the opinion that a higher percentage of larger and family orientated units should be provided for within the scheme.”

In BTR schemes there is no restriction on unit mix. A varied range of floor areas within the proposed residential scheme are provided to accommodate a range of household sizes from single person up to 5 persons. As described in the Architects Design Statement, (Section 5.4 and 8.10) the floor plans of the proposed units are capable of future adaptability to create larger units without requiring alteration to the building façade.

Following pre-application consultation with An Bord Pleanála, 2no. 1-bed units have been replaced with 1no. 3-bed apartment, which provides 100 sq m of accommodation suitable for a larger household or family.

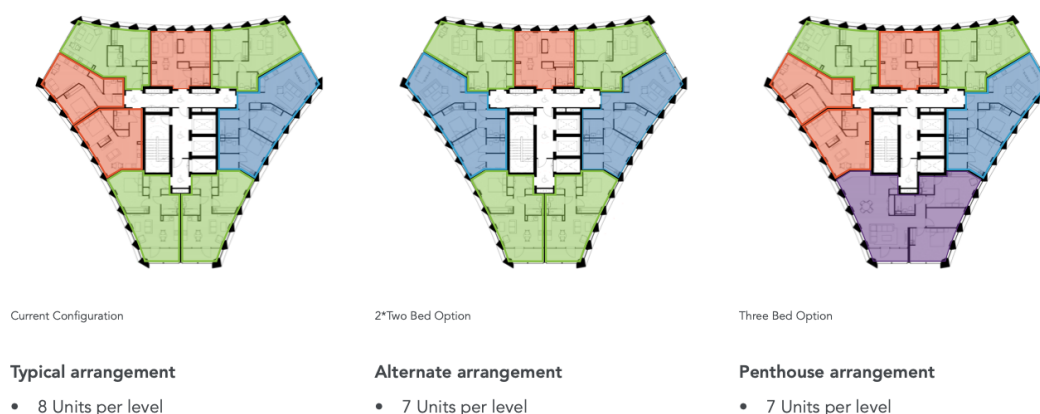


Figure 9: Extract from Architect’s Design Statement – Future Adaptability (Section 5.4)

We refer the Board to the Housing Quality Assessment, also prepared by Reddy Architecture and Urbanism, for internal room dimensions and demonstration of compliance with Apartment Design Guidelines (2020) standards.

7.3 DCC Item 3: Ground Floor Uses and Street Animation

The DCC formal pre-application submission to the Board (25 January 2021) states:

“An extensive part of the ground floor with frontage onto the public walkway will be in use as bin and bike storage. These uses will not provide any animation onto the street. The uses in particular bin and bike storage at ground floor level should be reconsidered and relocated.”

We refer the Board to Section 4.1 of the Architects Design Statement, prepared by Reddy Architecture and Urbanism in association with Glenn Howells Architects, which provides an overview of the arrangement of the proposed Block A ground floor plan.

The core and ‘back-of-house’ areas have been reduced as much as possible by carving them into a space that reduces street frontage and maximises the amount of glazing. To reduce inactive frontage on the ground floor level, some associated plant for the substation has been moved to the mezzanine level. The facade at ground and Mezzanine levels have 80% active frontage with only 20% for service areas.

The new residential tower design has lifted the masonry façade above the quay wall giving a clear separation of the wall to the tower when viewed from Heuston Station. This removed the appearance of columns at ground level which gives Block A a sense of maximum transparency at ground level offering a generous open appearance to both Parkgate Street and the consented public plaza and quay wall to the south.

7.4 DCC Item 4: Outdoor Roof Terraces in Proposed Block A

The DCC formal pre-application submission to the Board (25 January 2021) states:

“The applicant should outline what landscaping and mitigation measures are proposed through architectural and landscape design to ensure the two proposed outdoor terraces at 9th and 28th storeys are enjoyable and usable spaces. The applicant should provide detailed plans prepared by a landscape architect indicating their design in more detail.”

The internal communal residential amenity space on Level 09 of proposed Block A connects to a large landscaped communal residential amenity terrace on the roof of the consented office building (Block B2). This provides external residential amenity space for the consented scheme and proposed Block A.

There is a small reduction of c. 35 sq m proposed to this consented roof terrace area and minor revisions to landscaping, associated with facilitating its revised access to proposed Block A.

A variety of seating opportunities are provided where users can take advantage of the outward sunny aspects and views and enjoy shelter in enclaves under multi stem tree planting. A 1.5m screen as consented (ABP. 306569-20 refers) and carefully placed planting will serve to mitigate against any adverse wind impact on this level. We refer the Board to the Landscape Design Report (p. 6 & 26-29) and drawings prepared by Mitchell & Associates Landscape Architects for further details.

At Level 28 of proposed Block A, usable external communal residential amenity open space is provided. A 2m high glazing treatment is incorporated with the projecting columns to omit the need for further railings or guards around the terrace area. This serves to mitigate wind effects and provide a comfortable environment, while also offering spectacular 360 degree views of the surrounding city from this space. The terrace connects with the internal residents’ private lounge and dining/hosting area at this level, offering a high level of residential amenity.

We refer the Board to Section 4 of the Response document, prepared by Reddy Architects and Urbanism, for details of the communal amenities, including outdoor roof terraces in Block A. Landscape plans, prepared by Mitchell & Associates Landscape Architects and the Wind Impact Assessment and Pedestrian comfort Report, prepared by IN2 engineering, which demonstrates that the proposed open spaces will benefit from a good micro-climate.

7.5 DCC Item 5: Conservation, Architectural Heritage and Character

The DCC formal pre-application submission to the Board (25 January 2021) states:

“Further consideration and/or justification of the documents as they relate to impacts on Conservation and Architectural Heritage and character, with particular regard to the impact on local historic context of Parkgate Street, Heuston Station and environs and along the Quays should be provide at application stage. This consideration/justification should have regard to, inter alia, the guidance set out in the Architectural Heritage Protection, Guidelines for Planning Authorities, 2011, and the guidance set out in the Dublin City Development Plan 2016-2022.”

We refer the Board to Chapter 12 ‘*Architectural Heritage Impact Assessment*’ of the accompanying EIAR, prepared by ARC Architectural Consultants.

The consented scheme (ABP Ref. 306569-20 refers) comprehensively addressed Architectural Heritage and the conservation, refurbishment, repair and adaption of the Protected Structures on site and retention and re-use of a number of historic non-protected elements and structures. The Board’s Inspector’s Report welcomed the proposed refurbishment and reuse of the Protected Structures and considered that an appropriate balance was achieved between protecting the historical significance of the site and while enabling its redevelopment.

For the avoidance of doubt, the proposed development subject of this SHD application does not involve any works to Protected Structures or other historic buildings / structures. This forms part of what has already been consented under ABP-306569-20 and permission is not resought for these elements. The river wall will be braced against the proposed new Block A building in the same manner as consented under ABP-306569-20, in so far as it affects the river wall (protected structure).

Conservation and heritage impacts are addressed in the accompanying EIAR in Chapter 12 ‘*Architectural Heritage Impact Assessment*’, prepared by ARC Architectural Consultants. The ‘*Architectural Heritage Impact Assessment*’ confirms that the existence of the proposed residential landmark building (Block A) will not give rise to any direct effects on the architectural heritage of structures on site.

We refer the Board also to the Landscape and Visual impact Assessment, prepared by ARC, which is provided as Chapter 13 of the accompanying EIAR.

In assessing the likely visual impact of the proposed development, the LVIA has regard to the verified photomontages views prepared by Modelworks and the cross sections, axonometric views, prepared by Reddy Architecture and Urbanism and CGIs preped by V1, Reddy Architecture and Urbanism and Glenn Howells Architects. These show the relationship between the proposed and permitted/existing development within the surrounding city area.

The assessment concludes broadly that the proposed development makes a positive contribution to the city skyline, at this landmark site, within a strategic regeneration area at the western Hueston gateway to the city centre, and having regard to the historic setting if this area. No significant adverse visual impacts are predicted, the sensitivity of the receiving environment will also be largely unchanged and the extent of visibility of the landmark building now proposed will be very similar to that of the refused Block A landmark building.

7.6 DCC Item 6: Parks and Landscape Issues

The DCC formal pre-application submission to the Board (25 January 2021) requires the Applicant to provide further detail in respect of the issues raised in the report of the Parks and Landscape Division (dated 18 January 2021). The issues are identified further below.

7.6.1.1 Greening to Parkgate Street:

“The opportunity to add tree planting to the space fronting Block A and existing sub station shall be considered.”

We refer the Board to the Landscape Design Report (p.6 and p.25), prepared by Mitchell & Associates Landscape Architects. This confirms that the opportunity for additional tree planting has been reviewed and assessed and it has been determined that the area in question has no room for the tree pit required for tree planting due to the prevalence of underground services, especially close to the sub station.

As part of the consented scheme, there are 4no. trees located at the eastern end of the site within the public realm area which are being retained. We refer the Board to the Arboricultural Assessment and drawings, prepared by CMK Horticultural Ltd, which accompanies this application.

7.6.1.2 Sunlight / Shadow Analysis:

“Updated Sunlight/shadow analysis of proposed open space and contrast to the original Block A design for reference.”

We refer the Board to the Applicant’s response to ‘Specific Further Information Item 6 – Daylight and Sunlight Analysis’, set out in Section 6.1.6 of this report above. It is not considered necessary to repeat the response here.

As the proposed tower is sited in the eastern corner of the site and casts a shadow northward, there is no predicted adverse sunlight impact for the the consented amenity spaces within the site.

An updated Sunlight/Daylight Analysis has been prepared by IN2, demonstrating impacts within the proposed Block A and for consented (ABP-306569-20) and existing neighbouring development, in the context of the revised tower design. This is enclosed with this planning application (and as an appendix to Chapter 8 ‘Climate’ of the EIAR).

7.6.1.3 Biodiversity:

“The Appropriate Assessment to be updated to reflect revisions to the scheme and cumulative impacts with reference to the timeframe sought for permission of 8 years. Impacts with regard to the proposed bracing of the quay wall of the River Liffey to be addressed in both EIA and AA screening processes.”

Careful attention has been taken to the proposed height and proximity of the new tower façade in relation to the existing riverside wall. The curved façade allows a 4-5m separation to the river wall. By lifting the first floor and its associated structure up a metre above the head of the wall, a visual separation of the two elements can be seen from across the river. This move improves the architectural expression of the proposed building and improves the quality of light in the river walk and mezzanine space.

The proposed building maintains the same relationship with the permitted river walk and the manner in which the river wall is braced against the tower building, in so far as it affects the river wall (ABP. Ref. 306569-20 refers). There are no new works proposed to the river wall. We refer the Board to Condition 23 of ABP-306569-20, which requires any works to protected structures to be carried out under the supervision and recommendation of a suitably qualified conservation expert.

We refer the Board also to Condition 15(d) of ABP-306569-20, which states:

“No moss, lichen and vascular plants shall be removed from the river wall, with the exception of that located on the wall elements proposed for removal, without the prior written agreement of the planning authority. In the case of proposed removal of any legally protected species, a licence will be required from the Department of Culture, Heritage and the Gaeltacht.”

We refer the Board to the updated reports prepared by the Moore Group, including Appropriate Assessment Screening Report and Natural Impact Assessment, which accompany this application. There reports take account of the proposed and consented development, as described in the application plans and particulars, in terms of likely direct, indirect and in combination effects. We refer also to EIAR Chapter 10 ‘Biodiversity’, also prepared by the Moore Group.

“The Liffey and Phoenix Park are a core area of biodiversity within Dublin City and this aspect should also be stated in the planning report as well as reference to the City Biodiversity Action Plan. The architectural design of winter gardens and roof garden offer little potential for biodiversity and this should be reviewed.”

The ‘Dublin City Biodiversity Action Plan 2015 – 2020’ provides a framework for the conservation management of biodiversity and protection of species and habitats of conservation value within Dublin City. The proposed development and the site at Parkgate Street is a brownfield urban site, however its proximity to the river Liffey and Phoenix park are acknowledged.

We refer the Board to Chapter 10 ‘Biodiversity’ of the accompanying EIAR. The Biodiversity Chapter provides an assessment of the impacts of the proposed development on the ecological environment, i.e. flora and fauna. It confirms that ‘...the footprint of the proposed development is comprised of the existing buildings and artificial surfaces which make up the approaches from Parkgate St. and the Hickey’s complex which is bordered to the south by the River Liffey. There are no rare or protected habitats recorded in the study area. The buildings were surveyed for bats and there were no signs or records. ...The development is located in an area of low local ecological value and, as such, is predicted to have a **neutral** and **imperceptible** effect on biodiversity.’

We also refer the Board to the Landscape Design Report (p. 36 -36), prepared by Mitchell & Associates Landscape Architects. It states that the planting palette has been selected for the creation of a high visual amenity and environmentally appropriate to the new context, based on the National Pollinator Plan. The proposed and cosented planting schedule increases the amount of pollinator friendly and native species. This, together with the SuDS proposals supports and enhances the existing biodiversity in the area, in accordance to Dublin City Biodiversity Action Plan 2015-2020.

7.7 DCC Item 7: Transportation

Information request as set out in the Transportation Planning Division Report (dated 18 January 2021).

We refer the Board to the Applicant’s reponse to ‘Specific Further Information Item 7 – Proposed Amendments to Consented Scheme (ABP-306569-20)’, set out in Section 6.1.7 of this report above, where responses to the items raised in the DCC Transportation Division Report have been addressed. It is not considered necessary to repeat the response here.

We would also note that a Statement of Consistency with the Design Manual for Urban Roads & Streets (DMURS) enclosed within the Transport Statement and its appendices, prepared by Arup, accompanies the Planning Application.

7.8 DCC Item 8: Drainage

Information request as set out in the Drainage Division Report (dated 14 January 2021):

“The developer shall carry out a pre-construction CCTV survey on the public surface water sewers affected by this development. The pre- construction survey shall be submitted to the Drainage Division in order to agree proposals in relation to any affected public surface water sewers in accordance with Section 27 of the Greater Dublin regional Code of Practice for Drainage Works.

Confirmation that DCC drainage construction standards in accordance to the Greater Dublin Regional Code of Practice for Drainage Works shall be applied to all surface water infrastructure proposed in public spaces, to accommodate any future needs for surface water infrastructure to be ‘taken in charge’ by DCC.”

We refer the Board to the Watermain and Drainage Planning Report, prepared by Arup, which confirms how the above issues are to be addressed.

We would also note that a Flood Risk Assessment accompanies the Planning Application.

8 APPLICANT'S RESPONSE TO THIRD PARTY SUBMISSIONS RAISED PREVIOUSLY (ABP REF. 306569-20)

The design team has carefully considered the content of the issues raised in the Third Party submissions made in relation to the previous SHD application (ABP Ref. 306569-20 refers). The third party submissions were summarised in the Board Inspector's Report in that case, broadly as follows.

8.1 Policy and Zoning Objectives

"Contrary to zoning objectives in terms of, inter alia, protection of residential and visual amenity/conservation."

Consented development ABP-306569-20 establishes a number of planning principles, which are relevant to the proposed Block A development. These include:

- The mix of uses, including residential, office, café/restaurant and amenity open space, is in accordance with the Z5 and Z9 land use zoning objectives and SDRA 7 mixed-use principles that apply to this site.
- The proposed density of development is consistent with strategic planning policy at national, regional and city level.
- The conservation approach to the site, including the treatment of the protected structures and other historic structures, the proposed demolition works and the bracing of the river wall, is already permitted.
- The principle of 'Build to Rent' (BTR) development at this site.
- The principle of locating a tall landmark building of slender proportions at this site.

It is not intended to seek a fresh permission for that development already consented under ABP-306569-20.

The proposed new Block A and associated amendments to the consented scheme represent the completion of the otherwise consented scheme. The proposed development can be positively considered in the context of the planning principles already accepted for the consented scheme at this site.

For assessment of consistency with strategic residential policy requirements set out in the relevant Section 28 Ministerial Guidelines, we refer the Board to Section 11 of this report.

For assessment of consistency with the residential amenity standards of the City Development Plan, we refer the Board to Section 12 of this report.

For daylight and sunlight assessment, we refer the Board to the Applicant's response to 'Specific Further Information Item 6 – Daylight and Sunlight Analysis', set out in Section 6.1.6 of this report above. It is not considered necessary to repeat the response here. An updated Sunlight/Daylight Analysis has been prepared by IN2, demonstrating impacts within the proposed Block A and for consented and existing neighbouring development, in the context of the revised tower design. No significant adverse impacts for neighbouring properties are predicted. IN2's daylight and sunlight analysis report is included as an appendix to Chapter 8 'Climate' of the EIAR that accompanies this application.

With regard to the visual impact and architectural heritage, we refer the Board to the EIAR Chapter 12 'Architectural and Cultural Heritage' and to Chapter 13 'Landscape and Landscape Visual Impact Assessment', both prepared by ARC Architectural Consultants and Grade I Conservation Architects enclosed with this application.

8.2 Residential Design

“Size of units do little to support sense of community; lack of family accommodation; sustainability of design.”

For assessment of consistency with strategic residential policy requirements set out in the relevant Section 28 Ministerial Guidelines, including the Apartment Design Guidelines (2020), we refer the Board to Section 11 of this report.

For assessment of consistency with the residential amenity standards of the City Development Plan, we refer the Board to Section 12 of this report.

A detailed Housing Quality Assessment has been prepared by Reddy Architecture and Urbanism, demonstrating compliance with the required residential design standards for apartments.

Further detail on residential amenity design, apartment layout and amenity open space is provided in the Architectural Design Statement, prepared by Reddy Architecture and Urbanism in association with Glenn Howells Architects, and in the Landscape Design Report, prepared by Mitchell & Associates, that accompany this planning application.

All dwellings within the proposed development will be constructed to meet the current Part L Building Regulation with regard energy efficiency. An Energy Statement prepared by IN2 Consulting is enclosed with this application which confirms the development's excellent level of energy efficiency. In addition, Chapter 8 'Climate' of the EIAR, provides an assessment of carbon emissions. It concludes that no significant direct or indirect effects are predicted during construction and operational phase of the proposed and consented development.

Unit Mix

The proposed development will provide much needed residential opportunities in this prime city centre area, which will help cater for the considerable and consistent demand in housing in Dublin. In combination with the consented scheme, some 519no. residential units will be provided in total, including the provision of 52no. social housing units.

We refer the Board to Section 5.4 of the Architects Design Statement, prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects which provides details on the adaptability of the proposed residential accommodation. By considering the future of the proposed development beyond construction and into the life of the building, the proposed residential tower seeks to ensure the proposals can adapt to the housing needs of the city in an efficient and ultimately sustainable way. With simple adaptation the floorplate can accommodate several layout configurations. Smaller units can be combined into larger family or multiple occupancy dwellings, should demand arise. Such adaptation can be achieved within the internal floor plan, without disruption of the design of the building or its façade treatments.

Since pre-planning consultation with the Planning Authority, 1no. no. 3-bed unit has been introduced into the proposed development (Block A). 14% of the proposed residential units are 2-bed, 49% 1-bed and 36.5% studios.

Studio apartments were introduced as a unit type in the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*' (2015), but limited to specific circumstances such as 'built to let' managed accommodation. The Apartment Guidelines (revised 2020) have been updated inter alia to reflect the potential that studio apartments can contribute to both meeting the housing need and to the viability of apartment schemes.

The '*Sustainable Urban Housing: Design Standards for New Apartments*' (revised 2020) were put in place as a means of improving the evidence base, effectiveness and consistency of the planning process for housing provision, in order to meet varying housing needs at regional, metropolitan and local authority levels. For example, in reconciling future housing requirements effectively it is identified that in Dublin city, while one, two and three person households comprise 80% of all households, the housing stock is

largely comprised of 3 and 4-bedroom houses and that this needs to be rebalanced in the interests of meeting the needs of a range of household types.

The Census 2016 indicates that 1-2 person households now comprise a majority of households and this trend is set to continue. Ongoing demographic and societal changes mean the expanding categories of household that may wish to be accommodated in apartments include young professionals and workers generally and co-habiting couples without children. According to the Draft Dublin City Development Plan 2022 – 2028 Issues Paper, Dublin City’s population as of 2016 is 554,554. Since the adoption of the 2016 Development Plan, the City has experienced an upward trend in growth. The population of the City is projected to increase by between 58,000 to 70,000 people up to 2026. The City is home to a diverse population, with a high proportion of young adults (20-39 year olds) and a relatively low proportion of older persons (65 years plus). It is likely that higher value is placed on the ability of younger and smaller households to be able to afford to live proximate to a convenient range of city amenities and employment opportunities, than to live in large dwelling units with expansive private gardens and car parking spaces.

The significant shortfall in housing output to address current and projected demand is a national problem, with lack of housing in Metropolitan Dublin and elsewhere having social and economic ramifications for sustainable national growth. The proposed development was deemed on foot of a pre-application request and subsequent tri-partite meeting with An Bord Pleanála and Dublin City Council, to meet the legislative definition of strategic housing development. It may therefore be deemed of strategic importance with respect to the timely delivery of urban housing and implementation of the current Government’s Action Plan for Housing and Homelessness – Rebuilding Ireland.

The proposed development is considered to be in accordance with Objective 3a of the National Planning Framework. The proposed development represents the achievement of more sustainable higher density residential development, in line with existing and emerging transportation facilities within the vicinity of the application site.

The creation of the high-quality sustainable development proposed, in combination with the consented scheme at this site, will provide a catalyst for the further regeneration of the area increasing footfall and a sense of local community with the introduction of cafes, food and beverage, commercial office and high quality residential uses along Parkgate Street. The proposed mix of housing will ensure that, taken with the existing homes in the surrounding areas of Islandbridge, Stoneybatter, North Circular Road, Arbour Hill and Smithfield area, the overall mix in the neighbourhood is conducive to maintaining a healthy balanced community.

8.3 Impact on Neighbouring Residential Amenity

“Impacts on privacy; overlooking; impacts on light; dust/air quality; asbestos; shadow analysis incomplete; security concerns, anti-social behaviour, noise; opening up of Parkway Place to public via a public walkway; concerns regarding construction practices.”

Privacy, Overlooking & Overshadowing

The application site has been identified as one suitable in principle for a tall building. While a tall building was previously refused at this site, this did not relate to its height in principle. Rather, it was considered that the building design did not achieve the architectural excellence befitting of a landmark building.

As was acknowledged in the Board Inspector’s assessment of the consented scheme ABP-306569-20, a certain degree of overlooking and shadowing is to be expected with the development of inner urban locations. From a planning perspective, the relative extent and significance of potential adverse impact should be weighed up against the likelihood of broader benefits accruing from the achievement of the strategic and local development and regeneration objectives set out in the Development Plan and/or in other relevant strategic policy guidance.

We understand that the 3rd party concerns regarding overlooking and privacy concerns related primarily to western Block C, which has now been consented under ABP-306569-20. Proposed Block A is situated in the eastern apex of the site and further removed from neighbouring residential properties.

We refer the Board to the Daylight & Sunlight Assessment, prepared by IN2 Engineering which confirms there will be no significant adverse impact on the residential amenity of existing neighbouring residential properties or on the residential amenity of prospective residents of the consented and proposed scheme.

As the proposed Block A massing has been altered since the original planning application (ABP 306569-20), an assessment of the impact of the new tower on the adjacent permitted units was carried out. The assessment found that, as the proposed residential tower is located to the north east of the site, there is no impact to the permitted sunlight availability to the amenity areas which are located to the south nor on neighbouring Parkgate Place development to the west.

Neighbouring buildings at Montpelier Hill have been assessed as part of the Daylight & Sunlight Assessment (Section 4). The quantitative analysis determined that there would be no significant negative impact on the neighbouring houses, leading to any failure to meet the required standards, as a result of the proposed development. Appendix B of the IN2 assessment provides further analysis which identifies that the shadow of the tower would only be incident on the dwellings for part of one hour per day.

We refer the Board to the Applicant's response to 'Specific Further Information Item 6 – Daylight and Sunlight Analysis', set out in Section 6.1.6 of this report above. It is not considered necessary to repeat the response here.

Construction Impacts/Noise

We refer the Board to EIA Chapter 4 'Construction Strategy' and Construction and Environmental Management Plan (CEMP) contained in Appendix 4.1 of the accompanying EIA. This details how the construction phase will be managed to minimise impacts on the environment or the surrounding community. As outlined in the CEMP, "it is intended that this CEMP would be expanded and updated by the contractor prior to the commencement of any construction activities on site".

Condition 29 of ABP-306569-20, states:

"The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste."

A compliance submission was submitted to the Planning Authority on 18 December 2020 with enclosures including a Construction Management Plan which details intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. Further information was subsequently requested on 13 January 2021. On the 28 April 2021 compliance with Condition 29 was submitted in writing to the Planning Authority and compliance agreement is pending by Dublin City Council at present.

A Construction and Demolition Waste Management Plan prepared by AWN Consulting Ltd is enclosed with this application as an appendix (Appendix 17.1) to the EIA. This confirms that all demolition works required to facilitate this development have been already permitted under ABP 306569-20.

Condition 30 of ABP-306569-20, states:

"Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the department of the Environment, Heritage and Local Government in July 2006."

A compliance submission was submitted to the Planning Authority on 18 December 2020 with enclosures including a Construction Waste Management Plan and Construction and Demolition Waste Management Plan. Further information was subsequently requested on 13 January 2021. Compliance with Condition 30 has been submitted in writing to the Planning Authority on the 15 February 2021 and a letter of Compliance agreement has been issued by Dublin City Council on 24 March 2021.

As outlined in Chapter 7 'Air Quality' of the accompanying EIAR, dust monitoring will be undertaken at a range of nearest sensitive receptors during the demolition and construction phases

We refer the Board to Chapter 9 'Noise and Vibration' of the accompanying EIAR. This chapter includes a description of the receiving ambient noise climate in the vicinity of the subject site and an assessment of the potential noise and vibration impact associated with the proposed development during both the short-term construction phase and the long-term operational phase on its surrounding environment. The assessment of cumulative noise and vibration impacts on the surrounding environment have been considered as part of the assessment.

It states that during the construction phase *"the use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase will ensure impacts are controlled to within the adopted criteria. Similarly, vibration impacts during the construction phase will be well controlled through the use of low impact equipment and adherence to strict limit values which will be subject to monitoring at the nearest sensitive buildings. During the operational phase, the predicted change in noise levels associated with additional traffic in the surrounding area required to facilitate the development is predicted to be of imperceptible impact along the existing road network. No vibration impacts are predicted. Cumulative noise levels associated with operational noise from the development will be designed to ensure the prevailing background noise environment is not increased by a significant level such that potential adverse noise impacts are avoided. Once noise emissions from operational plant and activities are designed in accordance with standard guidance the impact from this source will not be significant."*

Security / Passive Surveillance of Public Realm (river walk)

The physical layout of the consented scheme and the proposed development has been designed to be an attractive, welcoming environment, creating new linkages, public and private spaces that are well overlooked by the residential apartments and animated at ground floor level by other uses.

The consented landscaped plaza between proposed Block A and consented Block B, provides a public connection from Parkgate Street to the public space and new river walk along the southern edge of the site. The delivery of attractive and well managed public open space is considered a planning gain, providing access to a river edge amenity through what was a previously a physically and visually impenetrable and under utilised site. The consented public open space and river walk amenities within the site will be accessible to the general public during normal public park opening hours. Access outside of these times will be controlled by a management company. There will be little if any opportunity for anti-social behaviour to arise within the actively managed consented and proposed scheme. The active reuse of the site should also enhance passive surveillance to Parkgate Street to the benefit of surrounding commercial and residential properties.

The Board's Inspector's assessment of the consented scheme (ABP-306569-20) acknowledged the concerns of the residents of Parkgate Place regarding the potential opening up of the Riverside walk, potential future link and subsequent security concerns. It has been stated by the Applicant previously that this potential future link will be subject to agreement with the relevant land owners. In their assessment, the Board Inspector noted the river walk amenity was welcomed and acknowledged this component as a *"significant public gain."* Any potential issues relating to anti-social behaviour are a matter outside the remit of the planning application and this has been previously accepted by the Board Inspector. Furthermore, we refer the Board to the Property Management Strategy Report, prepared by Aramark which outlines the long term management of the proposed and consented scheme.

For the avoidance of doubt, the public open space is permitted under ABP Ref. 306569-20. Permission is not being resought for this element, save for the minor amendments required to tie the permitted public realm in with the proposed 'Block A' layout.

8.4 Building Height and Visual Amenity

“Height; design, quality and scale; incongruent with surrounds and streetscape”

A revised design approach to Block A has been devised by Glenn Howells Architects and Reddy Architecture & Urbanism, to deliver architectural excellence and quality in its new expression and detailing. Proposed Block A, at 30 storeys, achieves similar height and slenderness to that previously accepted in principle by both the Board and Dublin City Council. The proposed residential tower will be elegant in form, triangular in shape with gently curved facades, to suit the site characteristics and compliment the consented and existing surrounding development. It is considered that the proposed building will make a positive contribution to the ever evolving city skyline.

In general, both National and Regional Planning policy seeks to increase residential density in settlements through increasing building heights. Similarly, the Building Height Guidelines express a presumption in favour of buildings of increased height in urban locations with good transport accessibility, which secure NPF objectives to deliver compact growth of new homes, economic growth and regeneration.

The City Development Plan permits building heights of 50+ m at this location. Building height in excess of 50m was also accepted in principle, for this site, by the Board Inspector in the case of ABP Ref. 306569-20. In the same case, the Board Inspector acknowledged the mixed and evolving character of the area, considered a higher tower element surrounded by blocks of lower height to be acceptable in principle and did not represent over-development of this strategic site, proximate to the city centre, a major transport hub and the river Liffey.

We refer the Board to the Applicant's reponse to 'Specific Further Information Item 2 – Visual Impact Assessment', set out in Section 6.1.2 and to 'Specific Further Information Item 3 – Materials Strategy', set out in Section 6.1.3 of this report above. It is not considered necessary to repeat the responses here.

We refer the Board to the Architectural Design Statement and Response to the Board Opinion documents, prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects.

We refer the Board to the Landscape and Visual impact Assessment (LVIA), prepared by ARC, which is provided as Chapter 13 of the accompanying EIAR. In assessing the likely visual impact of the proposed development, the LVIA has regard to the verified photomontages views prepared by Modelworks (see EIAR, Appendix 13.1) and the cross sections, axonometric views, prepared by Reddy Architecture and Urbanism and CGIs prepared by V1, Reddy Architecture and Urbanism and Glenn Howells Architects (see EIAR Appendix 13.2). These show the relationship between the proposed and permitted/existing development within the surrounding city area.

The LVIA concludes broadly that the proposed development makes a positive contribution to the city skyline, at this landmark site, within a strategic regeneration area at the western Hueston gateway to the city centre, and having regard to the historic setting if this area. No significant adverse visual impacts are predicted, the sensitivity of the receiving environment will also be largely unchanged and the extent of visibility of the landmark building now proposed will be very similar to that of the refused Block A landmark building.

8.5 Architectural Heritage/Conservation/Views

“Impact on character of historic surrounds; negative impacts on conservation/heritage surrounds; undermining visual connections of Chesterfield Avenue to Guinness land and views from quays to Phoenix Park.”

The site is located within a larger 'Conservation Area' designated in the Dublin City Development Plan along the River Liffey and its banks and quays. Policies SC25 and CHC4 of the Plan promotes high quality, inclusive urban design, architecture and public open space that positively contributes to the city's built and natural environments, taking opportunities in designated conservation areas to enhance their special character and distinctiveness that is derived from historic buildings and other important features. One of the principles of Strategic Development and Regeneration Area (SDRA) 7 (within which the subject site lies) is to forge dynamic relationships of contemporary urban form and sustainable density with cultural institutions, historic fabric and setting in the Heuston environs.

The heritage significance of the existing buildings and structures on the site of ABP-306569-20 and the significance of the site within the designated Conservation Area along the Liffey banks are well understood. The extant permission (ABP Ref. 306569-20 refers) comprehensively addressed Architectural Heritage and the conservation, refurbishment, repair and adaption of the Protected Structures on site and retention and re-use of a number of historic non-protected elements and structures. The Board's Inspector's Report welcomed the proposed refurbishment and reuse of the Protected Structures and considered that an appropriate balance was achieved between protecting the historical significance of the site and while enabling its redevelopment.

For the avoidance of doubt, the proposed development subject of this SHD application does not involve any works to Protected Structures or other historic buildings / structures, beyond what has already been consented under ABP-306569-20.

Details on conservation, heritage and visual impacts are addressed in EIAR Chapter 12 'Architectural Heritage Impact Assessment' and Chapter 13 'Landscape and Visual Impact Assessment'(LVIA), prepared by ARC Architectural Consultants and Grade I Conservation Architects.

The LVIA concludes broadly that the proposed development makes a positive contribution to the city skyline, at this landmark site, within a strategic regeneration area at the western Heuston gateway to the city centre, and having regard to the historic setting of this area. No significant adverse visual impacts are predicted, the sensitivity of the receiving environment will also be largely unchanged and the extent of visibility of the landmark building now proposed will be very similar to that of the refused Block A landmark building.

8.6 Other Matters

"... boundary concerns; previous refusal on site; potential as a community space; impacts on adjoining underground car park (submission from TII); concerns regarding application website; lack of consultation with local residents."

Potential as a community space

The consented scheme (ABP Ref. 306569-20) will provide a significant quantum of public open space (c.1,409 sq m) within the site. This includes a public plaza and 'river walk' amenity, which achieves an appropriate balance between conserving the architectural heritage of the river wall and implementing the Z9 zoning objective. The public open spaces will be accessible to both prospective residents and to the general public during normal park hours. The spaces are envisaged for casual recreational use and enjoyment that facilitate community development and sense of ownership.

In addition, within consented Block B1, an area of proposed residential co-working space (c.119 sq m) is identified as being available for public hire for cultural or social networking events, such as exhibitions, public speaking events, food and wine tasting, etc. should demand arise.

Underground car park

Concerns were raised regarding impacts on the underground basement of the building adjoining the west of the overall site, occupied by Transport Infrastructure Ireland (TII). The basement area forms

part of the consented development under ABP-306569-20. The Basement Impact Assessment, submitted as part of that application concluded that proposed development would not adversely affect the ground conditions or the structural stability of any neighbouring properties. This was accepted by the Board, in the case of ABP-306569-20.

The proposed development (Block A) is located at the eastern apex of the overall site and does not have a basement. It does not either require any extension to the basement or undercroft area consented under ABP-306569-20.

Previous refusal on the site

The consented scheme (ABP Ref. 306569-20) demonstrates how the previous refusal for the redevelopment of the site (DCC Reg. Ref. 3613/06; ABP. Ref. PL29N.221587 refers) has been successfully resolved, in large part.

There is planning policy and precedent that supports the proposal for a tall building at this site. Notwithstanding that the previously proposed 29-storey Block A building was refused permission under ABP-306569-20, we would highlight that building height and slenderness were accepted in principle. However, in that case neither DCC nor the Board were satisfied that an exemplary architectural design and finish had been achieved at this prominent site. The current application seeks to address the design concerns raised in respect of the previous proposal for Block A. A radical new landmark building, striking in its architectural expression and detail, is proposed to successfully complete the otherwise consented redevelopment of this site. We refer the Board to the Architects Design Statement and the Response document, prepared by Reddy Architects and Urbanism in consultation with Glen Howells Architect, which describe the architectural design intent and detail of proposed Block A.

The Applicant has had regard to the issues raised in previous 3rd party submissions and through pre-application consultation with Dublin City Council and An Bord Pleanala.

Notification of this application will be published on site and in an approved newspaper inviting further public submissions. Full details of the application will be made available online and through the public counters at Dublin City Council and An Bord Pleanala.

9 PARTICULARS OF THE PROPOSED STRATEGIC HOUSING DEVELOPMENT

9.1 Planning Notice Description

The application site benefits from permission for residential-led mixed use strategic housing development under ABP 306569-20 (i.e. the consented development). Permission is not being re-sought for the consented development, save for the proposed amendments described below.

Permission is sought for a 30-storey residential building ('Block A') (c.14,364 sq m gfa), including residential, café/restaurant, replacement office use and ancillary accommodation and works, located in the eastern apex of the site subject of otherwise consented development under ABP-306569-20.

The proposed new Block A building accommodates:

- 198no. 'Build To Rent' residential apartments (73no. studios, 97no. 1-bed, 27no. 2-bed & 1no. 3-bed) from 1st to 27th floors inclusive, including 53no. units with 'winter garden' balconies on the building's eastern elevation.
- Ancillary internal (c.384 sq m) and external (c.255 sq m) residents' private communal amenity areas and facilities, including ground floor reception/concierge area, lounge bars at mezzanine and 9th floors, roof gardens at 9th and 28th floors, and access to other residents' private communal amenity areas within the consented scheme ABP-306569-20.
- 1no. café/restaurant (c.223 sq m) at ground floor.
- Replacement office floor area (c.595.6 sq m total) accommodated between 1st and 8th floor levels of Block A.
- Ancillary residential bicycle storage (22no. spaces), refuse, circulation and plant, and non-residential back of house and circulation areas at ground and mezzanine floors. Building Maintenance Unit (BMU) at roof level.

Ancillary and associated site works and other structural and landscape works are proposed to tie the proposed new Block A building in with the consented development (ABP 306569-20). Proposed amendments to the consented scheme, include:

- At the interface of proposed Block A with the consented Block B2 office building:
 - a reduction by c.909 sq m total of office floor area over 6 floors within the consented Block B2 office building;
 - a reduction by c.35 sq m of external residential amenity and associated minor amendments to landscaping at roof level of consented Block B2; and,
 - localised changes to the northern Parkgate St façade of the consented Block B2 to include a shadow gap at its junction with proposed Block A.
- 16no. additional bicycle parking spaces accommodated within consented Block B1 undercroft area.
- Minor localised amendments to adjoining consented public realm area to tie in with proposed Block A at ground level.
- New telecommunications infrastructure at roof level of consented Block B1, including: 4no. 300mm microwave link dishes mounted on 2no. 2m high steel poles fixed to the consented lift shaft overrun, housed within GRP radio friendly shrouds, to mitigate potential for interference with existing telecommunication channels.

9.2 Key Site Statistics

For ease of reference, the below table provides a summary of the proposed development against the previous SHD application (ABP. Ref. 306569-20).

Key Site Statistics		
	Proposed Development (Block A)	Previous Application (ABP-306569-20)
Gross Site Area	0.82 Ha (overall site area)	0.82 Ha (overall site area)
Plot Ratio	5.14 (proposed and consented)	5.13
Site Coverage	42% (proposed and consented)	42%
No. of units Block A	198no. Built-to-Rent apartment units in proposed Block A. (Plus 321no. units in permitted Blocks B & C) = 591no. total overall.	160no. Built-to-Rent apartment units in refused Block A. (321no. units permitted Blocks B & C) = 481no. total proposed overall.
Overall Density	633 unit/Ha (based on total of 519no. units overall consented and proposed)	587 unit/Ha (based on total of 481no. units)
Height Block A	30 Storeys	29 Storeys
Other Non-Residential Uses	Café/Restaurant – c. 223 sq m GFA (Block A) Commercial Office – c. 595.6 sq m GFA (Block B2 within Block A interface) Telecomms plant area – c. 0.36 sq m (consented Block B1)	Café/Restaurant – 208 sq m GFA (Block A) Café/Restaurant – c. 236 sq m GFA (Block B1) Retail – c. 214 sq m GFA (Block B1) Office – 3,698 sq m GFA (Block B2) Co-working space/for cultural use/public hire – c. 119 sq m (Block B2)
Unit Mix Block A	Studios – 37% (73no.) 1-Bed – 49% (97no.) 2-Bed – 14% (27no.) 3-Bed – 1% (1no.)	Studios – 15% (24no.) 1-Bed – 68% (109no.) 2-Bed – 17% (27no.) 3-Bed – 0% (0no.)
Dual Aspect units Block A	77%	58%
Communal Open Space Block A	Level 28 Block A (255 sq m) plus access to Block B2 roof terrace and communal amenity space within the wider consented scheme.	Level 28 and Level 09 Block A (c. 350 sq m). Block A, B and C (c. 2,727 sq m) overall
Private Open Space Block A	53 wintergardens (53no. of 198no. units)	18 balconies (18no. of 160no. units)
Parking (Car)	No change to previous car parking figures/access arrangements.	26no. car parking spaces (total) at surface and undercroft/basement levels.

Parking (Bicycle)	38no. additional bicycle parking spaces at ground level Block A and within consented Block B1 undercroft. (589no. overall total)	551no. bicycle parking spaces (total) at surface, undercroft and basement levels.
Part V	10% (52no. units – Block B1)	10% (48no. units – Block B1)

Table 1: Summary of the proposed development Block A against previous SHD application (ABP. Ref. 306569-20).

9.3 Plot Ratio & Site Coverage

The overall application site area measures approximately 0.82 hectares.

The combined total gross floorspace, accounting for the consented (ABP-306569-20) and the proposed mixed use development is c. 42,185 sqm. This represents a plot ratio of c.5.4. Site coverage is approximately 42%.

For Z5 zoned lands, the Development Plan includes indicative density standards of 2.5-3.0 for plot ratio and 90% for site coverage. However, these standards are clarified as being indicative and not ‘stand-alone’ objectives. They should be considered in combination with other relevant development objectives.

As may be noted that for the combined consented and proposed scheme the site coverage falls below the Development Plan standard. This is reflective of the generous amount of open space delivered on site.

The plot ratio is higher than the indicative standard. This is not atypical of dense inner city development or SHD development. It may be noted that the Development Plan allows for higher density plot ratio in certain circumstances, including at locations adjoining major public transport where an appropriate mix of residential and commercial development is provided and to facilitate redevelopment in areas in need of urban renewal. The proposed development meets all of these criteria.

Similar density was considered acceptable by the Planning Authority in the case of ABP-306569-20.

9.4 Residential Density

The Dublin City Development Plan 2016-2022 promotes the achievement of higher residential densities in the pursuit of compact city development. Other design considerations include ensuring high quality urban design and open space.

There is no prescriptive residential density threshold prescribed in the City Development Plan. For sites greater than 0.5 ha, proximate to a strategic public transport hub, within the city centre, national planning guidance on sustainable residential development would recommend that such sites dictate their own character. Density not less than 50 units per hectare is recommended, with no prescriptive upper limit beyond that.

198no. residential units in Block A are now proposed. This represents an uplift of 38no. dwellings compared to the previous proposal. Combined, the consented development (ABP-306569-20) and the proposed development deliver (321+198 =) 519no. residential units. This represents a residential density of 633no. units per hectare. This level of density has been identified as acceptable in principle in the Board’s assessment of ABP Ref. 306569-20. Within Dublin City Council’s Opinion submitted to the Board and at pre-application consultation for the proposed scheme, it is stated:

“It is considered that the site is suitable for high density development given its strategic location and within walking distance to the city centre. The level of density proposed has also been accepted in principle, under ABP Ref. 306569-20.”

The proposed scheme complies with Policy QH8 of the City Plan, which seeks:

“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.”

There is additional policy direction from the National Planning Framework, which promotes higher densities to create a compact urban form at central or accessible urban locations and encourage the use of sustainable forms of transport. Higher density development uses land more efficiently than lower density equivalents and is particularly promoted in central locations and/or locations with frequent and efficient public transport services, such as Parkgate Street.

The application site is highly accessible, within easy walking and cycling distance of all of the significant employment, retail, recreational and cultural amenities that exist within this central city area.

9.5 Scale and Height

The Dublin City Development Plan designates the Heuston gateway as a location with potential for tall buildings (over 50 metres high) to provide a new urban identity and as a western counter balance to regeneration in the Docklands to the east along the Liffey Quays. This principle was established in the consented scheme (ABP-306569-20), where the proposed height of Block A (29-storeys) was considered by both Dublin City Council and the Board to be acceptable in principle.

The Planning Authority and the Board were generally satisfied with the taller height and slenderness ratio proposed in the previous application (ABP-306567-20 refers). This current application seeks to address the design concerns raised by Dublin City Council and the Board relating to the proposed execution of architectural expression and materiality, while maintaining a similar height and slenderness profile for Block A.

The proposed height at 30 storeys accommodates residential units from 1st to 27th floors inclusive. A café/restaurant unit, resident’s reception/foyer area, bin and bicycle storage and a small plant area is located at ground floor. Further internal residential amenity space is located at mezzanine level, Level 09 and Level 28, with quality external landscaped roof garden amenities also provided at Level 09 (roof of consented Block B2) and Level 28 (roof of proposed Block A).

The scale of the proposed building, located at the site’s eastern apex is such that it is likely to be visible from a wide area within the city. The redesign of the Block A as now proposed has benefited from the input of a highly qualified, multi-disciplinary design team. This has included the further architectural expertise of Glenn Howells Architects, who bring a wealth of experience in the design of tall buildings appropriate to the character of Dublin city centre.

We refer the Board to the ‘Response’ document and to Section 2.7 and 2.10 of the ‘Architect’s Design Statement’, prepared by Reddy Architects and Urbanism, with input from Glen Howells Architects. We refer also to EIAR Chapter 13 ‘Landscape and Visual Impact Assessment’ prepared by ARC Architectural Consultants and Grade I Conservation Architects that accompanies this application.

Planning policy issues are discussed further in later sections (statement of consistency) of this planning report.

9.6 Improvements to the Block A Design

9.6.1 Design Evolution and Form

We refer the Board to Sections 3.3 to 3.5 of the Architectural Design Statement, prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects.

As part of the feasibility and analysis stage of the redesign of Block A, various building design options were considered in response to issues of proportion, height, symmetry, materiality, open space and architectural expression. Elevational treatments were prepared to study the issue of scale, slenderness expression, setting. These studies looked at alternatives for the expression of glazing and solid elements, streetscape, height and building form. We refer the Board to EIAR Chapter 3 'Alternatives', prepared by Reddy Architects and Urbanism.

During the initial design stage, three concepts were put forward by Glenn Howells Architects. Following consultation feedback from DCC and continued collaboration amongst the Design Team. Option 2, a 30-storey triangular building, of slender proportions, with gently curved facades and sculptural detailing though its transparent base, articulated middle and lantern crown, was selected as the preferred design to be progressed to planning application stage.

The elegant curvature of the preferred option was refined to both compliment the consented scheme and to reference the historic line of the site boundary. The three curved planes open up the corners of the triangle pulling in views of the surrounding area.

Creating a building of landmark height at this site will draw views from across the City. This necessitates the creation of a building that has no 'back' and that displays great architectural character from every angle.

The simple curvature softens the middle of the building. Where the plane of colonnades extends beyond the roof level, a dynamic relationship is created by the varying plane heights on each side of the triangle. The top of the proposed building then features a distinct 'crown'. This design feature while visually appealing also has a number of practical functions:-

- It facilitates the creation of a sheltered, usable rooftop amenity space for residents of the scheme.
- The incorporation of 2m high glazing between the columns, avoids the need for further safety railings or screens and allows spectacular 360 degree views of the city from within the open space and from the residents' lounge at this level.
- The secondary inboard façade helps to disguise the lift overruns, plant and building maintenance unit (BMU). This ensures that long-range views of the tower pick up the architectural crown on the skyline and not the ancillary infrastructure.

The arrangement of the ground floor plan responds to the direction of travel from the city. The residents' entrance foyer and lounge are the first entrance facing east within proposed Block A. This creates a focal point to the scheme as pedestrians move through the pocket garden on the main approach. The consented public plaza to the west of Block A forms part of the public offering of the overall scheme.

By opening the façades at the base of the building and including an active café/restaurant use, the building seeks to achieve continuous activity and surveillance to the surrounding public space. The core and back-of-house areas have been reduced as much as possible carving them into a space that reduces street frontage and maximises the amount of glazing.

Visibility is maintained through from Parkgate Street all the way out the Liffey. The curved form of proposed Block A also responds positively to the consented river walk along the southern site boundary. It allows for further opening up of this space to a generous width of c.4-5m. Responding to the consented wall openings, the design of proposed Block.

Passive surveillance of the public walkway from the glazed base of the tower is afforded at ground (café/restaurant use) and mezzanine (residents' lounge) levels. The 1st floor of the proposed tower is lifted c.1m over the head of the river wall, allowing the river wall and the tower to read separately from

across the river. This design amendment not only improves the architectural expression of the building, it also benefits the quality of light in the river walk and mezzanine space.

The new approach to the architectural expression and materiality of proposed Block A will ensure that it will make a positive contribution to the city's built character and skyline. The proposed landmark building will enhance the legibility and navigation of the city, forge a dynamic relationship with other historic and new buildings in the area, and extend the public perception of the city centre as far as the western Heuston gateway. The proposed development is appropriate to this strategic regeneration area (SDRA 7) and the dynamic, ever evolving character of a successful city centre. We refer the Board to the Architects Design Statement and to the Response Document, prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects which contains further details on the design of the proposed interface.

9.6.2 Materiality

The façade design is broken down into two typologies, solid and glass. Formed of three curved planes, the richly detailed reconstituted stone panels and curtain glazing are designed to be durable and weather well.

The pre-cast nature of the panels allow architectural excellence, curvature and sculptural articulation, befitting a landmark building. The deep reveals are also functional in providing solar shading. The granite mix adds complex tones, colour and texture. Glazed intersections between these facades open out to the key site views.

During the design process one of the key goals was to develop a sophisticated solution on the ground floor aesthetic, one that is appropriate for the nature and stature of the proposed development. A key design driver for the ground floor level was achieving the transparent base. Limiting the amount of metalwork is key to achieving the open feel from street level. The high level glazing allows for light penetration and appreciation outwards of the surrounding city views. Around the base the glazing is given a dark polished concrete upstand that runs around the bottom of the block. This is done to build in a level of additional durability helping with cleaning and day-to-day life of the building.

For the apartments with winter gardens on the eastern elevation, pre-application advice to include a 600mm high frit to the glass has been adhered to in order to obscure the interior of the apartments. This serves to lower the visual impact of any 'clutter' within the apartments. This also aims to maintain the floor to ceiling aesthetic internally, improve privacy and mitigate potential for overheating.

We refer the Board to Section 5.5 to 5.9 of the Architects Design Statement and Section 1.3 of the Response Document, prepared by Reddy Architecture & urbanism in association with Glenn Howells Architect for further details on the materials strategy.

9.7 Residential Quality

9.7.1 Unit Mix and Quality

The proposed and consented development will deliver a high-quality architectural design solution for the delivery of sustainable residential-led mixed use development at this city centre location.

198no. Build-to-Rent apartment units are proposed in Block A. Unit sizes range primarily from studio, 1-bed (2 person) and 2-bed (4 person) units. A 3-bed penthouse unit is also proposed.

The proposed units deliver a variety of internal floor areas, to accommodate a range of household sizes primarily, from single person to 5-person (see Table 2 below). As described in the Architects Design Statement (Section 5.4), the proposed floor plans are capable of future adaptability to create larger units without requiring consequent alteration to the building façade.

Apartments

Unit Type	No. of Units	Approximate GFA (m ²) / Unit	Min. Size – Guidelines 2020
Studio Apartment	73	38 sq m- 39 sq m	37 sq m
1 Bed Apartment – 2 person	97	46.3 – 50.7 sq m	45 sq m
2 Bed Apartment – 4 person	27	74.3 sq m	73 sq m
3 Bed Apartment	1	100.7 sq m	90 sq m
Total	198		

Table 2: Breakdown of Proposed Units

Site plans, floor plans and elevations relating to units at all levels, a Schedule of Accommodation and Housing Quality Assessment Report have been prepared by Reddy Architecture and Urbanism and are enclosed with this application, which provide detailed information about the proposed residential accommodation.

77% of the proposed units are dual aspect, and none are single aspect north facing units. Apartments at upper levels benefit from excellent views across the city, along the River Liffey and over Phoenix Park.

53no. apartments have individual private ‘winter garden’ balconies. All apartments benefit from convenient access to internal and external private amenity areas serving Block A. They will also have access to the range of private communal residential and public amenity open space consented under ABP-306569-20. For further details on residential amenities, we refer the Board to the architectural plans, Schedule of Areas, Section 7.1 of the Architects Design Statement, Section 4 of the ‘Response’ Document, prepared by Reddy Architecture and Urbanism in association with Glenn Howels Architects.

9.7.2 Proposed Ancillary Residential Amenities

9.7.2.1 Public Open Space

Public open space is as permitted under ABP-306569-20, with minor amendments to tie in with the new ‘Block A’ layout. As permitted under ABP-306569-20 public amenity open space is a significant feature which includes the ‘river walk’ and public plaza, connecting to Parkgate Street and the River Liffey. The proposed amendments result in a small overall reduction of c. 7.1 sq m to the originally permitted c. 1,409 sq m of public open space within the site area.

Proposed Block A completes the creation of the already consented south facing public open space to the east of Block B and along the river edge, for the benefit of prospective residents and the local community.

We refer the Board to the Landscape Design Report and drawings, prepared by Mitchell & Associates for further details.

9.7.2.2 Private Communal Residential Amenities

Private amenity residential roof gardens are proposed at 9th floor and 28th floor roof levels to provide generous external space for prospective residents to enjoy. These are accessible via the residents’ lounge areas at the same levels within the proposed Block A building. Further Internal residential amenity space is provided at ground and mezzanine floors.

At ground floor level residents are provided with a generous reception and foyer area (c. 75 sq m) at the eastern entrance to the building. A post/parcel area and a large residents’ lounge area (c.132 sq m) is located at mezzanine level. The lounge area also provides flexible co-working spaces for residents. An accessible WC and kitchenette are also provided. The mezzanine provides views out to Parkgate Street and over the river walk to the south and beyond.

The proposed internal amenity space (c. 49 sq m) at Level 09 connects the residential tower to the large, landscaped terrace on the roof of the permitted office building (Block B2). The landscaped terrace provides a quantum of Block A’s communal open amenity space requirement. Minor revisions to

landscaping of the permitted open space are proposed to facilitate access to the internal amenity space within Block A at this level.

At Level 28 of the proposed residential tower, behind the 'crown' façade sits a triangular 'box', inset from the colonnade, creating a 360° rooftop viewing platform. The outdoor amenity space amounts to c. 255 sq m. The proposed internal residents' lounge and 2no. dining rooms amount to a combined total of c. 128 sq. m. These bookable rooms provide opportunities for social events and a dining experience.

Full height glazing is provided around the rooftop terrace area to mitigate wind effects and enhance amenity comfort levels. The glazing obviates the need for additional railings or guarding, allowing residents dramatic views across the city.

The secondary inboard façade helps to disguise the lift overruns and any plant associated with the smoke extract behind a parapet. This ensures the long-range views of the tower pick up the crown on the skyline and not ancillary plant, building maintenance unit and lift over-run.

Further details of communal residential amenity facilities can be found by reference to the Schedule of Accommodation, Housing Quality Assessment and Architectural Design Statement, prepared by Reddy Architecture and Urbanism, enclosed with the application.

9.7.3 Private Communal Amenity Open Space

Individual private amenity space in the form of a 'winter garden' for 53no. apartment units located on the eastern side of proposed Block A, amounting to a total of c.318 sq m.

While not all of the proposed units have a winter garden or private balcony, all of the proposed units in Block A will have easy access to the shared private internal and external amenities within Block A (as described above) and within the wider consented scheme. This flexibility is allowed for 'Built to Rent' residential schemes, under the 'Sustainable Urban Housing: Apartment Design Guidelines' (2020).

9.8 Non-Residential Uses

The café/restaurant use (c. 223 sq.m incl. ancillary areas) will serve to activate the street level and amenity open spaces, in addition to the building entrance cores.

At the interface between Block A (tower) and the consented Office Block (B2), c.555.6 sq m of office floor area is recaptured between 1st to 8th floor levels of proposed Block A. It may be noted that c.909 sq m of office floor area has already been consented within this space. However, due to the amendment to the floor plans and how Block B2 interfaces with Block A, it is necessary to seek permission for this area as an amendment to the consented scheme. The net reduction of office floor area across the consented and proposed scheme as a result is 313.4 sq m gross floor area. It should also be noted that the floor to floor height of the consented office building is different to that of the proposed Block A residential floors. Consequently, Block B2 will appear as a void at some of the Block A floor levels. While interlocking, internally they are separately contained buildings.

The following table identifies the extent of non-residential accommodation envisaged within the scheme.

Class of Development	Gross Floor Space (sq m) Proposed Block A	Gross Floor Space (sqm) Proposed and Consented
Office	c. 595.6	c.3,384.6
Café/Restaurant	c. 223.00	c.459.00
Retail-Café	0	c.214.00
Cultural	0	c.119.00
Telecommunications hop site	c. 0.36	c.0.36
Total	c.818.96	c.4,143.00

Table 3: Breakdown of Non-Residential Uses

9.9 Amendments to the Consented Scheme

The proposed development (Block A) interfaces with the existing and consented public realm at ground floor, where some reconfiguration is then necessary.

Proposed Block A also physically adjoins and incorporates part of the permitted office building (Block B2) that extends up 6 floors, from 1st floor level, within the consented development (ABP Ref. 306569-20 refers). Some reconfiguration of the eastern end of permitted Block B2, at its interface with proposed Block A, is also therefore necessary. We refer to the 'Response' document prepared by Reddy Architects and Urbanism in association with Glenn Howells Architects that illustrates the interface between consented Block B2 and the proposed new Block A.

The proposed amendments to the consented scheme to address the above, include:

- At the interface of proposed Block A with the consented Block B2 office building:
 - A reduction by c.909 sq m total of office floor area over 6 floors within the consented Block B2 office building. Of this, c.595.6 sq m office floor area is recaptured within the footprint of Block A, resulting in a net loss of c.313.4 sq m of office floor within the consented and proposed scheme.
 - A reduction by c.35 sq m of external residential amenity and associated minor amendments to landscaping at roof level of consented Block B2. This area is recaptured within proposed Block A as part of the internal residential amenity (lounge) area that has access to the external residential amenity area on the roof of Block B2.
 - Localised changes to the northern Parkgate St façade of the consented Block B2 to include a shadow gap at its junction with proposed Block A. This allows for enhanced light penetration and view aspect for the proposed apartments in Block A. It also allows the architecture of the proposed tower to be read separately to that of Block B2.
- 16no. additional bicycle parking spaces are proposed to be accommodated within consented Block B1 undercroft area. This, in addition to the 22no. bicycle spaces within proposed Block A, addresses the uplift in apartment numbers (by 38no. units) compared to the previous scheme for which the overall bicycle parking system was designed.
- Minor localised amendments to adjoining consented public realm area to tie in with proposed Block A at ground level. Public realm and site works are otherwise consented under ABP-306569-20.
- New telecommunications infrastructure at roof level of consented Block B1, including: 4no. 300mm microwave link dishes mounted on 2no. 2m high steel poles fixed to the consented lift shaft overrun, housed within GRP radio friendly shrouds, to mitigate potential for interference with existing telecommunication channels. This replaces the previous proposal, having regard to Condition 17 of ABP-306569-20.

In its submission to the Board, dated 20 January 2021, Dublin City Council noted it was generally satisfied that the interface between the permitted 6-storey Block B2 office building and the proposed new Block A residential tower worked well in design terms.

9.10 Part V (Social Housing)

There has been on-going dialogue between the applicant and Dublin City Council Housing Department with regard to Part V provision prior to making this SHD Planning Application.

It is proposed to provide 52no. units within the consented scheme for lease to the local authority, to meet the Applicant's Part V obligations under Section 96 of the PDA 2000 (as amended). This includes a

mix of apartments sizes, as identified in the enclosed drawing pack (drawing no. PGATE-RAU-ZZ-ZZ-DR-A-GAP-31060), prepared by Reddy Architecture & Urbanism.

Please note that at this stage of the process the Part V details included in the enclosed Part V Proposal Letter are indicative and are intended to provide a reasonable estimate of the costs and values of the units based on construction costs and values prevailing at the time of the application. The design details of the proposed development are subject to possible amendment, through the decision or conditions applied by the Board, prior to formal Part V agreement between the Applicant and Dublin City Council. Any final formal Part V agreement will be determined by a final grant of permission, based on the number and type of units permitted, and upon the site value at the time the Permission is granted. This information is not available at this time.

The Part V proposal is thus made on a wholly without prejudice basis in order to comply with the Planning & Development Regulations in force at this time, required for the making of a valid planning application.

9.11 Other Specialist Assessments & Inputs

9.11.1 Architectural Design Statement

We refer the Board to the enclosed Architectural Design Statement prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects, which sets out the detailed urban, site and architectural design analysis and rationale for the proposed scheme. The architects have also provided a Response Document which addresses the responses to the specific information requested in the Board's pre-application consultation written Opinion.

9.11.2 Urban Design Expert Opinion

Professor John Worthington & Dr Lora Nicolaou (joint authors of Managing Intensification and Change: A Strategy for Dublin Building Height, DEGW Report, 2000) have provided an updated expert opinion in support of the proposed residential tower. This report concludes that the design of the proposed development successfully responds to the unique characteristics of this site and will enhance and contribute to the distinctiveness and vibrancy of this evolving area of the city.

9.11.3 Landscape Proposals

The landscape proposals are largely consented under ABP-306569-20. Minor adjustments are proposed to tie proposed Block A into the adjoining public realm at ground level and with the external terrace at the roof of consented Block B2.

It is submitted that a satisfactory mix of active and passive public amenity open spaces are achieved within the consented and proposed scheme. In addition shared communal open space will compliment the private open space exclusive to prospective residents of scheme.

Landscape coherence is achieved through connected spaces and consistent use of surface materials and landscape treatment. The public open spaces are carefully designed to enhance the interface with the wider surrounding area.

We refer the Board to the Landscape Design Report and Drawings, prepared by Mitchell + Associates Landscape Architects for further design details of the consented scheme and proposed landscape amendments.

9.11.4 Protected Structures and Conservation

The significance of the site within the designated Conservation Area along the Liffey banks and the heritage significance of the existing buildings and structures on site, and their conservation, integration or demolition as part of the consented scheme, has been established under ABP-306569-20.

The Protected Structures on the site of ABP-305569-20 are:

- a) *riverside stone wall;*
- b) *turret at eastern end of site;*
- c) *square tower on the riverfront; and*
- d) *entrance stone arch on the Parkgate Street frontage.*

A number of other buildings and structures that are not on the Record of Protected Structures, include:

- The large single storey cast iron and brick warehouse building at the eastern end of the site that covers almost half the overall site
- The long curved wall of the warehouse facing onto Parkgate Street
- Two ancillary industrial buildings presenting their gables to the river front at the west end of the riverside stone wall
- A small two storey building attached to the inside of the eastern side of the stone arch entrance gateway
- A 2-storey, detached, ruinous late Georgian house (Parkgate House) at the north west corner of the site

ABP-306569-20 permits the conservation, refurbishment, repair and adaption of the existing protected structures, as follows:

- Entrance stone archway (protected structure) to be conserved, refurbished, repaired and adapted for use as pedestrian access to proposed residents' communal open space, entrance foyers to Block B1 and Blocks C1, C2 and C3 and ancillary amenities.
- Riverside stone wall (protected structure) to be conserved, refurbished, repaired and adapted, including partial demolition comprising the enlargement of existing opes and creation of new opes and lintel treatments for incorporation within the riverside stone wall, as part of the proposed riverside amenity walkway.
- Turret (protected structure) at the eastern end of the riverside stone wall to be conserved, refurbished, repaired and adapted as an integrated part of riverside stone wall and proposed amenity walkway.
- Square Tower on riverfront (protected structure) to be conserved, refurbished, repaired and adapted as an integrated part of riverside stone wall proposed and amenity walkway.

In respect of the other structures, that are not protected structures, ABP-306569-20 also permits:

- Conservation, refurbishment, repair and adaption of the larger of the two riverfront gabled building ('River Building') for use as gym for residents of the development, accessible from Block C1 undercroft and residents' courtyard at ground level, and incorporation of building as integrated part of riverside stone wall and proposed riverside amenity walkway.
- Conservation, refurbishment, repair and adaption of the southern façade of the smaller riverfront gabled building as part of riverside wall and incorporated with the amenity walkway. Demolition of the remainder of the building fabric.

The demolition of all other structures within the former Hickey's Fabrics site, including the large single storey warehouse building with curved wall to Parkgate Street and all warehouse internal walls and partitions including the southern brick wall running parallel to the interior of the riverside stone wall, a small two storey building adjacent to the entrance stone archway and the former 2-storey detached

house (Parkgate House) at the north west corner of the site, and other miscellaneous structures, is permitted under ABP-306569-20.

The Board's Inspector's Report (ABP-306569-20) welcomed the refurbishment and reuse of the Protected Structures and considered that an appropriate balance had been achieved between protecting the historical significance of the site and enabling its redevelopment.

For the avoidance of doubt, the proposed development the subject of this current SHD application for Block A and associated interface works does not involve any further or alternative works to Protected Structures or other historic buildings / structures that are incorporated into the consented scheme ABP-306569-20. The river wall (protected structure) will also be braced against the new Block A building in the same manner as consented under ABP-306569-20, in so far as this affects the river wall.

Cultural heritage (architectural heritage and archaeology) are nonetheless addressed in the EIAR which accompanies this SHD application.

For further information on the historic setting of the site we refer the Board also to the Architectural Heritage Impact Assessment (Chapter 12) and Landscape and Visual Impact Assessment (Chapter 13) of the EIAR, prepared by ARC Architectural Consultants and Grade I Conservation Architects.

9.11.5 Landscape and Visual Impact Assessment

Proposed Block A is not significantly different in terms of height and scale from the previous proposal. However, it is radically different in architectural expression and design detail to ensure that it carefully addresses the concerns raised previously by Dublin City Council and the Board.

Given the likely significant visual impact of the proposed 30-storey building, a Landscape and Visual Impact Assessment (LVIA) has been prepared to accompany this application to the Board, prepared by ARC architectural consultants and Grade I Conservation Architects (see Chapter 13 of the EIAR). This addresses the potential visual impact of the proposed building as a cumulative part of the consented development, having regard to the key views and historic setting of the site. The photomontage views are contained in an A3 photomontage appendix to Chapter 13 of the EIAR (Appendix 13.1).

The site does not fall within the 'cone of vision' identified for protection in the Development Plan. It does lie within the path of key views identified in Figure 4 of the Development Plan. The principles of SDRA 7 are also relevant with respect to other notable visual connections.

The LVIA assesses the potential visual effects of the proposed development from 22no. relevant viewpoints. The proposed building does not fall within the 'cone of vision' between Kilmainham Hospital and Phoenix Park (see SDRA 7 principle no.8). In respect of "Other important visual connections to be respected" (see SDRA 7 principle no.9), the impact of the proposed development on the key views between the City Quays and the Phoenix Park (including Chesterfield Avenue, the Wellington Monument, etc) is discussed. A series of long distance visual connections across the City from the Phoenix Park and the city quays are examined. The Landscape and Visual Impact Assessment finds no significant adverse visual impact on key views, and that the proposed development is anticipated to make a generally positive contribution to place-making and city legibility.

The LVIA states that:-

"There are numerous locations from which the proposed residential landmark building has the potential to contribute to the reading of the City and to assist wayfinding. Along the River Liffey these include Rory O'More and Father Matthew Bridges and Wood Quay to the east, and Sarah Bridge at Inchicore to the west. There are numerous locations in the Phoenix Park from which the proposed residential landmark building will mark the location of the new Heuston Urban Quarter, including from close to the Wellington Monument, from the Fifteen Acres and from Military Road close to the Magazine Fort, and its existence will enrich the panorama over the City as seen from higher ground at Grangegorman. The proposed residential landmark building is also likely to signal arriving into the City while travelling along western approach roads such as Con Colbert Road and Conyngham Road.

...the potential impact of the proposed development to contribute to the skyline is intimately connected to the how the existence of a tall building on the site of the proposed residential landmark building might contribute to how people read Dublin City.”

The LVIA assessment concludes broadly that the proposed development makes a positive contribution to the city skyline, at this landmark site, within a strategic regeneration area at the western Heuston gateway to the city centre, and having regard to the historic setting of this area.

No significant adverse visual impacts are predicted, the sensitivity of the receiving environment will also be largely unchanged and the extent of visibility of the landmark building now proposed will be very similar to that of the refused Block A landmark building.

The policies of the Dublin City Development Plan 2016-2022 identifies that the Heuston area of the city should become a new focus at the west end of the public River and of the public Quays along it. The site of the proposed residential landmark building, because of its unique location, is key to achieving this objective.

9.11.6 Transportation

For the avoidance of doubt no change is proposed as part of this application to the consented scheme, in respect of vehicular access, car parking or basement construction.

In order to cater for the uplift in total residential unit numbers compared to the previous proposal, 38no. additional bicycle parking spaces are proposed, 22no. to be accommodated within proposed Block A and a further 16no. in the consented undercroft area of Block B1. There is no change proposed to the structural design or extent of the undercroft / basement area to accommodate the additional bicycle parking spaces in the surplus area under Block B1.

We refer the Board to the enclosed Transport Statement, prepared by Arup Consulting Engineers which confirms that there is no material change to the findings of the traffic impact assessment as a result of the proposed development.

9.11.7 Wider Transportation Projects

To ensure that the proposed development does not prejudice emergent plans for BusConnects or the Liffey Cycle Way at Parkgate Street, or existing LUAS services at Sean Heuston Bridge, the proposed and consented scheme has been the subject of further pre-application consultation with Dublin City Council Transportation Division and Transport Infrastructure Ireland.

9.11.8 Water Services

We refer the Board to the enclosed Drainage and Watermain Planning, prepared by Arup Consulting Engineers, which provides the relevant details regarding water and drainage infrastructure associated with the proposed development in the context of its location within the otherwise consented scheme.

Wastewater

There is no material change to infrastructure works arising from the redesign of the Block A building and uplift in residential unit numbers. These remain as per the consented development ABP-306569-20.

The proposed development will result in an additional effluent volume discharging to the public sewer. To address this, a section of the existing sewer network on Parkgate Street shall be upgraded as part of the consented scheme. This will create capacity for the wastewater discharge from the consented and proposed development in the combined sewer.

Surface Water

Surface water run-off from the proposed Block A development shall drain by gravity and discharge to the consented surface water drainage system around Block A prior to out-falling to the River Liffey, in

agreement with DCC Drainage Division. See Arup drawings PGATE-ARUP-ZZ-00-DR-CD-0002 and PGATE-ARUP-ZZ-00-DR-CD-0004 for further information.

Sustainable drainage systems will be incorporated into the proposed Block A development to ensure compliance with the consented scheme ABP-306569-20 and that surface run-off discharges through a minimum of two-stage treatment prior to discharge by gravity to the River Liffey.

These proposals, submitted to DCC Drainage Division, as part of the surface water management plan for the consented development ABP-306569-20, have been agreed in principal. There is no change in the surface water drainage strategy for the proposed Block A development

Water Supply

The water supply connection to the proposed Block A development will be from the consented water supply system (ABP-306569-20 refers) adjacent to Block A, with connection to the existing 150mm public main on Parkgate Street and cross-connection to the parallel 600mm public main, as directed by Irish Water.

The proposed watermain system will be designed to supply water to the apartments including the office space and retail areas with sluice valves and hydrants located in compliance with Part B of the Building Regulations and the local Fire Officers requirements.

The proposal is expected to result in some additional demands on the existing water supply network.

A Pre-connection Enquiry Application was submitted to Irish Water to confirm capacity in the public mains network. Based upon details submitted as part of the application, Irish Water have responded with a Confirmation of Feasibility Statement confirming that the proposed connection for the development, including the proposed Block A, can be facilitated subject to the requirements, as outlined in their correspondence Connection Ref No. CDS19000532. Irish Water has also confirmed that the Statement of Design Acceptance, dated 13 December 2019 remains valid for the proposed development.

We refer the Board to the accompanying watermain drawings PGATE-ARUP-ZZ-00-DR-CD-0002 and PGATE-ARUP-ZZ-00-DR-CD-0004 for layout of the watermain and connection to the public network, prepared by ARUP Consulting Engineers for further detail.

Irish Water submitted a report (dated 1 February 2020) to An Bord Pleanála at pre-application stage, which required the applicant to apply for a new Certificate of Feasibility. It may be noted that Irish Water had misinterpreted the total number of units arising within the proposed and consented scheme. Arup has therefore engaged in further consultation with Irish Water to clarify matters. The issue has been resolved. Please refer to the accompanying Drainage and Watermain Planning Report (Appendix E), prepared by Arup Consulting Engineers which encloses the Confirmation of Feasibility, Statement of Design Acceptance and Irish Water correspondence which confirms that the proposed and consented development can be facilitated by connection to the Irish Water network.

9.11.9 Flood Risk Assessment & Justification Test

We refer the Board to the enclosed Flood Risk Assessment and Statement of Consistency, prepared by Arup Consulting Engineers.

No significant impacts are predicted, subject to appropriate mitigation measures as identified in the EIAR.

It is noted that a Flood Risk Assessment was previously prepared for the development permitted under ABP-306569-20. The proposed development subject of this SHD application does not involve any new material considerations that affect or alter the flood risk mitigation measures or findings.

An updated Flood Risk Assessment is enclosed with this application.

9.11.10 Micro Climatic Conditions

In the first instance, we refer the Board to the Daylight & Sunlight Analysis and the Wind Analysis (also as an Appendix to EIAR Chapter 8), which are enclosed with this application for further details.

The Daylight and Sunlight Analysis, prepared by IN2 Consulting Engineers, identifies that the proposed, consented and existing residential properties, and ancillary external amenity spaces, benefit from adequate levels of sunlight and daylight, having regard to the relevant standards.

The Microclimatic Wind Analysis and Pedestrian Comfort, prepared by IN2 Consulting Engineers, demonstrates that the consented and proposed open spaces will benefit from a good micro-climate and usability.

Sunlight/Daylight Analysis

We refer the Board to the accompanying Daylight & Sunlight Analysis, prepared by IN2 Engineering Design Partnership which provides an analysis of daylight and sunlight that would be available to the proposed development, the consented scheme and to the existing dwellings in the vicinity of the proposed development, including to open spaces and gardens serving them.

The shadow analysis results indicate no significant shadowing of surrounding buildings and where shadowing occurs it would be for a minimal period of time.

The proposed amenity spaces achieve excellent sunlight and daylight availability.

The average daylight results determined that due to the massing and height of the proposed development, an element of self-shading was inevitable, however compliance with the BRE minimum recommendations is achieved.

With regard to daylight for the proposed units, the results determined the following:

“The results determined an excellent level of daylight was achieved for all spaces within the development with no spaces below the BRE minimum values.

It was determined that an ADF of 2% or higher would be provided for all KLD spaces across the development with 50% (i.e. median) of the units achieving an ADF in excess of 4.5% as illustrated in figure 3.1.1.

Similarly, the median ADF for bedrooms is in excess of 3.5% as per figure 3.1.2

Due to the specific topology of this site, it can be further noted that no combined Kitchen / Living / Dining (KLD) achieved an average daylight factor of less than 2.3%.

In this particular instance the tower form of the building (relative shallow plan and maximisation of dual aspect) has enabled a space layout that result in the Kitchenettes with adjacency to the façade which have enable all KLD in the entirety of the tower to achieve in excess of a 2% for the KLD spaces. This is a performance as originally envisaged for housing in the BS Guide i.e 2.0% for combine multi-purpose spaces.”

As the proposed Block A massing has been altered since the original assessment provided with the original planning documentation (ABP 306569-20), an assessment of the impact of the new tower on the adjacent permitted units was carried out. The assessment found that, as the proposed residential tower is located to the north east of the site, there is no impact to the permitted sunlight availability to the amenity areas which are located to the south nor on neighbouring Parkgate Place development to the west.

With regard to daylight availability assessment was carried out on selected units. The assessment states:

“The results determined that whilst there would be some reduction in VSC availability, the works carried out on the previously permitted scheme to ensure good daylight availability to the units has resulted in the ADF being relatively consistent with previous results, with most space still achieving ADF’s above the BRE minimum guidance. One bedroom has greater than

*0.8 times its previous value for ADF (and 98% it's VSC) yet it can be noted that this unit was also failing to meet the minimum guidance in the permitted scheme. Therefore, due to these results for the lower floors and an understanding that daylight will improve on the upper floors, it is concluded that the new tower has only negligible impact on permitted scheme, however it is put forward that **the architectural merits of the proposal in the round present a higher quality scheme that mitigates these minor to moderate impacts.**"*

In addition, an analysis for daylight and sunlight impact for residences on Montpelier Hill was undertaken and were found not be adversely affected by the proposed new development in terms of receipt of sunlight or natural light.

Wind Analysis

A Wind Analysis and Pedestrian Comfort Report, prepared by IN2 Consulting Engineers is enclosed with the application.

In summary, the assessment concludes:-

"This analysis undertaken identified that the proposed development was determined to not introduce any adverse wind effects to the rooftop amenity space, with the space generally deemed suitable for short/long term sitting activity, provided a balustrade/wind screening is provided, with a minimum height of 2 metres required.

The analysis also identified no deterioration of wind conditions at ground level nor local roof level amenities of the permitted scheme as a result of the tower redesign."

We refer the Board to the architectural plans and elevations, which provides further detail on the wind mitigation measures incorporated at the rooftop amenity spaces.

Noise Impact Assessment

We refer the Board to Chapter 9 'Noise and Vibration' of the accompanying EIAR. This chapter includes a description of the receiving ambient noise climate in the vicinity of the subject site and an assessment of the potential noise and vibration impact associated with the proposed development during both the short-term construction phase and the long-term operational phase on its surrounding environment. The assessment of cumulative noise and vibration impacts on the surrounding environment have been considered as part of the assessment.

It is stated that *"during the operational phase of the proposed development there will be mechanical and electrical service plant required to service the building including a Building Maintenance Unit (BMU) at roof level of proposed Block A. Noise levels associated with mechanical plant will be designed to be within the adopted day to night-time noise limits at the nearest noise sensitive properties taking into account the site layout, the nature and type of units proposed and distance to nearest residences.*

Mitigation measures are included, where relevant, to ensure the proposed development is constructed and operated in an environmentally sustainable manner in order to ensure minimal impact on the receiving environment."

9.11.11 Public Lighting

We refer the Board to the enclosed Public Lighting Cover Letter, dated 16 June 2021, prepared by IN2 Design Partnership which confirms that there are no proposed changes to the public lighting layout, as permitted under ABP 306569-20.

9.11.12 Community and Social Infrastructure Audit

The ground floor of the proposed development is dedicated to active use as a restaurant/café. This compliments the otherwise consented public open spaces, retail, café/restaurant, cultural and office uses within the overall site subject of ABP-306569-20. The non-residential uses will animate and enliven the scheme and the streetscape along Parkgate Street. This will serve to implement the Development Plan zoning objective for mixed use, including residential use, at this site.

It is considered that the consented scheme and the proposed development will make an appropriate level of contribution to augmenting the community infrastructure of the local area. This is demonstrated in the enclosed Community and Social Infrastructure Audit.

9.11.13 Childcare Needs Assessment

No childcare facility is proposed as part of the development. A detailed Childcare Needs Assessment, prepared by Stephen Little & Associates is enclosed. This assessment concludes that by virtue of the capacity of the existing childcare facilities in this area and population and demographic trends, there is sufficient capacity to cater for the childcare needs of the consented and proposed development (32no. childcare spaces). This has previously been accepted in principle by the Board in its assessment of the consented scheme.

9.11.14 Energy Report

An Energy Analysis Report prepared by IN2 Consulting Engineers is enclosed with this application. This analysis determined an energy and servicing strategy to enable compliance with the standards set out under the following:

- Building Regulations Technical Guidance Document Part L 2019
- EU Directive for Near Zero Energy Buildings
- Building Energy Rating A2

9.11.15 Building Life Cycle Report

A Building Life Cycle Report has been prepared by Aramark and is enclosed in this application. This report contains an assessment of long term running and maintenance costs of the development. On foot of this assessment, the Applicant proposes specific measures (contained in the report) to effectively manage and reduce costs for the benefit of residents.

9.11.16 Property Management Strategy Report

A Property Management Strategy Report has been prepared by Aramark and is enclosed with this application. This provides a report on the proposed facilities, public realm maintenance and management strategy for the proposed development and how it will be maintained to the highest standards.

9.11.17 Telecommunications

A telecommunications letter report, prepared by Independent Site Management (ISM), is enclosed. This assesses any anticipated potential for impacts on telecommunication channels arising from the development. The proposed development includes the addition of telecommunications 'hop site' on the roof of consented Block B1, as previously described, which will enable retention of microwave telecommunications channels, as may be necessary.

No material change arises in respect of telecommunication impacts as a result of the proposed development (Block A). Detailed construction design will employ Independent Site Management (ISM) expertise to ensure that both existing identified and future unknown telecommunication channels will continue to operate effectively.

9.11.18 Archaeology

Given the inner-city location of this site the potential for archaeology is well understood and also has been considered in the enclosed EIAR (Chapter 11: Archaeology and Cultural Heritage).

No significant impacts are predicted, subject to appropriate mitigation measures as identified in the EIAR. A standard archaeological condition was attached to ABP Ref. 306369-20 (Condition no. 26) to include archaeological preservation, recording and monitoring for the overall site.

We refer the Board to Chapter 11 of the EIAR for further information.

9.11.19 Construction and Environmental Management Plan

A Construction and Environmental Management Plan (CEMP), prepared by Arup is enclosed with this application (and Appendix 4.1 of the EIAR). This details how the construction phase will be managed with minimal impacts on the environment or the surrounding community.

We confirm that a fully comprehensive Construction Management Plan to implement the requirements of the Construction Management Plan/ Construction Environmental Management Plan will be submitted to the Planning Authority for its approval in advance of any works commencing on site, should the Board grant permission for the proposed development, similar to Conditions 29 & 30 of ABP-306569-20.

9.11.20 Construction & Demolition Waste Management Plan

A Construction and Demolition Waste Management Plan prepared by Awn Consulting Ltd is enclosed with this application (and as Appendix 17.1 of the EIAR). This confirms that all demolition works required to facilitate this development have been already permitted under ABP 306569-20. The report provides a breakdown of the predicted construction waste generation for the proposed development.

The plan aims to ensure maximum recycling, reuse and recovery of waste with diversion from landfill, wherever possible. It also seeks to provide guidance on the appropriate collection and transport of waste from the site to prevent issues associated with litter or more serious environmental pollution (e.g. contamination of soil and/or water).

9.11.21 Operational Waste Management Plan

An Operational Waste Management Plan, prepared by Awn Consulting Ltd is enclosed with this application (and as Appendix 17.2 of the EIAR). This plan provides a strategy for storing, handling, collecting and transporting wastes generated at the subject site in accordance with the current legal and industry standards. The plan aims to ensure maximum recycling, reuse and recovery of waste with diversion from landfill, wherever possible, and provides guidance on the appropriate collection and transport of waste to prevent issues associated with litter or more serious environmental pollution. The plan estimates the type and quantity of waste to be generated from the proposed development during the operational phase and provides a strategy for managing the different waste streams.

9.11.22 Appropriate Assessment Screening and Natura Impact Statement

The application is accompanied by an Appropriate Assessment screening and Natural Impact Statement, prepared by the Moore Group. Refer to Section 15 of this report below.

10 NATIONAL AND REGIONAL PLANNING POLICY

10.1 National Planning Framework – Ireland 2040

The National Planning Framework (NPF) seeks to achieve the consolidation of Dublin City's development and growth within the M50 and canals to create more compact urban form. The NPF seeks 40% of all new homes to be located within the existing footprints of our urban settlements. In Dublin, development should be focused within the M50 and canal rings in order to consolidate the urban area. Development on infill and brownfield sites is seen as a key way to deliver this vision, particularly where such sites are served by high capacity public transport.

The subject site is exceptionally well placed to achieve this NPF vision. It delivers a high quality, mixed use regeneration development on a brownfield site at one of the city's key public transportation hubs.

This policy direction means encouraging more people, jobs and activity generally within our existing urban areas. It requires a change in previous development patterns which have predominately focused on 'greenfield' sites. In particular, it requires well-designed, high quality development that can encourage more people, and generate more jobs and activity within existing cities, towns and villages.

Development must therefore meet appropriate design standards to achieve targeted levels of growth. It also requires active management of land and sites in urban areas.

The following are the key NPF Policy Objectives which support the principle of this development:

National Policy Objective 3b seeks to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 4 promotes the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 11 states a presumption in favour of development that encourages more people and generates more jobs and activity within existing cities, towns and villages, subject to appropriate planning standards being met and targeted growth achieved.

In NPF Chapter 4 'Making Stronger Urban Places', the following Key Objective is relevant:

National Policy Objective 13 requires that "*in urban areas, planning and related standards, including in particular 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*", subject to a range of environmental and residential amenity tolerances.

In NPF Chapter 6 'People Homes and Communities', the following Key Objectives are relevant:

National Policy Objective 27, that 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.*"

National Policy Objective 33, that 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.*"

National Policy Objective 35, that seeks to “increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.”

National Policy Objective 36, that seeks to put in place Section 28 Ministerial Guidelines to improve the evidence base, effectiveness and consistency of the planning process for housing provision to meet varying housing needs at regional, metropolitan and local authority levels. For example, in reconciling future housing requirements effectively it is identified that in Dublin city, while one, two and three person households comprise 80% of all households, the housing stock is largely comprised of 3 and 4-bedroom houses.

The proposed development is consistent with the NPF in the promotion of more compact mixed use urban regeneration that delivers increased residential density and employment activity, of high quality urban design and architecture, at an underutilised, brownfield site on the edge of the city centre, served by high frequency public transport connecting it with Dublin City Centre and other strategic settlements and employment zones within the Dublin Metropolitan Area.

It addresses the dearth of housing that accommodates smaller household sizes, through the provision of good quality 1, 2 and 3-bed ‘BTR’ dwellings for 1-5 person households. In the case of ABP-306569-20, the Board Inspector was satisfied that, having regard to the proximity of the site to the city centre and excellent public transport facilities, this is an appropriate location for ‘BTR’ accommodation. It will address one of the pillars of Rebuilding Ireland, to provide further choice of dwellings to households in the rental sector.

The proposed development is strategically located within the built up footprint of Dublin’s Metropolitan Area, within the city centre. Together with the consented development, the proposed development will complete the delivery of a new residential-led mixed-use development at Parkgate Street, on land zoned for a mix of uses (including residential) appropriate to maintaining the life and vitality of the city centre. The site benefits from excellent access to numerous forms of public transport, cycle and pedestrian facilities in the area.

The future planned provision of Bus Connects Route Corridor 6 (R148/St. John’s Road West) and the Liffey Cycle Way (City Quays/Parkgate Street) will support a greater modal shift toward the use of public transport in the immediate vicinity of the application site, consistent with the aspirations of the NPF.

The proposed scheme provides compact development delivering an appropriate apartment mix, in a building of landmark height and design quality, supported by ancillary facilities, at this prominent, underutilised brownfield site at the western gateway to the city centre.

10.2 Eastern and Midlands Regional Spatial & Economic Strategy

The RSES identifies the strategic regional outcomes aligned with the NPF, which set the strategic framework for City and County Development Plans.

The Dublin Metropolitan Area includes the continuous built-up Dublin city area and highly urbanised settlements that form the main gateway and largest economic contributor in the State.

The RSES identifies that 50% of all new homes are to be delivered within the existing built-up area of Dublin City & Suburbs in tandem with the delivery of key infrastructure, to achieve the NPF growth targets.

- **Regional Policy Objective (RPO) 4.3** promotes the consolidation and re-intensification of development at infill, brownfield and underutilised lands, to provide high density and people intensive uses within the existing built up area of ‘Dublin city and suburbs’ that is integrated with key existing and planned environmental and transport infrastructure.
- The **Dublin Metropolitan Area Strategic Plan (DMASP)**, as part of the RSES, seeks to focus development on large scale strategic sites and on the redevelopment of underutilised lands, based on key transport corridors, that will deliver significant development in an integrated and

sustainable manner. The subject lands are located within the *strategic development area* of 'City Centre within the M50'.

The subject site is well connected within the strategic settlement of Dublin City where further consolidation of residential and infrastructure development is promoted. The proposed development is consistent with the RSES and DMASP promotion of intensive brownfield regeneration and high density residential development, at this strategic site located at Parkgate Street, Dublin 8 located in the '**City Centre within the M50**' Strategic Development Area, is well served by public transport with high capacity, frequent services available by rail and Luas at the adjacent strategic transport hub of Heuston station, as well as numerous frequent bus services connecting to other strategic settlements and employment, health and education centres within the Dublin Metropolitan Area.

10.3 Smarter Travel – A Sustainable Transport Future, A New Transport Policy for Ireland 2009 – 2020

This document is the transport policy for Ireland for the period from 2009 – 2020. Overall it has the following aims: -

- To reduce overall travel demand.
- To maximise the efficiency of the transport network.
- To reduce reliance on fossil fuels.
- To reduce transport emissions.

To improve accessibility to transport, the Policy recognises progress made under the National Spatial Strategy (now superseded by the National Planning Framework) and the Regional Planning Guidelines (which have been superseded by the Regional Spatial and Economic Strategy) in promoting integrated transport and spatial planning. These strategies recognise the need for more compact, walkable urban areas that support investment in good quality public transport under Transport 21².

The proposed development is consistent with **Smarter Travel – A Sustainable Transport Future**

The proposed development will contribute to reducing travel demand by locating new residential-led mixed use development at an underutilised brownfield site, within a well-connected regeneration gateway to the city centre.

The site is highly accessible to employment opportunities, retail and cultural amenities in the city centre. It also benefits from proximity to high quality public transport services, reducing reliance on private car use, supporting investment in the public transport network and reducing reliance on fossil fuels.

The future provision of Bus Connects Route Corridor 6 along the R148/St. John's Road West (to the south of the site) and the ongoing delivery of the Liffey Cycle Way will further support greater modal shift toward the use of alternative sustainable transport modes.

A bespoke car sharing club for residents is included in the consented scheme, which will reduce the requirement for individual private car parking within the scheme and reduce potential for any significant traffic generation associated with the proposed development.

² Transport 21 was the Irish Government Infrastructure and Capital Investment Programme (2006-2010) which aimed to significantly expand Ireland's transport network.

11 STATEMENT OF CONSISTENCY - MINISTERIAL GUIDELINES

11.1 Statutory Requirement for Statement of Consistency

The prescribed application form requires –

(A) A statement that, in the prospective applicant’s opinion, the proposed strategic housing development is consistent with relevant guidelines issued by the Minister under section 28 of the Planning and Development Act 2000.

(B) A statement setting out how the proposed strategic housing development will be consistent with the relevant objectives of the relevant development plan.

This section addresses the requirements of (A) above.

Section 11 below will address the requirements of (B) above.

There is a general obligation to “*have regard*” to the Guidelines. Additionally, Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 provides:

*(b) Where **specific planning policy requirements** of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.*

11.2 Section 28 Ministerial Guidelines

The following Statements of Consistency sets out how the proposed development is consistent with Section 28 Ministerial Guidelines.

11.2.1 Sustainable Residential Development Guidelines in Urban Areas (Cities, Towns, Villages) (2009)

The aim of these guidelines is to set out the key planning principles which should be reflected in development plans and local area plans, and which should guide the preparation and assessment of planning applications for residential development in urban areas.

In order to maximise inner city population growth, the guidelines state that there should be no upper limit on the number of dwellings provided on any one site, provided the development is compliant with the standards set out in development plans or local area plans and avoids negative impacts on the amenities of existing or future residents.

Chapter 5 of the Guidelines generally sets out the design standards which should be adhered to with regard to development in larger towns and cities. The Guidelines state that planning authorities should promote increased residential densities in appropriate locations and the objective should be the achievement of an efficient use of land appropriate to its context, while avoiding the problems of over-development.

Section 16.4 of the City Development Plan sets out that Dublin City Council will promote sustainable residential densities in accordance with the standards and guidance set out in the DEHGL Guidelines on Sustainable Residential Development in Urban Areas (2009).

Section 5.8 of the Guidelines on Sustainable Residential Development in Urban Areas (2009) sets out that sites within 500m walking distance of a bus stop are expected to achieve minimum net residential density of 50 units per hectare, with the highest densities being located at rail stations/bus stops and decreasing away from such nodes.

The proposed development is consistent with the **Sustainable Residential Development Guidelines (2009)** that promote increased residential density, for urban development sites proximate to sustainable public transport.

The application site is located at the western edge of the city centre, immediately adjacent to Heuston Station (c. 200 m), Heuston Station LUAS stop (c. 180m) and Museum LUAS stop (c. 250m), and fronting Parkgate Street served by high frequency inbound and outbound city centre bus services.

In the case of ABP-306569-20, both Dublin City Council and the Board Inspector found the proposed density at 587 units per hectare to be appropriate and in compliance with the Guidelines' recommendations and the zoning objectives pertaining to this site. The proposed development (accommodating 198no. apartments), when taken together with the 321no. units already permitted at this site, provides an overall residential density of 633 units per hectare. This similarly is representative of the compact development of well designed, high density residential units, at prime brownfield regeneration lands, in a central location with excellent transport facilities and access to a range of services and amenities.

We submit that the provision of high-density residential development at this location, is in accordance with the Guidelines and Section 4.5.3 of the Development Plan, which promotes intensive mixed-use development on well-located urban sites and higher densities within SDRAs and in the catchment of high capacity public transport.

11.2.2 Urban Design Manual – A Best Practice Guide (2009)

The '*Urban Design Manual - A Best Practice Guide*' (2009) is a companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) referred to above.

The following table provides an overview of the '12 Design Criteria' contained within the Urban Design Manual, and the response of the proposed development to these criteria.

Criteria	Applicants Response
1. Context	<ul style="list-style-type: none"> The proposed development responds to the site and the surrounding developments in several ways. Unlike all the other riverfront sites that have been developed in recent years or in the past, this site is not cut off from the river by the traffic flow but can embrace the opportunity this setting affords and open up this key site to residents and the community to enjoy private and public realm south facing open spaces overlooking Heuston Station, the river and the City. The proposed 30 storey residential tower block (Block A) uses the curvature of the overall site on its eastern end to bring a strong edge to Parkgate Street. The proposed height has been carefully considered in the context of local and national policy. We refer the Board to Section 8.2 of the Architects Design Statement for further details.
2. Connections	<ul style="list-style-type: none"> The development site is well served by public transport. Heuston Station is approximately 200m from the site which provides national and regional rail services, as well as LUAS services. On Parkgate Street a number of Dublin Bus routes are located which give further access across the city. There is a Dublin Bikes Station directly adjacent the site near Heuston Bridge, as well as many dedicated cycle lanes in the nearby roads that provide safe cycling for cyclists. Furthermore, the site offers pedestrians an alternative route along the riverfront as the proposed development provides active engagement to the River Liffey. The mix of consented and proposed apartment units will ensure that, in combination with the existing homes in the local area, the overall mix in the neighbourhood is conducive to maintaining a healthy, balanced community. The range of amenity spaces in the proposed development and within the context of the otherwise consented redevelopment of this site will cater for all users, presenting opportunities for physical and local community connections .

	<ul style="list-style-type: none"> Alongside making physical connections between the site and its surroundings, the proposed building will create visual connections between the scheme and the surrounding environment. We refer to Board to Section 8.3 of the Architects Design Statement for further details.
3. Inclusivity	<ul style="list-style-type: none"> The proposed development is designed to be inclusive for all users. It will provide level access, provide for a range of household sizes and ages and will present a opportunities for use by the residents, working and visiting communities in this area. Public open spaces and the river walk as part of the wider consented scheme will be accessible to the general public during park hours. We refer to Board to Section 8.4 of the Architects Design Statement for further details.
4. Variety	<ul style="list-style-type: none"> There is a range of apartment types in the proposed development including studios, 1-bedroom, 2-bedroom and 3-bedroom apartment units. The range of unit sizes will typically cater for small families, young professionals or professionals who may only stay in the country for a period of time. The units are adaptable for amalgamation in the future to create larger units should the demand arise, without material impact on the façade design. The consented and proposed mix of housing will ensure that, taken together with the existing homes in the Islandbridge, Stoneybatter, Arbour Hill and Smithfield areas, the overall mix of housing in the neighbourhood is conducive to maintaining a healthy balanced community. A range of open spaces are to be provided as part of the consented development, both public and private communal, incorporating the existing features of the site such as the stone wall, turret and gable of the two stone buildings fronting onto the River Liffey, to serve the consented and proposed development and the local community. We refer to Board to Section 8.5 of the Architects Design Statement for further details.
5. Efficiency	<ul style="list-style-type: none"> All dwellings within the proposed development will be constructed to meet the current Part L Building Regulation with regard energy efficiency. An Energy Statement prepared by IN2 Consulting is enclosed with this application which confirms the development's excellent level of energy efficiency. The redevelopment of this strategic site will bring a redundant site back into efficient use. The proximity of the site to Parkgate Street and Heuston Station and availability of public transport will increase the attractiveness of using public transport. Furthermore, the consented and proposed parking facilities on site, the Dublin Bikes Station situated directly outside the development and the emergent network of cycle paths along Partgate Street and the City Quays will encourage cycling. The layout of the proposed development capitalises on its southern orientation to maximise the sunlight and daylight access to residential units and amenity spaces, and the added benefits of passive solar gain for individual units. We refer to Board to Section 8.6 of the Architects Design Statement for further details.
6. Distinctiveness	<ul style="list-style-type: none"> The proposed development has been influenced by the site's unique riverside setting, its built heritage and pivotal gateway location within the city. The proposed height and massing, and new building design, follows extensive reconsideration, competitive design process and further dialogue with Dublin City Council. Careful attention to materiality and best in class architectural design will deliver a distinctive and attractive landmark building within this new urban regeneration site. The proposed development addresses the issues raised by the previous application, whereby the principle of the siting, height and slender proportions of the tower was accepted in principle, However, a different approach to the building expression and materiality was required. As such, the tower is designed to a very detailed level with high quality materials to produce an architecturally excellent landmark building. In combination with the consented development, the vertical and horizontal articulation, collage of uses and materials, range of spaces from open, covered, enclosed realm etc. will create variety and visual interest. The consented public plaza is designed to benefit from active ground floor uses, good light and microclimate, passive surveillance and views of the river and Heuston Station. We refer to Board to Section 8.7 of the Architects Design Statement for further details.

7. Layout	<ul style="list-style-type: none"> • The base of the tower responds positively to the consented scheme of human-scale, people friendly, active development and passive supervision, at the level of streets and spaces. • The proposed building has been located to ensure that the public plaza will continue to benefit from good light and microclimate, passive surveillance and views of the river and Heuston Station. • We refer to Board to Section 8.8 of the Architects Design Statement for further details.
8. Public Realm	<ul style="list-style-type: none"> • The proposed development will benefit from the excellent, new public realm created by the consented scheme. • The plaza to the west of Block A comprises an important public area for residents and the public alike. • Communal amenities and spaces create opportunities for social interaction and community development. • The location of this site adjacent to the River Liffey and within easy walking distance of Croppies Acre, the Phoenix Park, the Royal Hospital Kilmainham, The War Memorial Gardens and Kilmainham Gaol afford exceptional amenity to future workers, residents and visitors to this site. • We refer to Board to Section 8.9 of the Architects Design Statement for further details.
9. Adaptability	<ul style="list-style-type: none"> • The apartments within the proposed development are designed to be adaptable, with future proofing in place to allow for potential modifications in selected areas should same be required in the future. For example, to deal with the changing property market over time the building diagram pushes out the structure of the building to the façade, opening the floorplate to lightweight subdivision of apartments. • Additional mechanical services are also provided within apartments to allow for the combining of smaller units into larger ones without the disruption of the rest of the building. With simple adaptation the floorplate can be updated to suit several various configurations. • By combining smaller units, the floorplates can adapt into larger family or multiple occupancy dwellings. • By considering the future of the development beyond construction the proposed tower block looks to ensure the proposals can adapt to the needs of the city in an efficient and ultimately sustainable way. • The apartments are designed to be energy efficient and NZEB compliant, using heating systems which are both efficient and adaptable in the future. • We refer to Board to Section 8.10 of the Architects Design Statement for further details.
10. Privacy & Amenity	<ul style="list-style-type: none"> • The 53no. east facing apartments in Block A have year-round private amenity space in the form of large winter gardens with views along the River Liffey and east over the City. • All apartments have convenient access to a range of proposed and consented internal and external communal residential amenities. Communal resident's roof terraces are provided at Level 09 and 28, where residents can enjoy landscaped areas with unparalleled views over the city and Phoenix Park. • The roof terrace areas have been designed to reduce exposure to wind and to enable comfortable use. • A significant proportion (77%) of apartments enjoy dual aspect. • Apartments are designed to prevent sound transmission by appropriate acoustic insulation or layout. • Windows are sited to avoid close or direct views between apartments. • The apartments are designed to provide adequate storage including space within the home for the sorting and storage of recyclables. • We refer to Board to Section 8.11 of the Architects Design Statement for further details.
11. Parking	<ul style="list-style-type: none"> • No additional car parking is proposed, beyond what is already consented at surface and undercroft level within the overall scheme. • Additional secure bicycle parking and storage facilitates are provided commensurate with the uplift in apartment numbers. (38no. new bike parking spaces). • We refer to Board to Section 8.12 of the Architects Design Statement for further details.

12. Detailed Design	<ul style="list-style-type: none"> • The proposed development represents a high-quality, site appropriate, architectural design solution to the creation of an attractive tall landmark building at this strategic site. • Café /restaurant use at ground floor will activate the base of the tower. • Indoor and outdoor amenity spaces are provided for prospective residents and the public to enjoy. • The landscaping details of the consented public realm will be modestly adjusted to integrate the new building design. • The design of the buildings and amenity spaces will facilitate easy and regular maintenance. • The apartments will benefit from good daylight and all meet relevant standards specified under the Design Standards for New Apartments: 2020 • In the detailed design, care has been taken in the siting of flues, vents and bin storage. • We refer to Board to Section 8.13 of the Architects Design Statement for further details.
----------------------------	---

11.2.3 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)

The ‘*Specific Planning Policy Requirements*’ (SPPR) contained in these Guidelines take precedence over any conflicting policies and objectives of the City Development Plan.

The SPPRs provide minimum standards for apartment unit mix, apartment sizes and the minimum number of apartments that must be dual aspect. In addition to this, the Guidelines provide minimum design standards for living and bedroom areas, storage space and private amenity space.

11.2.3.1 Suitable Locations for Apartment Development

The 2020 Guidelines outline that the scale and extent of apartment development should generally increase in relation to proximity to core urban centres and other relevant factors.

‘Central and/or Accessible Urban Locations’, are suitable for large scale and higher density development that may wholly comprise apartments. Such sites include:

- *within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
- *within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas);*
- *within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.*

The application site would fulfill all of the categories above, and is thus is a location that is suitable in principle for large scale, high density residential development that may wholly comprise apartments.

11.2.3.2 ‘Build-To-Rent’ Accommodation Sector

Under the Guidelines, there are two categories of Apartment schemes identified:

- Apartment
- Build-To-Rent

Some concessions from the design standards applied to conventional private apartment development are allowed for **declared ‘Build-to-Rent’** (BTR) managed apartment schemes, as set out in Section 5.0 of the Guidelines. The proposed development is declared ‘Build-to-Rent’.

SPPR 7 and SPPR 8 of the Guidelines specifically deal with the development standards applicable to declared ‘BTR’ apartments. Compliance of the proposed scheme with these recommendations is identified further below.

11.2.3.3 Specific Planning Policy Requirement 7: ‘Build-to--Rent’ Development

“BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a ‘Build-To-Rent’ housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.”

The proposed development complies with SPPR 7.

In the case of ABP-306569-20, the Board Inspector was satisfied that, having regard to the proximity of the site to the city centre and excellent public transport facilities, this is an appropriate location for ‘BTR’ accommodation. It will address one of the pillars of Rebuilding Ireland, to provide further choice of dwellings to households in the rental sector.

In accordance with SPPR 7(a), the public notices explicitly identify the proposal as comprising a ‘Build-to-Rent’ scheme. The ‘Build-to-Rent’ units will be subject to a long-term covenant or legal agreement that the ‘Build-to-Rent’ status will be in place for a period of not less than 15 years and that no individual units will be sold or rented separately within that period.

Please refer to the enclosed Draft Deed of Covenant for the operation of the Build to Rent scheme as required by SPPR 7 that accompanies the applications confirming same.

In addition to the public open space and riverside walkway permitted under ABP-306569-20, the proposed development will benefit from the supporting proposed and consented communal open space and internal residential amenities within Block A and the overall scheme. In accordance with SPPR 7(b) of the New Apartment Guidelines (2020) and Section 5.5 of the Guidelines, the proposed ‘Build-to-Rent’ units are being suitably provided with both Resident Support Facilities and also Resident Services and Amenities as follows: -

- Resident’s communal open space includes roof gardens at 9th and 28th floor levels
- Provision of other internal residential amenity and management spaces includes reception, foyer and parcel area, lounges, dining spaces and bookable rooms.

Proposed Block A completes the formation of the south facing public open spaces which connects Parkgate street directly to the river and open up views across to Heuston Station, and which will be open also to the general public during normal park hours.

Further proposed and consented outdoor terraces are provided at roof levels facing west, east and south to provide generous residential amenity space for prospective residents to enjoy.

At Level 09, the internal amenity (lounge) space (c.49 sq m) connects to a large landscaped residential amenity terrace on the roof of the permitted office building (Block B2), which provides a quantity of Block A's external communal amenity space.

At level 28, the roof level, outdoor amenity space (c. 255 sq m) and indoor amenity area (c. 128 sq. m) are provided. Behind the 'crown' façade sits a triangular box inset from the colonnade, which creates a 360° viewing platform of the surrounding area. Following DCC pre-planning advice, the internal amenity space at this level has been increased to contain more usable space, with two new dining rooms either side of the core. These bookable rooms provide opportunities for social events and a dining experience for residents outside their apartments. The secondary inboard façade also helps to disguise the lift overruns and any plant associated with the smoke extract behind a parapet. This move ensures the long-range views of the tower pick up the crown on the skyline and not plant. Full Height glazing is provided around the terrace area to reduce wind effects and enhance comfort levels. In addition, the full height glazing omits the need for additional railings or guarding, allowing residents dramatic views of the city and its surroundings.

The proposed internal and external communal residential amenities are detailed in the enclosed Housing Quality Assessment and Response to An Bord Pleanála Opinion document, prepared by Reddy Architecture and Urbanism in association with Glenn Howells Architects. Apartments on the eastern corner elevation are also provided with private amenity winter gardens from level 01 to Level 28.

11.2.3.4 Specific Planning Policy Requirement 8: BTR Design Standards Flexibility

"For proposals that qualify as specific BTR development in accordance with SPPR 7:

*(i) No restrictions on **dwelling mix** and all other requirements of these Guidelines shall apply, unless specified otherwise;*

*(ii) Flexibility shall apply in relation to the provision of a proportion of the **storage and private amenity space** associated with individual units as set out in Appendix 1 and in relation to the provision of all of the **communal amenity space** as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;*

*(iii) There shall be a default of minimal or significantly reduced **car parking** provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;*

*(iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum **floor area** standards by a minimum of 10% shall not apply to BTR schemes;*

*(v) The requirement for a maximum of 12 **apartments per floor per core** shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations."*

The proposed development complies with SPPR 8.

With reference to each point in the SPPR above:

(i) The **dwelling mix** proposed (37% studios, 49% 1-bed, 14% 2-bed, 1% 3-bed) is in accordance with the flexibility offered in the Guidelines for BTR schemes. The units are adaptable to amalgamation to create

larger units should future demand arise, without need to alter the external building façade or access core.

(ii) Not all apartments have **private open space** in the form of balconies. 53no. Wintergardens are provided for the 53no. apartments at the eastern side of the building, from Level 01 through to Level 27. However, all apartments have direct access to a wide range of compensatory communal facilities and amenities. Internal amenity spaces are provided at ground, mezzanine, Level 09 and level 28. Communal residents' roof terraces are provided at 9th (consented Block B2 roof terrace) and 28th floors, where residents can enjoy landscaped areas with unparalleled views over the city and Phoenix Park. These roof terraces have been designed to reduce exposure to wind and to enable comfortable use. In addition, residents have exclusive access to amenities within the consented scheme, such as the ground level communal landscaped courtyard between Blocks B and C, co-working space at mezzanine level in consented Block B1 and the residents' gym in the River Building. We refer the Board to the Response to An Bord Pleanála Opinion document and schedule of areas, Housing Quality Assessment and Architectural Design Statement, prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects which accompany this application for further details on these facilities and amenities.

(iii) No new car parking spaces are proposed as part of the proposed development. A total of 26no. **car parking spaces** are included in the consented scheme (ABP-306569-20). A reduced quantum of residential car parking is appropriate due to the site's excellent accessibility to city centre employment and amenities, and public transport.

(iv) The design of the proposed apartment scheme avails of the flexibility afforded to BTR schemes in respect of the overall excess **floor area** requirement of the Guidelines for standard apartment development.

(v) The ratio of **12 apartments per core per floor** is not exceeded in the proposed development. A maximum of 7no. apartments per floor core are provided within the proposed development (Block A).

11.2.3.5 Specific Planning Policy Requirement 3: Minimum Apartment Floor Area

SPPR3 requires that the following minimum floor areas are achieved for apartments:

- *Minimum Apartment Floor Areas:-*
- *Studio Apartment (1 person) 37sqm*
- *1-bedroom apartment (2 persons) 45sqm*
- *2-bedroom apartment (4 persons) 73sqm*
- *3-bedroom apartment (5 persons) 90sqm*

The proposed development complies with SPPR 3.

All apartments in the proposed development will meet the minimum floor area requirements set out the Guidelines. A Housing Quality Assessment (HQA), prepared by Reddy Architecture & Urbanism, confirms this.

11.2.3.6 Specific Planning Policy Requirement 4: Dual Aspect

SPPR 4 of the Apartment Guidelines states as follows:

“In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply: -

(i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.

(ii) In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

(iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.”

The proposed development complies with SPPR 4.

The application site meets the Guidelines’ categorisation of central and/or accessible urban locations, where the 33% minimum dual aspect units requirement applies.

We refer the Board to the Housing Quality Assessment which confirms that **77%** of the proposed units in Block A are dual aspect, far in excess of minimum standards.

11.2.3.7 Specific Planning Policy Requirement 5: Floor to Ceiling Height

SPPR 5 of the Apartment Guidelines states:

“Ground level apartment floor to ceiling heights shall generally be a minimum of 2.7m and shall be increased, either at ground level only or in conjunction with all floors in an apartment block or building, in certain circumstances. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.”

The proposed development complies with SPPR 5.

Floor to ceiling heights in this proposal all meet or exceed these standards. The ground floor achieves a minimum ceiling height of 2.7m and all the levels above will achieve a floor level greater than 2.5m. We refer the Board to the Housing Quality Assessment prepared by Reddy Architecture and Urbanism for further details.

For the avoidance of doubt, due to the proposal being a Built-To-Rent apartment scheme, **Specific Planning Policy Requirement 1, 2, 6 and 9 do not apply to this development.**

11.2.3.8 Other Design Standards for New Apartments

Communal Amenity Space:

Minimum Floor Areas for Communal Amenity Space	
Studio	4 sq. m
One bedroom	5 sq. m
Two bedroom (4 person)	7 sq. m
3 bedroom	9 sq. m

Table 4: Communal Amenity Space Requirement

The proposed development complies with standards for Communal Amenity Space.

198no. BTR apartments are proposed (73no. studios, 97no. 1-beds, 27no. 2-beds and 1no. 3-bed). The minimum communal open space requirement would amount to 975 sq m for a standard apartment scheme.

The communal residential amenity space in Block A is provided in the form of roof terraces and internal residential amenity and management spaces including reception, foyer and parcel area, lounges, dining spaces and bookable rooms.

Residents of Block A will also have access to the communal amenity facilities provided throughout the wider consented development, of which there is surplus provision provided in the riverside gabled former industrial building (the River Building), co-working space at mezzanine level of Block B1 and access to a communal south facing landscaped courtyard/playground between Block C and B.

In combination, the communal amenity space standards set out in the Guidelines for proposed Block A are comfortably exceeded. We refer the Board to Section 4 (p.18) of the Response to An Bord Pleanála Opinion document and the Housing Quality Assessment, prepared by Reddy Architecture and Urbanism in association with Glenn Howells Architects for further details.

Building Life Cycle Report

Paragraph 6.13 of the Guidelines requires the submission of a Building Life Cycle Report.

This planning application is accompanied by a Building Life Cycle Report, prepared by Aramark in accordance with Par. 6.13 of the Guidelines. Please refer also to the Property Management Strategy Report, prepared by Aramark.

All apartments in the proposed development meet the required standards set out the Guidelines. The Housing Quality Assessment Report, prepared by Reddy Architecture & Urbanism, enclosed with this SHD Planning Application demonstrates that the relevant requirements have been met.

11.2.4 Urban Development & Building Heights Guidelines for Planning Authorities (2018)

Permission is sought for a building of 30 storeys.

The Building Height Guidelines acknowledge that a key objective of the NPF is to promote an increase in building heights and overall density, in order to achieve more compact urban growth. Increased building height and development density are not only to be facilitated, but actively sought out and brought forward by the planning processes. The Guidelines therefore set out a number of Strategic Planning Policy Requirements (SPPR) that Planning Authorities and An Bord Pleanála are required to have regard to in carrying out their functions.

Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act provides:

(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

SPPR 3 (A) states:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

If it were the case that the proposed Block A exceeded a height limit imposed by the Development Plan, it would be necessary for the Board to be satisfied that the proposed development complies with the development management criteria set out under **Section 3.2 of these Guidelines**. However, in this case, the City Development Plan permits building heights of 50+ m at this location. Building height in excess of 50m was also accepted in principle, for this site, by the Board Inspector in the case of ABP Ref. 306569-20.

Nonetheless, given that a tall building is proposed, the analysis below considers this by reference to Section 3.2 of the Guidelines to demonstrate consistency with same, should any question arise.

At the scale of the relevant city/ town

The site is well served by public transport with high capacity, frequent services and good links to other modes of public transport.

The application site is located at a strategic public transportation hub and one of the most highly accessible locations in the city. Regional and intercity rail services are available at the immediately adjacent Heuston Station. The Luas red line is available at either Heuston or Museum stops, and numerous frequent bus routes serve Parkgate Street and Heuston.

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.

Considerable care has been taken by the Applicant in the redesign of Block A to have due regard to the prominent location of the site, its historic setting and its relationship with the consented development and its surroundings.

A radical change in the architectural expression and detailing of the proposed building seeks to ensure that it has addressed the concerns expressed by Dublin City Council and the Board to achieve design excellence. We refer the Board to the Architectural Design Statement prepared by Reddy Architecture and Urbanism and Glen Howells Architects.

We also refer the Board to chapter 13 'Landscape and Visual Impact Assessment' (LVIA) of the EIAR which has been prepared by ARC Architectural Consultants and Grade I Conservation Architects, that addresses the potential visual impact in the context of the historic setting of the site.

The LVIA identifies that the application site lies outside the 'cone of vision' identified between Royal Hospital Kilmainham and the Phoenix Park (see SDRA 7 principle no.8). In respect of 'other views' (SDRA 7 principle no.9) "*to be respected*", the impact of the proposed development on the visual connection between the City Quays and the Phoenix Park (including Chesterfield Avenue, the Wellington Monument, etc) is discussed. The LVIA generally concludes that the proposed development would make a positive contribution to the city skyline, at this landmark site, within a strategic regeneration area at the western Hueston gateway to the city centre, and having regard to the historic setting of this area. No significant adverse visual impacts are predicted, the sensitivity of the receiving environment will also be largely unchanged. Given its similar height and proportions, the extent of visibility of the proposed landmark building will be very similar to that of the refused Block A landmark building.

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 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.

The site has been identified in the Development Plan as having the capacity for a taller building. This has also been recognised by the Board in the case of ABP-305569-20. The Board Inspector accepted that there would inevitably be significant visual impact on the City skyline and in views of surrounding protected structures, including Heuston and the Wellington Monument. However, this was not necessarily considered a negative impact, where it could be demonstrated that the proposed building is a high quality intervention that sits comfortably with these structures and landmarks, as part of the ever evolving development of a thriving city.

The proposed building is similar in its height and slenderness to the previous proposal, which was welcomed in principle. However, a new approach to its architectural expression and materiality seeks to respond to the previous recommendation of the Board's Inspector to create a more distinctive, rich and enduring landmark building, containing excellent residential accommodation, at this pivotal city site.

We refer the Board to the Architects Design Statement, prepared by Reddy Architecture and Urbanism and Glen Howells Architects, for further discussion of the architectural intent and design details of the proposed new building.

At the scale of district/ neighbourhood/ street

The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.

The proposed building has been conceived as a tall, high quality, landmark building that sits comfortably with the consented scheme, the Parkgate streetscape, the river corridor and the historic and emergent city surroundings.

The height and slenderness of the previously proposed tower were broadly welcomed in the previous case. The base of the tower seeks to create a human scale and activate Parkgate Street with the consented public plaza and river walk with the proposed ground floor café/restaurant use. The middle and crown extend vertically as a tall, slender landmark at the western gateway to the city centre.

The proposed development seeks to better address the architectural expression and materiality to create a distinctive, attractive and enduring landmark building. Together with the consented scheme it

will deliver a mix of uses and excellent residential accommodation, at this highly accessible regeneration site. Prospective residents of the tower will enjoy high quality, well managed living accommodation and residential amenities. They will also undoubtedly appreciate the spectacular views afforded by the tower, across the city.

We refer the Board to the Architects Design Statement, prepared by Reddy Architecture and Urbanism and Glen Howells Architects, for further discussion of the architectural intent and design details of the proposed new building.

The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials/ building fabric well considered.

We refer the Board to the Architects Design Statement, prepared by Reddy Architecture and Urbanism and Glen Howells Architects, for further discussion of the architectural intent and design details of the proposed new building.

The redesigned 30-storey Block A building delivers a similar height and slenderness, to create refined and elegant modern building appropriate for Dublin's unique cityscape.

The tower is formed by 3 curved planes, with three simple elements clearly read in its vertical expression: A translucent base that provides active use at ground floor and floats the rest of the building above the river wall and the shoulder height at Parkgate Street. An articulated middle of solid and glass, with richly detailed masonry and double order openings, creating sculptural articulation in vertical form in reference to the surrounding historic architecture. A lantern top, created with the extension of the façade blades to varying heights of 5m to 9m to give the building an evocative crown that changes in different view orientations. All creating a unique landmark building of architectural excellence, quality finish and superior residential accommodation appropriate to this central site.

The proposed reconstituted stone and glass materials have been chosen having particular regard to durability, the local climate and the creation of variation, depth and architectural interest, which in combination with the consented development will present a coherent whole. We refer the Board to Sections 4 to 6 of the Architects Design Statement for further information on the materials strategy.

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).

The Development Plan highlights that Heuston is a suitable location for taller buildings as a western counterpoint to the Docklands. The proposed development positively addresses Parkgate Street, the River Liffey and views along the city quays, and will sit comfortably as a tall, slender landmark at a pivotal regeneration site at the edge of the city centre.

In combination with the consented development, site permeability will be enhanced through the provision of the public plaza and riverside walkway, with visual connections to other notable parts of the city, and with the potential for future onward links along the river edge.

A Flood Risk Assessment, prepared by Arup accompanies this SHD application. This identifies that the flood risk to the development is low. Finished floor levels have been raised to allow for climate change, and access and egress to the site will not be compromised during a flood event. We refer the Board to the enclosed Flood Risk Assessment for further details.

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.

The site is strategically located at the termination of the city quays and beside Heuston, which acts as a gateway to the city from the west. The development site has remained underutilised and identified for regeneration for many years.

The proposal for a tall landmark building, of excellent design quality, is appropriate to the site's pivotal location and redevelopment potential, which currently is not fully realised. The development of a tall building to complete the consented development at this site has been welcomed in principle by the Board in the case of ABP-306569-20.

The proposed development has regard to the guiding principles of SDRA 7 and the criteria for high buildings set out in the Development Plan (see Section 12 for Statement of Consistency with the Development Plan objectives). It will provide a visible landmark and placemaking function at this gateway location and enhance the legibility of this part of the city.

The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

The proposed development will provide for a greater range of adaptable one, two and 3 bed dwelling typologies, within a well managed environment, and at highly accessible location adjacent to the city centre and excellent public transport.

The development proposal provides supporting residential amenities and a café/ restaurant uses. It also benefits from and complements the mixed use scheme consented under ABP-306569-20.

At the scale of the site/ building

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.

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' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

The proposed design has been informed by a Daylight and Sunlight Analysis prepared by IN2 Engineering Design Partnership. This demonstrates that all living/dining and bedroom spaces are compliant with the BRE best practice guidelines. The shadow analysis results indicate no significant shadowing of surrounding buildings and where shadowing occurs it would be for a minimal period of time. The proposed amenity spaces achieve excellent sunlight and daylight availability. The assessment also concludes that the proposed development will not have a negative effect on the neighbouring amenity space at Parkgate Place or on the residences at Montpellier Hill.

Specific Assessments

The Guidelines state that at some scales, specific assessments may be required for taller buildings. These include:

Assessment of micro-climatic effects: A Site Wind Analysis has been prepared by IN2 Consulting Engineers is enclosed which demonstrates that the proposed open spaces will benefit from a good

micro-climate. We also refer the Board to the Daylight & Sunlight Analysis, prepared by IN2 Consulting which demonstrates that the proposed development will benefit from excellent levels of sunlight and daylight access and that the Block A redesign has a negligible impact on the consented scheme ABP 306569-20.

Potential impacts on birds/ bats: The Biodiversity Chapter of the EIAR, prepared by Moore Group, considers the potential for impacts on birds/ bats and concludes that it is not predicted that there would be any effect on birds or bats in terms of flight lines, collision or artificial lighting impacts.

An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links: An updated Telecoms Assessment is enclosed with the application. The proposed development includes proposed telecommunications antennnae on the roof of consented Block B1 to enable retention of microwave telecommunications channels, as may be necessary. No new considerations arise compared to the previous scheme. We refer the Board to the accompanying architectural drawings and also to the 'Specific Assessment – Section 3.2 of the Building Height Guidelines (2018)', prepared by ISM for proposed specifications.

Impact on safe air navigation: It is not anticipated that buildings of this height would impact on safe navigation. The applicant has consulted with the Irish Aviation Authority (IAA) on the proposed development (see IAA response enclosed dated 09 April 2021). The IAA is satisfied that a suitably worded planning condition would seek to agree the erection of an appropriate obstacle warning light on the proposed building. Also, that a minimum 30 days notification of intention to erect cranes on the site is required. The applicant can confirm that it will comply with these requirements.

Urban Design Statement: We refer the Board to the Architectural Design Statement provided by Reddy Architecture and Urbanism and Glenn Howells Architects.

Relevant environmental assessments: This planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement.

11.2.5 The Planning System and Flood Risk Management (2009)

A Site Specific Flood Risk Assessment (SSFRA), prepared by Arup Consulting Engineers in accordance with the Planning System and Flood Risk Management Guidelines for Local Government (2009) accompanies this SHD Planning Application. A Statement of Consistency with these guidelines also accompanies the SSFRA.

The Flood Risk Assessment concludes that flood risk to the site is low.

11.2.6 Design Manual for Urban Roads and Streets (2013 - updated in 2015 and 2019)

The Transport Statement, prepared by Arup Consulting Engineers includes a Statement of Consistency with regard to the Design Manual for Urban Roads and Streets.

In this report it is stated that the proposed streets within the consented development comply with the standards set out in these guidelines. No changes to the permitted road infrastructure works are proposed as part of this application for the Block A building and associated amendments to the consented scheme.

The consented and proposed scheme is the outcome of a plan-led, multi-disciplinary, integrated design approach that seeks to support a sustainable community connected by well-designed permeable and legible city streets which deliver safe, convenient and attractive interconnections between city development and amenities.

11.2.7 Childcare Facilities, Guidelines for Planning Authorities (2001)

Section 2.4 of the Guidelines set out general standards for the land use planning issues related to childcare provision in Ireland. In relation to 'New Communities / Larger New Housing Developments', it is noted that:

'Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary or where there are adequate childcare facilities in adjoining developments.'

The Guidelines outline that crèche provision should be made on the basis of 20 no. childcare spaces for every 75no. dwellings permitted in a scheme. The Design Standards for New Apartments: Guidelines for Planning Authorities (2020) provides further clarification with regards to childcare provision:

One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.

A Childcare Needs Assessment has been prepared in respect of the extant permitted development (ABP Ref. 306569-20 refers). This indicated a theoretical demand for 31 no. childcare spaces arising from the proposed development of 117no. 2-bed apartments. The assessment concluded that by virtue of the capacity of the existing childcare facilities and recent population and demographic trends, there is sufficient capacity to cater for the existing and future childcare needs in this area. Having regard to the findings of the Childcare Needs Assessment, both the Board and Dublin City Council were satisfied that the non-provision of childcare facilities was acceptable.

A creche is not proposed in this context. The uplift in residential units is 38no. compared to the previous scheme.

An updated Childcare Needs Assessment, has been prepared to accompany this application and provides an updated audit to assess the provision and demand for childcare facilities in the area. Taking a conservative approach including all the proposed 2-bed apartments, the uplift in residential units compared to the previous scheme would give rise to a theoretical demand of 32no. childcare spaces (1no. extra childcare space) arising from 117no. 2-bed apartments and 1no. 3-bed apartment . The Childcare Needs Assessment finds that by virtue of the capacity of the existing childcare facilities and recent population and demographic trends, there remains sufficient capacity to cater for the existing and future childcare needs in this area.

12 STATEMENT OF CONSISTENCY – DEVELOPMENT PLAN

This section addresses the requirement of the prescribed SHD application form which requires –

(B) A statement setting out how the proposed strategic housing development will be consistent with the relevant objectives of the relevant development plan.

12.1 Dublin City Council Development Plan 2016 – 2022

The *Dublin City Council Development Plan 2016 – 2022* (hereafter referred to as the Development Plan) came into effect on the 21 October 2016 and is the statutory land-use plan governing the subject lands at this time. While the Plan is currently undergoing review, a new Draft Development Plan is not expected to be published until later this year.

This Statement of Consistency is intended to provide the Board with adequate comfort that the relevant provisions of the Statutory Development Plan currently in force have been taken in to account in the proposed development. Equally, it is understood that it is not intended to provide the Board with an exhaustive assessment of the wide-ranging, aims, policies, objectives and detailed design standards that relate to mixed use and residential development in the city.

In completing this exercise, we have compiled what we consider to be a relevant List of Objectives, quoted the text in italics and provided the Applicant’s Response to each Objective in turn.

12.1.1 Core Strategy

Dublin City Council’s proposed development strategy for Dublin is to promote:

- A compact, quality, green, well-connected city;
- A smart city facilitating economic activity; and,
- A city of good neighbourhoods and socially inclusive communities.

Notwithstanding that the Core Strategy pre-dates the NPF and RSES/DMASP, the central principles remain broadly consistent with national and regional policy in seeking, inter alia, to:-

- [support] the regional settlement strategy which seeks to re-balance future growth in the region and consolidate development in the metropolitan area,
- [provide] for an appropriate quantity and quality of residential accommodation incorporating sustainable densities and designs,
- [provide] the right quantity of appropriate housing in the right locations that is accessible and affordable for all residents of the city through the implementation of the housing strategy.

The Core Strategy states that Dublin City is the ‘gateway core’ for high-intensity clusters, brownfield development, urban renewal and regeneration. The Development Plan places an emphasis on quality compact urban neighbourhoods near public transport corridors, with the intention of bringing about a model shift from private cars to more sustainable modes of transport such as walking, cycling and public transport.

The proposed development is consistent with the Core Strategy

The proposed development of 198no. residential units (519no. units in total as part of the consented scheme) and ancillary facilities reflects the aspirations of the Core Strategy. It provides a sustainable solution for the city’s growing population, by providing a high intensity development on a vacant brownfield site, at the edge of Dublin city centre and proximate to excellent public transport services.

12.1.2 Land Use Zoning

Under the Dublin City Development Plan 2016-2022, the majority of the site of the consented and proposed development is zoned “**Z5 – City Centre**”, in common with most of the lands in the immediate vicinity of the site.

“To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.”

The Development Plan indicates that a wide range of accommodation is to be provided in this zoning area which is sustainable and within easy reach of services, open space, facilities and public transport. Residential and café/restaurant uses are acceptable in principle.

A narrow strip of land along the southern part of the site, which bounds the River Liffey, is zoned ‘Z9 – Amenity/Open Space Lands/ Green Network’, with the objective: *“To preserve, provide and improve recreational amenity and open space and green networks.”* Within the wider planning unit (ABP-306569-20) this area is incorporated into the landscaped public realm and river walk, providing the eastern pedestrian access to the site, connecting with the river walk and public plaza. The proposed Block A building maintains the same relationship with this area and the footprint of the proposed building does not encroach the Z9 zone.

On 10 March 2020, Variation No. 24 of the Dublin City Development Plan 2016-2022, was adopted which rezoned a small parcel of land at the north east tip of the site, from ‘Z6’ ‘employment and enterprise’ to ‘Z5’ ‘City Centre’ which ultimately consolidates the overall Z5 zoning at this location. It is occupied by an old substation, public footpath and a small area of open space.

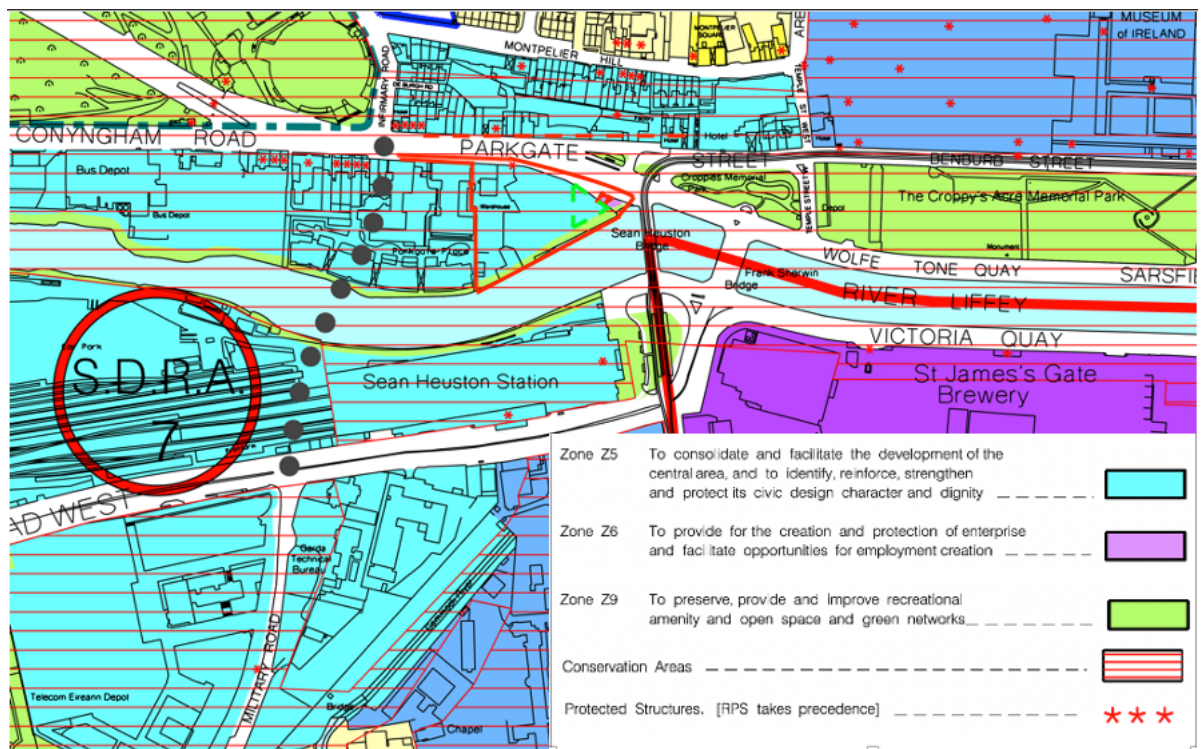


Figure 10: Subject site outlined in red and green (Approximate Overlay by SLA) Please refer to the enclosed Site Location Plan prepared by Reddy Architecture & Urbanism for the definitive red line boundary of the subject site.

Zoning Objective Z5	Zoning Objective Z5
<p>Permissible Uses</p> <p>Amusement/leisure complex, bed and breakfast, betting office, buildings for the health, safety and welfare of the public; car park, car trading, childcare facility, civic offices, community facility, conference centre, cultural, creative, artistic, recreational building and uses, delicatessen, education, embassy office, enterprise centre, funeral home, guest house, home-based economic activity, hostel, hotel, industry (light), internet café, live-work units, media-associated uses, medical and related consultants, motor sales showroom, nightclub, office, off-licence, open space, part off-licence, place of public worship, public house, public service installation, residential, restaurant, science and technology-based industry, shop (district), shop (neighbourhood), shop (major comparison), take-away, training centre, veterinary surgery, warehousing (retail/non-food)/retail park.</p>	<p>Open for Consideration Uses</p> <p>Advertisement and advertising structures, civic and amenity/recycling centre, financial institution, household fuel depot, outdoor poster advertising, petrol station, transport depot.</p>
	Zoning Objective Z9
	<p>Permissible Uses</p> <p>Cemetery, club house and associated facilities, municipal golf course, open space (see Appendix 21 land use definitions), public service installation which would not be detrimental to the amenity of Z9 zoned lands.</p>
	<p>Open for Consideration Uses</p> <p>Car park for recreational purposes, caravan park/camp site (holiday), community facility, craft centre/craft shop, crèche, cultural/recreational building and uses, golf course and clubhouse, kiosk, neighbourhood retail (in accordance with highly exceptional circumstances above), tea room, café/restaurant.</p>

Figure 11: Z5 Permissible uses and Open for Consideration uses (Extract from Dublin City Development Plan 2016 – 2022)

<p>The proposed development is consistent with the zoning objectives for this site.</p> <p>The proposed development does not alter the uses of the consented scheme. The proposed residential and café/restaurant development and amendments to the Block B2 office building is compliant with the land use zoning and permissible uses of the Development Plan.</p> <p><u>Z5 ‘City Centre’</u></p> <p>The footprint of the proposed new Block A residential building, including residential amenities and ground floor café/ restaurant use, and the amended Block B2 office building, are contained within Z5 zoning, where these uses are permissible in principle.</p> <p>The proposed development will contribute to sustaining a living population in the city centre, and in combination with the consented development will <i>“consolidate and facilitate the development of the central area”</i>.</p> <p>An exceptional landmark quality building will contribute to the sustainable regeneration of this strategic brownfield development site, to the strengthen and protect the <i>“civic design character and dignity”</i> the city.</p> <p><u>Z9 ‘Open Space’</u></p> <p>The consented scheme (ABP-306569-20) provides the opportunity to open up recreational riverside public amenity open space along the north bank of the River Liffey, in accordance with the Z9 zoning objective. The proposed building maintains the a similar relationship with the permitted river walk and the manner in which the quay wall is to be braced against the proposed tower building.</p> <p>The proposed development does not encroach on the Z9 zoning.</p> <p>It is submitted that the proposed development fully complies with the zoning objectives for this site.</p>

12.1.3 Conservation Areas and Protected Structures

It is a policy of the Plan to protect the special interest, character and setting of 'Conservation Areas', whereby proposed development must contribute positively to same wherever possible, and protect from harm protected structures and other buildings or features of heritage interest in Conservation Areas. **(CHC4)**

The wider site includes the following Protected Structures, specifically listed on the Record of Protected Structures: (a) riverside stone wall, (b) turret at eastern end of site, (c) square tower on the riverfront and (d) entrance stone arch on the Parkgate Street frontage.

The proposed development is consistent with objectives to protect the special character and protected structures within 'Conservation Areas'.

The conservation approach to works affecting protected structures and buildings of significant heritage value has been approved as part of the consented scheme (ABP-306569-20).

The proposed development does not include amendments or alterations to the consented scheme in this regard. It may be noted that the bracing of the river wall against Block A, to maintain its stability, as consented, remains unchanged in so far as how it impacts the river wall (protected structure).

12.1.4 Vacant or Under-Utilised Sites & Inner City Regeneration

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.*

The proposed development is consistent with **QH8:**

The proposed scheme seeks to complete the wider consented scheme that will see the sustainable regeneration of an underutilised brownfield city centre site for a mix of uses appropriate to sustaining the life and vitality of the city as a place to live and work.

The site is located approximately 200 m from Heuston Station, 180 m from Heuston LUAS Stop and is directly adjacent Parkgate Street which provides high frequency bus services to Dublin city centre.

There is strong planning policy support for the development of higher buildings in urban areas. Heuston Station and its environs has long been earmarked for the provision of landmark tall buildings, as was highlighted in the DEGW study referenced in section 13.4 of this report, in Figure 39 of the Development Plan and in the guiding principles of SDRA 7. Both the planning authority and the Board have confirmed that this site is appropriate for a tall building.

The architectural design of the proposed development has been reconsidered having regard to the previous assessments of Dublin City Council and the Board, in order to achieve an architecturally excellent landmark building that sits comfortably in this part of the city and will make a positive contribution to the ever evolving city skyline.

The building design is appropriate to its residential use. The proposed development will be supplemented by amenities and services which will benefit future residents, as previously described.

QH26: *To promote the transformation of the key regeneration areas into successful socially integrated neighbourhoods including those on the Main Inner City Regeneration Areas Map and promote area regeneration in parts of the city which require physical improvement and enhancement in terms of quality of life, housing and employment opportunities, including the Docklands. It is recognised that the nature of some housing regeneration initiatives may warrant the demolition of existing dwellings before proposals for new or replacement dwellings are agreed.*

The proposed development is consistent with **QH26**:

The proposed development site is a vacant brownfield site, located within SDRA 7, which is an area earmarked for significant regeneration in the Dublin City Development Plan. These areas have been identified as being capable of delivering a significant quantum of housing and employment in the city, through the regeneration of existing built up areas.

The SDRA 7 principles state that development should seek to incorporate mixed-uses in appropriate ratios in order to generate urban intensity and animation. The proposed scheme achieves this aim on its own and as part of a wider consented mixed use scheme.

12.1.5 Building Height

The Development Plan designates the Heuston area of the city as being an appropriate location for buildings in excess of 50m. See Figure 39 of the Dublin City Development Plan.

Section 16.7.2 of the Development Plan also sets out assessment criteria for taller buildings as follows:

- 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.

The following table identifies allowable building heights in different parts of the city, and specifically highlights Heuston as being an area suitable for 'high-rise' (50m +) development.

Category	Area	Height (m)
Low-rise (relates to the prevailing local height and context)	Inner City	Up to 28 (commercial) Up to 24m (residential)
	Rail hubs (See 3)	Up to 24m (commercial and residential)
	Outer City	Up to 16 m (commercial and residential)
Mid-rise	Digital Hub	Up to 50 m
	St Teresa's Gardens	
	North Fringe	
	Clonshaugh Industrial Estate	
	Ballymun	
	Pelletstown	
	Park West/Cherry Orchard	
	Naas Road	
	Oscar Traynor Road	
	National Concert Hall Quarter	
High-rise	Docklands Cluster	50m +
	Connolly	
	Heuston	
	George's Quay	

Figure 12: Extract from Dublin City Development Plan 2016-2022

The following objectives of the Development Plan are also relevant in the consideration of building height:

- **Policy SC17** to “...ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city...” ;
- **Policy SC25** to promote sustainable and inclusive development, in buildings of exemplary high standard, that makes a positive contribution to the city’s distinctive built environment and heritage, including the creation of new landmarks where appropriate.
- **Policy SC26** to achieve “... innovation in architectural design to produce contemporary buildings which contribute to the city’s acknowledged culture of enterprise and innovation, and which mitigates, and is resilient to, the impacts of climate change.”

The proposed development is consistent with the building height policy, the Section 16.7.2 principles and Policies SC17, SC25 and SC26 of the Development Plan.

We note that the Planning Authority and the Board, in their assessment of the consented scheme (ABP-306569-20 refers) recognised the strategic location of the site in this respect. The City Development Plan allows for buildings in excess of 50m high at this location, subject to compliance with criteria

including relationship to context, effect on the historic environment, contribution to public realm, visual impact, microclimate and general amenity considerations.

While the previously proposed development of a tall residential building at this site was considered acceptable in principle, to provide for a sustainable form of development on a brownfield site, the Planning Authority and the Board raised some concerns in relation to the architectural treatment and design of the 29 storey landmark building. While there is no objection in principle to a building of this height at this location, overall it was considered that there was “...a lack of architectural refinement in the 29 storey tower height and scale, in particular tower Bock A.”

The Board Inspector subsequently recommended that “...the 29 storey tower element of the scheme is omitted and be the subject to a separate planning application with a revised design, in order to ensure optimal architectural solution for a strategic site.”

The current proposal seeks to address the issues raised in application ABP-306569-20, in relation to the design, elevational treatment and quality of finish to the residential tower, in order to provide a building of exceptional architectural merit that responds appropriately to its pivotal location forming a gateway to the city. It is submitted that the revised architectural design proposal for Block A successfully addresses the requirement expressed by the Board for an architecturally excellent landmark building at this site.

*** Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas**

As has been described at some length earlier in this report and in the other architectural reports and drawings that accompany this application, the Applicant has taken considerable care in reimagining the architectural expression and detailing of the proposed tower building, to ensure that it is the correct fit for the site and that it will enhance its city setting as a positive landmark, as part of the strategic transport hub and regeneration area at the western Heuston gateway.

The proposed landmark building is designed to be seen, providing an appropriate juxtaposition between old and new, and the completion of the masterplan for this site. As a positive landmark, the proposed building will enhance the legibility and navigation of the city, forge a dynamic relationship with other historic and new buildings in the area, and extend the public perception of the city centre as far as the western Heuston gateway. The proposed development is appropriate to this strategic regeneration area (SDRA7) and the dynamic, ever evolving character of a successful city centre.

We refer the Board to the ‘Response’ document and the ‘Architectural Design Statement’, prepared by Reddy Architecture and Urbanism and Glenn Howells Architects.

We refer the Board Chapter 13 ‘Landscape and Visual Impact Assessment’ (LVIA) of the accompanying EIAR, prepared by ARC Architectural Consultants and Grade I Conservation Architects, that addresses the potential visual impact in the context of the historic setting of the site. The LVIA Chapter discusses the historic context of the key views. It identifies that the application site lies outside the ‘cone of vision’ identified between Royal Hospital Kilmainham and the Phoenix Park (see SDRA 7 principle no.8). In respect of ‘other views’ (SDRA 7 principle no.9) “to be respected”, the impact of the proposed development on the visual connection between the City Quays and the Phoenix Park (including Chesterfield Avenue, the Wellington Monument, etc) is discussed. The Landscape and Visual Impact Assessment finds no significant adverse visual impact on key views, and that the proposed development is anticipated to make a generally positive contribution to place-making and city legibility.

*** Effect on the historic environment at a city-wide and local level**

The site lies within a Conservation Area designated in the Development Plan. The historic setting of the site, and requirement to conserve and protect structures and buildings of significant heritage value on site has been carefully considered by all parties as part of consented scheme (ABP-306569-20).

The Board Inspector’s Report (ABP-306569-20) dealt with the impact of the overall scheme in some detail in section 9.2 of her report. It is noted that the site in its current neglected state largely detracts from the streetscape. While it is regrettable that some heritage structures (non-protected) will be lost,

this is recognised as being largely unavoidable if the sustainable regeneration of the site is to be achieved. It was considered that a reasonable balance had been struck in the achievement of the SDRA principles, in respect of the consented scheme.

No changes to the consented development are proposed with regard to the conservation and integration of protected structures and other historic structures/fabric, as part of the redesign of the new tower building. The site has been identified by the planning authority and the Board as one that is eminently suitable in principle for a tall landmark building similar in height and slenderness to that previously proposed under ABP-306569-20.

Great effort has gone into reimagining the architectural expression and detailing of the proposed tower, to realise the landmark quality befitting this site. It is considered that the proposed building in combination with the consented scheme, represents a planning and conservation gain for this site. The proposed Block A building and successfully complete the hitherto consented scheme. It will make a positive contribution as a truly landmark building to the dynamic built character and regeneration of this historic part of the city.

**** Relationship to transport infrastructure, particularly public transport provision***

The site is located at a strategic transport hub, immediately adjacent to Heuston Station and highly accessible by foot, bicycle and public transport.

Regional and intercity rail services are available at the immediately adjacent Heuston Station. The Luas red line is available at either Heuston or Museum stops, and numerous frequent bus routes serve Parkgate Street and Heuston. Bus services are due to be further enhanced under the Bus Connects proposals. The implementation of the Liffey Cycle Way is ongoing at Parkgate Street and the north city quays.

**** Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for***

We refer the Board to the Architectural Design Statement for a description of the architectural intent for the proposed building and how it addresses the issues raised in the Board's previous assessment and determination. It may be noted that the height and slenderness of the previously proposed building were considered acceptable. It was however considered that further development of the architectural expression and detailing of that building would be required to deliver a landmark building of architectural excellence.

While the redesigned 30-storey Block A building delivers a slenderness ratio that somewhat exceeds 3:1, it still achieves the main design objective to create an exceptional, beautiful, refined and elegant modern building appropriate for Dublin's unique cityscape.

To achieve this the tower is formed by 3 curved planes, with three simple elements clearly read in its vertical expression: A translucent base that provides active use at ground floor and floats the rest of the building above the river wall and the shoulder height at Parkgate Street. An articulated middle of solid and glass, with richly detailed masonry and double order openings, creating sculptural articulation in vertical form in reference to the surrounding historic architecture. A lantern top, created with the extension of the façade blades to varying heights of 5m to 9m to give the building an evocative crown that changes in different view orientations. All creating a unique landmark building of architectural excellence, quality finish and superior residential accommodation appropriate to this central site.

The architectural intent and detail is further described in the Architects Design Statement.

**** Contribution to public spaces and facilities, including the mix of uses***

A new public plaza forms part of the consented scheme, along with riverside walkway providing new public access and visual connections to the river and Heuston Station from Parkgate Street. Being

located along the southern edge of the site, the consented public and communal open spaces are not adversely impacted by way of overshadowing from the proposed building in the eastern apex of the site.

The proposed redesign of Block A will integrate well with the public spaces at ground level. The proposed café/restaurant use will provide animation and passive surveillance to the space. The high density residential uses at upper levels will also enhance the passive surveillance of the public realm.

The proposed and consented development in combination will provide commercial office, retail, cultural and café/ restaurant space, which will enhance the overall mix of uses at this city centre site.

**** Effect on the local environment, including micro-climate and general amenity considerations***

We refer the Board to microclimatic analyses of sunlight, daylight and wind that accompany the planning application. These confirm that relevant standards are achieved.

**** Contribution to permeability and legibility of the site and wider area***

The proposed development has regard to the guiding principles of SDRA 7. It will provide a visible landmark and placemaking function at this gateway location and contribute to the legibility of this part of the city.

In combination with the consented development, site permeability will be enhanced through the provision of the public plaza and riverside walkway, with visual connections to other notable parts of the city, and with the potential for future onward links along the river edge.

**** 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***

This planning application is supported by a wide range of accompanying illustrative and analytical material to enable the Board complete its assessment, including photomontages, Daylight and Sunlight Analysis, Wind Assessment, LVIA and Architectural Design Statement.

**** Adoption of best practice guidance related to the sustainable design and construction of tall buildings***

We refer the Board to the Architectural Design Statement that accompanies this application. In addition, the planning application is supported by a Building Lifecycle Report and Energy Statement to demonstrate best sustainable design.

**** Evaluation of providing a similar level of density in an alternative urban form***

The proposed development may be viewed as an exploration of an alternative to the previous building proposal for this site. It has been previously established that a building of height exceeding 50m, of slender proportions, to accommodate high density rental accommodation in this part of the city, is acceptable to both Dublin City Council and the Board. The architectural expression and detailing however required further work that required a separate planning application.

As part of the preparation of this application for the new Block A tower, a number of design iterations of the proposed building have been considered (see EIAR Chapter 2 'Examination of Alternatives') and subject of pre-planning consultations with Dublin City Council in advance of making this SHD application to the Board.

A similar level of density cannot be delivered in an alternative form at this particular site. It has previously been identified as being suitable for a tall landmark residential building.

12.1.6 Strategic Development & Regeneration Area No. 7 (Heuston & Environs)

The site lies within the Heuston & Environs Strategic Development Regeneration Area (SRDA 7). The vision for the area set out in this study is:

“To create a coherent and vibrant quarter of the city that captures the public imagination with high quality services, development, design and public spaces that consolidate and improve the existing strengths of the area.”

Heuston and Environs is one of a number of SDRAs to be designated under the Dublin City Development Plan, 2016 – 2022. These areas have been identified as being capable of delivering a significant quantum of housing and employment in the city, through the regeneration of existing built areas.

Most SDRAs are zoned Z14, and focus on residential and employment/enterprise uses. The subject site is zoned predominantly Z5 with the river-edge area being zoned Z9. Under the Development Plan, the Planning Authority is to take an active role in community & stakeholder engagement, and to encourage development of SDRA sites through ‘Active Land Management’.



Figure 13: Indicative Diagram from the Heuston Station & Environs SDRA (SDRA 7) area from the 2016-2022 Dublin City Development Plan (Fig.27) with the subject site outlined in red (SLA overlay).

SDRA 7 covers a very wide area, including Heuston Station, Clancy Quay/Barracks and Heuston South Quarter, as well as the Hickey’s lands. The SDRA states that development should seek to incorporate mixed-uses in appropriate ratios in order to generate urban intensity and animation. The indicative SDRA masterplan and its key development principles indicate that the eastern portion of the application site has been identified for residential development.

The following are the SDRA 7 development principles (paraphrased):

1. To develop a new urban gateway character area focused on the transport node of Heuston Station, and including world class public transport interchange facilities, vibrant economic activities, high quality residential accommodation and recreational facilities, excellent public realm and architecture, and connections with major historic, cultural and recreational attractions.

2. To incorporate sustainable densities, with architecture and urban form forging dynamic relationships with national cultural institutions.
3. To implement best practice urban design principles to: achieve a coherent, legible urban structure within major development sites; prioritise the provision of public space; achieve successful interconnection between the development site and adjacent urban structure.
4. To protect the fabric and setting of protected structures and national monuments.
5. To incorporate mixed use in appropriate ratios in order to generate urban intensity and animation. Major uses of residential and office to be complemented by components of culture, retail and service elements.
6. To improve pedestrian and cycle linkages, through key sites.
7. As a western counterpoint to the Docklands, to consider mid-rise or taller buildings (above 50m / 16-storeys), subject to maintaining a coherent skyline and protecting key views and vistas. Two particular sites are identified for tall buildings, but consideration is not limited to these specific sites.
8. Visual impact analysis to demonstrate that proposed new development will not adversely affect or undermine the view within the 'Cone of Vision' designated between Royal Hospital Kilmainham and Phoenix Park.
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 proposed development is consistent with the **SDRA 7 Guiding Principles:**

It is submitted that the consented and proposed development, in terms of the use mix, building height and the significant regeneration benefits it provides is in keeping with the aims of the SDRA 7 vision and principles.

The principles of SDRA 7 have largely been realised in the consented scheme.

The proposed development creates a new urban gateway character, immediately adjacent to the strategic transport node at Heuston Station. It provides an appropriate vertical and horizontal mix of high quality residential and café/restaurant use. This is complimented by incorporation of heritage buildings and structures and other uses within the consented scheme at this site, including office, retail, residential, cultural and recreational uses.

Best practice urban design principles applied to the proposed development seek to achieve a coherent, legible urban structure within a major development site, that prioritises the provision of public space and the successful interconnection between the development site and adjacent urban structure. The proposed development delivers a sustainable density of development, housed in exciting architecture and landscape architecture, that will forge dynamic relationships with the surrounding historic and contemporary elements of the city centre.

The proposed development and consented scheme seeks to protect the fabric and setting of protected structures and other heritage features on site, by conserving, repairing and adapting it as an integrated part of the public realm and river side experience afforded at this site by the proposed development.

The proposed development within the context of the consented scheme is designed to prioritise pedestrian movement through the site and bicycle transport options for prospective residents, workers and visitors to the site, at this edge of city centre gateway and transportation hub.

Guiding Principle 5 relates to the provision of mixed use in appropriate ratio's in order to generate urban intensity and animation. In this regard, whilst we note Figure 27 on page 277 of the Development Plan shows SDRA 7 and indicates land uses, this is noted as being an 'Indicative Map Only' and could not therefore be taken as prescribing the arrangement of uses on site. Nor for that matter would it be consistent with the principle of vertically and horizontally organising the uses on the site. The SDRA notes that the will require the major uses of residential and office to be complemented by components

of culture, retail and service elements. The requirement of this principle is quite vague and lacks prescription and requires planning judgement. The proposed development includes residential and café/restaurant use. The consented scheme provides a further mix of residential, office, co-working space, retail, café/restaurant and provides for cultural activities to occur in the co-working space by the local community. In our professional planning judgement this guiding principle is being met by the proposed and consented scheme.

Item 7 is notable in calling for tall buildings (greater than 50m) in the Heuston environs, to act as a western counter-point to the eastern docklands. In the Board Inspector's report (ABP-306569-20 refers), the principle of a taller building, in excess of 50 metres in height, was accepted in principle at this site. The focus of this application has been on delivering an exceptional landmark building with high quality BTR residential component.

Item 9 refers to views and prospects to be protected. The proposed building does not fall within the 'cone of vision' between Kilmainham Hospital and Phoenix Park. Other key views are considered in the LVIA (see Chapter 13 of the accompanying EIAR) that accompanies this SHD application. A series of long distance visual connections across the City from the Phoenix Park and the city quays are examined. The assessment concludes broadly that the proposed development makes a positive contribution to the city skyline, at this landmark site, within a strategic regeneration area at the western Heuston gateway to the city centre, and having regard to the historic setting of this area. No significant adverse visual impacts are predicted, the sensitivity of the receiving environment will also be largely unchanged and the extent of visibility of the landmark building now proposed will be very similar to that of the refused Block A landmark building.

The proposed development is representative of strategic city centre regeneration in keeping with the aims of the SDRA 7 vision and guiding principles.

12.1.7 Residential Development at Key Locations

QH5: *To promote residential development addressing any shortfall in housing provision through active land management and a coordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.*

The proposed development is consistent with **QH5:**

The overall site has laid vacant and neglected for a number of years, and subject of Development Plan objective for high density regeneration in accordance with the land use zoning and principles for SDRA7.

The proposed development, in combination with consented development (ABP-306569-20) seeks to redevelop this prime brownfield site to provide much needed residential-led mixed use development for the Dublin market.

The proposed development serves as a western counterpart of the Dublin Docklands. The site is situated at a strategic location within Dublin City, highly accessible at the edge of the city centre and by numerous forms of public transport such as rail at Heuston Station (approx. 200m), Red Line LUAS (approx. 180m) and Dublin Bus (bus numbers 25, 26, 66, 66a, 66b, 66e, 67 and 69).

The site is appropriately zoned to allow for residential development that ensures a living city. The proposed development will deliver 198no. apartment units in combination with 321no. units in the consented scheme (ABP-306569-20) and is consistent with the Policy Objective QH5.

12.1.8 Mixed-Use Neighbourhoods

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.*

Objective QH6 has been largely achieved by the consented scheme (ABP-306569-20). The proposed new tower element will realise the completion of the sustainable regeneration of this site as an exciting new urban quarter that compliments existing uses at Parkgate Street and the western gateway to the city centre.

The proposed development provides 198 no. Build to Rent (BTR) apartment units. Both the planning authority and the Board considered the site to be a suitable location for BTR apartment development, which would enhance the choice of rental accommodation to the residential and working population in the city centre.

There is no restriction on the mix of declared BTR units. The proposed development will deliver a mix of studio, 1 bedroom, 2 bedroom and 3 bedroom units, as follows:

- 73no. studio units = 37%
- 97no. 1 bed units = 49%
- 27no. 2 bed units = 14%
- 1no. 3 Bed unit = 1%

The units are adaptable in the event that future demand calls for larger apartment units for larger households. Currently national and regional planning policy identifies a lack of suitable new housing for 1 to 5 person households, which the proposed development caters for.

Overall, the proposed typologies and mix of unit sizes is consistent with the Development Plan objective to encourage a wider variety of dwelling types, sizes and tenures, which will support the establishment of a sustainable residential community.

The proposed development also includes cafe/restaurant use (c. 223 sq m). In combination with the consented scheme a total of c. 3,385 sq m office space is provided, c. 214 retail space, c. 1,402 public open space, c. 459 sq m café restaurant use and c. 119 sq m co-working space which will also be available for public hire by the local community. This will foster the creation of an attractive mixed-use sustainable neighbourhood.

12.1.9 Residential Amenity – Apartment Design Standards

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.*

The proposed development is consistent with **QH18 and QH19:**

The proposed residential units within the scheme comply with the Design Standards for New Apartments (2020) and as such will provide high levels of amenity to future residents. To the extent that it may be considered that there is some conflict between the provisions of the SPPRs under the Apartment Guidelines and the provisions of the Development Plan, the requirements of the SPPR will apply and take precedence, as required by section 9(3) of the Act.

As outlined previously, the proposed development will contain a mixture of apartment types and sizes to suit different types of households, including studios, 1, 2 and 3 bedroom units.

53no. of the apartments will contain their own winter garden. Those which do not will have access to private residents' roof terraces and internal amenity spaces. Private communal amenity space is provided internally at the ground level foyer area, at mezzanine level lounge area with accessible WC and kitchenette, a further lounge area at Level 09 and bookable entertainment spaces with two large

professional kitchen and dining spaces are provided at Level 28. Landscaped communal roof terrace open spaces are located at Level 28 and at the consented Block B2 roof terrace accessed from Level 09. Propospective residents of the proposed development also have access to residents' private communal amenity areas within the consented scheme ABP-306569-20.

The ground floor café/ restaurant, as well as the public open spaces and uses permitted under ABP-306569-20 will contribute further to the development of a high quality, sustainable neighbourhood.

12.1.10 Transport and Mobility

Sustainable Land Use and Transportation MT1: *To support the sustainability principles set out in the following documents: • The National Spatial Strategy/National Planning Framework • The National Transport Authority's Transport Strategy for the Greater Dublin Area • Smarter Travel, A Sustainable Transport Future 2009–2020 • Regional Planning Guidelines for the Greater Dublin Area • Design Manual for Urban Roads and Streets (DMURS) • National Cycling Policy Framework and National Cycle Manual Also, to ensure that land-uses and zoning are fully integrated with the provision of a high-quality transportation network that accommodates the movement needs of Dublin city and the region.*

The proposed development is consistent with **MT1**:

The site is highly accessible to numerous public transport services. The site is approximately 200m from Heuston Station which gives rail access to west Dublin and the west and south west of Ireland. Heuston Red Line LUAS stop is approximately 180m from the subject site which gives convenient access to the city centre and the IFSC in one direction and access to Tallaght and west Dublin in the other direction. Numerous Dublin Bus stops are also conveniently located on Parkgate Street directly adjacent the site (Dublin Bus numbers 25, 26, 66, 66a, 66b, 66e, 67 and 69). In addition to the above public transport services, a Dublin Bikes station is located directly beside the subject site at Heuston Bridge.

Under the draft Dublin Area Revised Bus Network proposals as part of BusConnects, Heuston Station will act as a major transport interchange and terminal for a number of key orbital and radial routes. The proposed Liffey Cycle Route will provide segregated cycle facilities on either side of the Liffey from Heuston Station/Parkgate Street to the East Link Bridge also.

The proposed development supports the principles of set out in the documents identified in MT1. We refer the Board to the other Statements of Consistency set out in this report.

Bicycle Parking

Table 16.2 of the Development Plan (extract below) sets out the Minimum Bicycle Parking standards for all new development in the City.

Land-Use	Zone	Car Spaces
Enterprise and Employment/Offices/ General Industry (inc warehousing)	1	1 per 400 sq.m GFA (Gross floor area)
	2	1 per 200 sq.m GFA
	3	1 per 100 sq.m GFA
Retail Supermarkets exceeding 1,000sq.m GFA	1	None
	2	1 per 100 sq.m GFA ¹
	3	1 per 30 sq.m GFA ¹
Other Retail and Main Street, Financial Offices (excl. retail warehouse)	1	1 per 350 sq.m GFA
	2	1 per 275 sq.m GFA
	3	1 per 75 sq.m GFA
Industry	1	1 per 400 sq.m GFA
	2	1 per 200 sq.m GFA
	3	1 per 75 sq.m GFA
Warehouse Retail (non-food)	1	1 per 300 sq.m GFA
	2	1 per 200 sq.m GFA
	3	1 per 35 sq.m GFA
Warehouse	1 and 2	1 per 450 sq.m GFA
	3	1 per 200 sq.m GFA
Residential	1 and 2	1 per dwelling
	3	1.5 per dwelling
Elderly Persons Dwellings/ Warden-Supervised Dwellings/ Sheltered Housing	1	1 per 4 dwellings
	2 and 3	1 per 2 dwellings
Youth Hostel	1	None
	2	1 per 30 bed-spaces
	3	1 per 15 bed-spaces
Student Hostel/Student Accommodation	1	None (see section 16.10.7 for requirements)
	2	1 per 20 bed-spaces
	3	1 per 10 bed-spaces
Residential Institution	1	None
	2	1 per 20 bed-spaces
	3	1 per 10 bed-spaces
Hotels and Guest Houses	1	1 per 4 rooms
	2	1 per 3 rooms
	3	1 per 1 room
Clinics and Group Practices	1	1 per consulting room
	2 and 3	2 per consulting room
Churches, Theatres, Cinemas and Auditoriums	1	1 per 100 seats
	2	1 per 25 seats
	3	1 per 10 seats
Restaurants, Cafés and Take-aways	1	None
	2 and 3	1 per 150 sq.m seating area

Figure 14: Table 16.2 Bicycle Parking Standards from the 2016-2022 Development Plan

The proposed development includes the provision of an additional 38no. bicycle parking spaces. 22no. at the base of the proposed tower (Block A) and a further 16no. spaces in the permitted residential bicycle parking area beneath Block B1. We refer the Board to the Transport Statement, prepared by ARUP which confirms compliance with the Development Plan Standards.

Car Parking

MT17: To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (section 16.38) so as to promote city centre living and reduce the requirement for car parking.

Land-Use	Zone	Cycle Spaces
Enterprise and employment	1 and 2	1 per 100 sq.m
	3	1 per 150 sq.m
Shops and Main Street Financial Offices	1 and 2	1 per 150 sq.m
	3	1 per 200 sq.m
Residential (houses and apartments)	All zones	1 per unit (<i>Additional requirements for larger units and visitor parking will be decided on a case by case basis</i>)
Hotels	1	Under 50 bedrooms – 1 per 6 bedrooms
	2	Over 50 bedrooms – 1 per 10 bedrooms (Minimum of 10 cycle spaces)
	3	1 per 12 bedrooms
		1 per 15 bedrooms
Clinic and Group Medical Practices	1 and 2	1 per 2 consulting rooms
	3	1 per 4 consulting rooms
Churches, Theatres, Halls, Cinemas, Multiplex Cinemas	1 and 2	5 per 100 seats
	3	3 per 100 seats
Restaurants and Cafés	1 and 2	1 per 150 sq.m
	3	1 per 200 sq.m
Public Houses	1 and 2	1 per 150 sq.m
	3	1 per 200 sq.m
Primary Schools	All zones	1 per 3 pupils
Student Accommodation	All zones	1 per 2 pupils
Other Educational Buildings	All zones	1 per 3 pupils/students
Funeral Homes	All zones	As required
Hospitals	1	1 space/4 hospital beds
	2	1 space/5 hospital beds
	3	1 space/6 hospital beds
Cultural and Recreational Buildings	1	1 per 100 sq.m
	2	1 per 150 sq.m
	3	1 per 200 sq.m

Figure 15: Table 16.1 from the 2016 - 2022 Development Plan outlining maximum car parking standards

The proposed development complies with the relevant SPPR's of the Apartment Design Guidelines for BTR development.

The development permitted under ABP-306569-20 provides 26no. car parking spaces to serve the residential element of the overall scheme. **No additional car parking is proposed** as part of this application for the Block A building.

The development site is located in car parking zone 1, which generally covers inner city location where transport corridors intersect, or that have significant interchange potential. The proposed development comprises 'BTR' residential units where no car parking is required, on the assumption that this is appropriately located at highly accessible centrally located city sites, such as this.

The reduced parking provision is appropriate due to the site's accessible location near public transport links such as Heuston station, the Red Line LUAS and numerous Dublin Bus connections. The car parking provision is in line with the Development Plan's aspiration to achieve a model shift away from the car to more sustainable forms of transport such as cycling, walking and public transport.

We refer the Board to the Transport Statement, prepared by ARUP which accompanies this planning application.

12.1.11 Infrastructure and Environmental Quality

S13: *To ensure that development is permitted in tandem with available water supply and wastewater treatment and to manage development, so that new schemes are permitted only where adequate capacity or resources exists or will become available within the life of a planning permission.*

S18: *To require the use of Sustainable Urban Drainage Systems in all new developments, where appropriate, as set out in the Greater Dublin Regional Code of Practice for Drainage Works. The following measures will apply:*

- *The infiltration into the ground through the development of porous pavement such as permeable paving, swales, and detention basins*
- *The holding of water in storage areas through the construction of green roofs, rainwater harvesting, detention basins, ponds, and wetlands*
- *The slow-down of the movement of water.*

The proposed development is consistent with **S18 and S13:**

No new water and drainage infrastructure is proposed to serve the Block A building. This has all been permitted under ABP-306569-20.

The consented surface water drainage system has been designed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0, the CIRIA SUDS Manual C753 2015 and Dublin City Development Plan 2016-2022.

We refer the Board to the Watermain and Drainage Report and associated drawings, prepared by ARUP Consulting Engineers to accompany this application.

We refer the Board also to the Certificate of Feasibility received from Irish Water in October 2020 and the Statement of Design Acceptance from December 2019. The drainage proposals have been developed in consultation with Irish Water and DCC Drainage Division. Irish Water has confirmed that the Statement of Design Acceptance (December 2019) remains valid in respect of the proposed and consented development (i.e. 519no. residential units).

13 ADDITIONAL SUPPORTIVE PLANNING POLICY IN DUBLIN

We wish to highlight to the Board that the below guidelines do not require a Statement of Consistency response. However they have been included in this report to further support the proposed development.

13.1 Rebuilding Ireland

The overarching aim of this Action Plan is to ramp up delivery of housing from its current undersupply across all tenures to help individuals and families meet their housing needs. It sets ambitious targets to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021, while at the same time making the best use of the existing housing stock and laying the foundations for a more vibrant and responsive private rented sector.

The plan has 5 key pillars: Pillar 1- address homelessness; Pillar 2 - accelerate social housing; Pillar 3 - build more homes; Pillar 4 - improve the rental sector and; Pillar 5- utilise existing housing. Pillars 3 & 4 are particularly relevant in terms of the subject site, as they seek to increase the output of private housing to meet demand and to address the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

The action related to Pillar 3 is to deliver 25,000 units per annum in the period until 2021. The proposed development supports the delivery of this action.

13.2 National Development Plan

The National Development Plan (NDP) sets out the investment priorities that will underpin the implementation of the NPF. This will guide national, regional and local planning and investment decisions in Ireland until 2040 in order to cater for an increasing population. The plan sets out the government's commitment to invest €116 Billion over this period.

Ten National Strategic Outcomes are outlined in the NPF. In alignment with the NPF, the NDP sets out the new configuration for public capital investment over the next ten years to secure the realisation of each of the National Strategic Outcomes. This is to improve the way public capital investment is planned and co-ordinated in a modern and growing society, leading to improved public services and quality of life. The 10 National Strategic Outcomes of the NPF & NDP are:

1. Compact Growth
2. Enhanced Regional Accessibility
3. Strengthened Rural Economies and Communities
4. Sustainable Mobility
5. A Strong Economy, supported by Enterprise, Innovation and Skills
6. High-Quality International Connectivity
7. Enhanced Amenity and Heritage
8. Transition to a Low-Carbon and Climate-Resilient Society
9. Sustainable Management of Water and other Environmental Resources
10. Access to Quality Childcare, Education and Health Services

Of the ten National Strategic Outcomes, the most relevant to the proposed development are Compact Growth and Sustainable Mobility.

Compact Growth aims to secure the sustainable growth of more compact urban and rural settlements supported by jobs, houses, services and amenities, rather than continued sprawl and unplanned, uneconomic growth. This requires streamlined and co-ordinated investment in urban, rural and regional infrastructure by public authorities to realise the potential of infill development areas within our cities, towns and villages. This will give scope for greater development densities in areas that are centrally located.

To help achieve compact growth the government is establishing a Urban Regeneration and Development fund, aimed at among other things, docklands and quays regeneration, city centre renewal and brownfield development facilitation.

To achieve the National Strategic Outcome of Sustainable Mobility, the NDP envisages investment of €8.6 billion in key transport projects up until 2027. Included in these transport projects are Metro Link Dublin, Bus Connects Dublin and the electrification and expansion of the DART.

A high density scheme at this location, as proposed, is supported by the NDP objective for Compact Growth. It is also supported by the objective for Sustainable Mobility, in that it is served by excellent public transport, cycle and pedestrian infrastructure.

13.3 Transport Strategy for Greater Dublin Area 2016 – 2035

This strategy has been prepared by the National Transport Authority. The Vision of this strategy is for Dublin to be a competitive, sustainable city-region with a good quality of life for all by 2030. The Strategy includes five overarching objectives to achieve the vision which are as follows:

- Build and strengthen communities.
- Improve economic competitiveness.
- Improve the built environment.
- Respect and sustain the natural environment.
- Reduce personal stress.

The Strategy sets out measures to achieve the vision and objectives for the GDA. These include better integration of land use planning and transportation, consolidating growth in identified centres, providing more intensive development in designated town and district centres and control parking supply. A key element of the strategy is the DART expansion programme service including the provision of a new DART Underground which is an underground rail link through the City Centre, allowing DART services to operate on the Kildare line and travel through the tunnel, enabling passengers to connect with DART services on the other three rail lines.

The proposed development which provides for a rejuvenation of a strategically located brownfield site adjacent to good quality public transport is entirely consistent with the vision and objectives of the Transport Strategy for the GDA.

13.4 Managing Intensification & Change

The DEWG study of 2000 '*Managing Intensification and Change: A Strategy for Dublin Building Height*' identified Heuston Station and its environs as a suitable location for tall buildings. This study identifies character areas in Dublin City and then maps areas according to their condition for change, in order to define potential for increased density and increased building height. This study argues that Dublin should aim to retain its character through a policy of incremental change, whilst allowing for large scale growth of building form at certain strategic locations.

The Heuston area and its environs can be identified as a 'potential new character area with contextual constraints'. Such areas have a diversity of grain and height and can consequently facilitate new development of higher buildings that relate to the existing character without compromising the local

context. The character of future development in such areas should be dictated by “the timescale for change – market demand; relation to public transport ; local grain; the size of sites; ownership structure and pattern”

The DEWG study has three criteria for identifying locations suitable for the placement of individual high buildings:

- Key focal or converging points within the road structure of the city wide plan
- Primary public transport nodes which act as gateways to the city
- Locations which capture long, continuous views across city wide corridors, e.g. Along the river Liffey.

Exhibit 5 (reproduced below in Figure 16) of the study identifies Parkgate Street as “*Converging point of road structure*” and therefore suitable for individual high building. Building at this location should relate to the context and should be of a slender build. The study also identifies locations suitable for the provision of high-rise clusters, including Heuston Station and its environs.

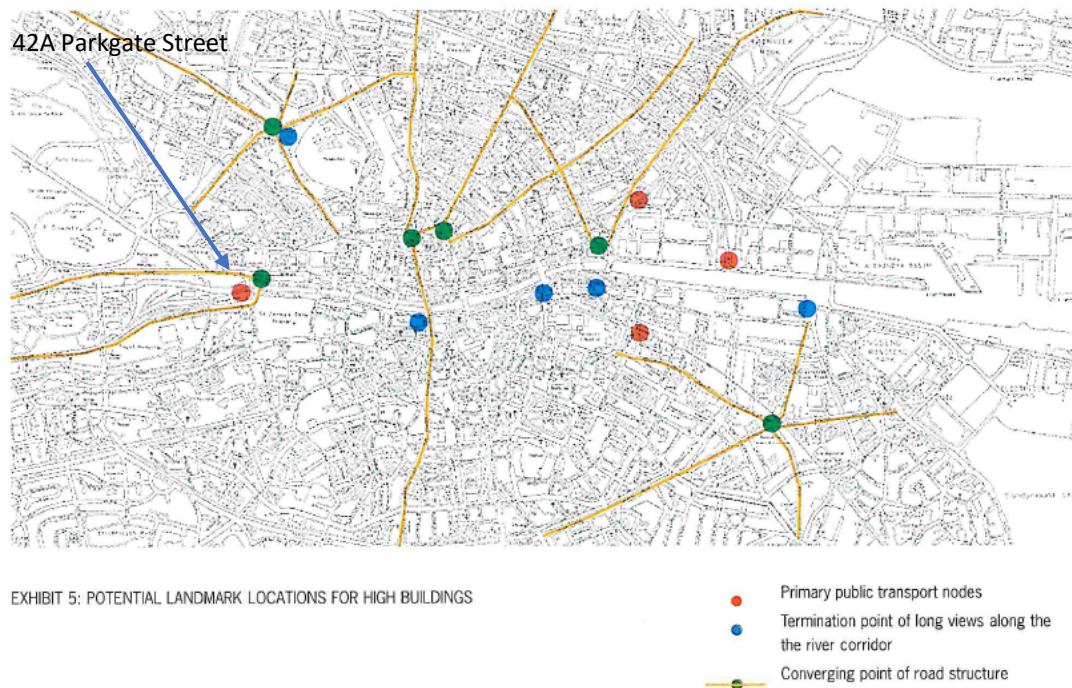


Figure 16: Potential Landmark Locations for Tall Buildings in Dublin. Subject Site Highlighted (42A Parkgate Street – SLA Overlay

13.5 Heuston Gateway: Regeneration Strategy and Development Framework Plan

This planning document describes the development framework proposals for the subject site. The document highlights that the subject site has excellent development potential due to its positioning at the gateway to the city beside the river and Heuston Station, the accessibility of the site and the views to and from the city centre.

14 JUSTIFICATION OF MATERIAL CONTRAVENTION

As confirmed in Section 12.1.2 of this Report, the lands are zoned in the Dublin City Development Plan as ‘Objective Z5 – City Centre’, ‘Objective Z9- Open Space’. The proposed development provides a mix of residential and commercial uses. These uses comply with these objectives.

Thereafter, the Housing & Residential Tenancies Act 2016, provides that the Board may grant permission for an SHD proposal even where it would materially contravene the relevant Development Plan, other than in relation to the zoning of land. In addition, where policy requirements of the relevant Development Plan differ from specific planning policy requirements (SPPRs) set out in Section 28 Guidelines, then the SPPRS shall, to the extent that they so differ, apply instead of the provisions of the Development Plan.

In the case of the proposed development, there have arisen some inconsistencies between the objectives of the current City Development Plan 2016-2022 and SPPRs under Section 28 Guidelines, in particular in relation to the Design Standards for New Apartments (2020), that could be considered to give rise to a material contravention of the Development Plan. Notably, this relates to the following aspects of the proposed development:

- Dwelling Mix
- Apartment Floor Area

In this regard, we refer the Board to the accompanying ‘Material Contravention Statement’, prepared by Stephen Little & Associates, which provides justification for any material contraventions of the Development Plan objectives, where the Board forms the opinion that the proposed development will give rise to such a material contravention.

15 APPROPRIATE ASSESSMENT

The consented scheme (ABP Ref. 306569-20 refers) was subject to Appropriate Assessment. That application (including 29-storey Block A residential building) was accompanied by a Natura Impact Statement (NIS). This concluded that on the basis of the best scientific knowledge available, and subject to the implementation of the mitigation measures set out in the NIS, that

...the possibility of any adverse effects on the integrity of the European Sites considered in this NIS, or on the integrity of any other European Site (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond a reasonable scientific doubt.

An updated NIS has been prepared by Moore Group relating to the current SHD planning application. This is enclosed and concludes, similarly:

It is the conclusion of this NIS, on the basis of the best scientific knowledge available, and subject to the implementation of the mitigation measures set out under Section 3.6, that the possibility of any adverse effects on the integrity of the European Sites considered in this NIS, or on the integrity of any other European Site (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond a reasonable scientific doubt.

The Natura Impact Statement contains information to assist the competent authority in carrying out an Appropriate Assessment (Stage 2) on the effects of this development proposal.

16 ENVIRONMENTAL IMPACT ASSESSMENT REPORT

The revised 2014 EIA Directive (Directive 2014/52/EU amending Directive 2011/92/EU) uses the term environmental impact assessment report (EIAR) rather than the previous environmental impact statement (EIS). Where current national guidelines and regulations refer to an Environmental Impact Statement or EIS, this can be taken to mean an Environmental Impact Assessment Report (EIAR).

Section 172 of Part X of the Planning and Development Act, 2000, as amended in Section 17 of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) sets out the requirement for an EIA as follows:

“172 (1) An environmental impact assessment shall be carried out by the planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where either—

- (a) the proposed development would be of a class specified in—*
 - (i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either—*
 - (I) such development would equal or exceed, as the case may be any relevant quantity, area or other limit specified in that Part, or*
 - (II) no quantity, area or other limit is specified in that Part in respect of the development concerned, or*
 - (ii) Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and either—*
 - (I) such development would equal or exceed, as the case may be any relevant quantity, area or other limit specified in that Part, or*
 - (II) no quantity, area or other limit is specified in that Part in respect of the development concerned, or*
- (b)(i) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not equal or exceed, as the case may be, the relevant quantity, area or other limit specified in that Part, and*
- (ii) the planning authority or the Board, as the case may be, determines that the proposed development would be likely to have significant effects on the environment.”*

The Fifth Schedule of the Planning and Development Regulations lists classes of development where an EIA is mandatory under Part 1 and where an EIA may be required under Part 2. Where a project

falls within a criterion for a type of development and/or exceeds a threshold as listed in Part 1 or Part 2, then it must be subjected to EIA.

The proposed tower building (Block A) will contain 198no. apartment units. When this figure is added to the 321no. Build-to-Rent apartments that have already been permitted by the Board, the cumulative number of units rises to 519no. units, which exceeds the mandatory EIA threshold.

The proposed development includes a building of significant scale, and the site is located within an historically sensitive area within the city centre and immediately beside the River Liffey.

As such, an Environmental Impact Assessment Report is submitted to An Bord Pleanála with this SHD Planning Application.

17 DURATION OF PERMISSION

It is the applicant's intention to apply for planning permission with a life of 8 years duration.

This extended period is requested on the basis of the complexity involved with construction on a major city centre site, with conservation, archaeological and other environmental constraints pertaining to the consented and proposed development. We also note that there is no facility within the SHD process for an extension of duration application should there be any unforeseen delays to construction. In terms of securing timely delivery of housing units, we consider that an 8 year permission would be advisable to avoid the risk of a permission expiring prior to completion.

The COVID-19 pandemic has created a great deal of uncertainty in the construction sector and there is a substantial possibility that construction timelines could again be impacted by restrictions in the future which has also been considered when applying for an 8 year planning permission.

18 CONCLUSION

It is our considered professional planning opinion that the proposed development which is the subject of this SHD Planning Application complies with the proper planning and development of the area in the context of the relevant strategic and local planning policy, as primarily expressed in: -

- Rebuilding Ireland – Action Plan for Housing & Homelessness.
- National Planning Framework, Ireland 2040.
- Eastern & Midlands Regional Spatial & Economic Strategy and Dublin Metropolitan Area Spatial Plan (DMASP).
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments (2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- The Planning System and Flood Risk Management (2009)
- Design Manual for Urban Roads and Streets (2013 - updated in 2015 and 2019)
- Childcare Facilities, Guidelines for Planning Authorities (2001)
- Dublin City Development Plan 2016 – 2022, save for those instances where a material contravention may arise
- Other relevant national and regional planning strategies, objectives and planning design guidelines for achieving sustainable urban residential development in the Dublin area.

The proposed development which is the subject of this SHD Planning Application is commended to the Board as an appropriate proposal for Strategic Housing Development, on the grounds that: -

- The proposed development would successfully complete the otherwise consented development of this site under ABP-306569-20. Together, with the consented development it has the potential to provide a gateway marker to Dublin city centre from the west, reinforcing the role and prominence of Heuston as a gateway to Dublin. It lies within a Strategic Development & Regeneration Area (SDRA) and therefore redevelopment and intensification of the site is actively sought by Dublin City Council.
- Dublin City Development Plan identifies Heuston as an area capable of accommodating taller buildings, defined in the plan as buildings greater than 50m in height. This is further corroborated by the DEWG study in 2000 '*Managing Intensification and Change: A Strategy for Dublin Building Height*'. The design solution is well considered and realises the unique potential of its riverside location and heritage assets. Furthermore, it relates well to Parkgate Street and makes a positive contribution to the Dublin skyline as an exciting landmark building and counterpoint to the eastern Docklands.
- The proposed signature tower is elegant in form and achieves exceptional architectural expression and materiality, and high quality residential development, befitting this prominent site. The criteria for tall buildings as set out in both the Development Plan and the Building Height Guidelines have been met by the proposed development.
- The Landscape and Visual Impact Assessment concludes that the proposed development makes a positive contribution to the city skyline, at this landmark site, within a strategic regeneration area at the western Heuston gateway to the city centre, and having regard to the historic setting of this area. No significant adverse visual impacts are predicted, the sensitivity of the receiving environment will also be largely unchanged and the extent of visibility of the landmark building now proposed will be very similar to that of the refused Block A landmark building.

- The proposed development complies with the zoning objectives of the site. In combination with the consented scheme, it provides vibrant, mixed use development on the Z5 city centre portion of the site and high-quality public open space on the riverside within the Z9 portion of the site.
- The proposed residential units are Build to Rent apartments. The development site is suitable for this type of unit, being centrally located and within walking distance of key employment, retail, leisure and other services of Dublin city centre. It is also served by high frequency public transport – namely rail, Luas and Dublin Bus.
- The scheme represents a well-designed and thought out development which achieves a sustainable density of residential development, having regard to the settlement and housing strategy for the City, in a central urban location, supported by community facilities and open space amenities.
- The proposed development will respond to current and future housing demand in the area identified in the Council’s housing strategy.
- The proposed development will provide additional amenities including café/restaurant use along with the consented uses and new public open spaces which will support greater connectivity to the surrounding areas in particular to the River Liffey.
- The proposed residential element will provide additional critical mass to support future planned transport infrastructure.
- This application comprehensively addresses how the design of proposed Block A, as an exceptional landmark building, has evolved and now comprehensively responds to the concerns previously raised by Dublin City Council and An Bord Pleanála in the case of ABP-306569-20.
- The proposed development has been subject of comprehensive environmental impact assessment, including a Natura Impact Statement and Environmental Impact Assessment Report, to ensure that it is representative of sustainable development that meets the regeneration objectives for this site, delivers strategic, high quality housing and other appropriate uses for existing and future generations at this well connected city location, and without detracting from the sensitive visual and heritage assets at this location.

This SHD application relates to a new development proposal for the Block A residential tower at Parkgate Street. It responds to the split decision by An Bord Pleanála on SHD Ref ABP-306569-20, whereby permission was granted for the redevelopment of this site, but with the omission of Block A.

A revised proposal for Block A is therefore being put forward, which we consider fully responds to the concerns raised by the Planning Authority and the Board in the case of the previous building design.

The proposed development is located on a prominent site, even from a citywide perspective. In immediate proximity to Heuston Station, the revised Block A has the potential to provide an architecturally excellent landmark building, that makes a positive contribution to the city skyline and dynamic regeneration at the western gateway to Dublin city centre.

This is a prime vacant, brownfield site, which lies within a Strategic Development & Regeneration Area (SDRA). The redevelopment and intensification of the site is activity sought by Dublin City Council, and can be achieved with the implementation of ABP-306569-20 in combination with the proposal for new residential landmark building Block A.

The proposed development complies with the zoning objectives of the site. It provides, in combination with consented development ABP-306569-20, a vibrant, mixed use development on Z5 city centre lands and amminates the permitted high-quality public open space on the riverside within the Z9 portion of the site.

The proposed residential units are Build-to-Rent apartments. The development site is suitable for this type of unit, being centrally located and within walking distance of key employment, retail, leisure and other services of Dublin city centre. It is also served by high frequency public transport – namely rail, Luas and Dublin Bus.

It is our considered professional planning opinion that the development subject of this SHD application should be supported by the Board, for the reasons outlined above, as well as the following grounds:

- The proposed development is consistent with the zoning objectives of the Development Plan.
- The proposed development is consistent with national planning policy and Ministerial guidelines.
- Where the development may diverge from the objectives of the City Development Plan relating to units mix and size, it is wholly consistent with strategic national and regional planning policy objectives and the Strategic Planning Policy Recommendations of the relevant Ministerial Guidelines concerning BTR apartment design. A Material Contravention Statement is submitted with this SHD application. In the event the Board were to agree with our contention, we note the Board will also provide its own statement as to why a material contravention is warranted in this case.
- The proposed development is designed to maximise sunlight, to minimise undue negative impact on proposed, consented and existing neighbouring properties.
- The proposed and consented scheme provides a high level of amenity for prospective residents.
- The proposed development consolidates growth within Dublin city, providing a development of sustainable density to fully realise the regeneration objectives for this site.
- The Environmental Impact Assessment Report that accompanies this application, including the mitigation measures contained therein, provides the Board with an indication of the likely significant effects on the environment arising from this case. We note the Board is the competent authority to conduct the environmental impact assessment in this case.
- The Natura Impact Statement accompanying this application provides the Board with evidence for the Board, as competent authority, to satisfy itself that there is no adverse impact on a European site arising from this development.

We confirm that we act for the Applicant in this case and would ask that all future correspondence in relation to this planning application be directed to this office.

19 ENCLOSURES

The following are enclosed with this SHD Planning Application: -

1. Planning Fee €51,633 (EFT Proof of Payment Enclosed).
2. Planning Application Form.
3. Newspaper Notice.
4. Site Notice.
5. Letter of Consent from Dublin City Council Parks, dated 01 April 2021.
6. Letter of Consent from Dublin City Council Transportation Division, dated 23 April 2021.
7. Letter of Consent from Landowner, dated 26 May 2021.
8. Parkgate Street Deed of Covenant.
9. Copies of Cover Letters sent to Prescribed Bodies with copy of Strategic Housing Development Planning Application.
10. Copy of Cover Letter sent to Dublin City Council with copy of Strategic Housing Development Planning Application.
11. Copy of Cover Letter sent to An Bord Pleanála with copy of Strategic Housing Development Planning Application.
12. Confirmation of Feasibility Statement from Irish Water, dated 14 October 2020.
13. Statement of Design Acceptance from Irish Water, dated 13 December 2019.
14. Applicant's Part V Proposal (incl. Methodology of Calculation of Costs Table), as set out in the letter dated 25 November 2020, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.
15. Dublin City Council Part V Validation Letter, dated 04 December 2020.
16. Letter from Irish Aviation Authority, dated 09 April 2021.
17. Planning Report and Statement of Consistency (including Statement of Response to An Bord Pleanála), prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.
18. Childcare Needs Assessment, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.
19. Community and Social Infrastructure Audit, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.
20. Material Contravention Statement, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.
21. Architectural Drawings, prepared by prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects. (see schedule enclosed with each bundle).
22. Architectural Design Statement, prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects.
23. Response to An Bord Pleanála Opinion document, prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects.
24. Housing Quality Assessment and Schedules, prepared by Reddy Architecture & Urbanism in association with Glenn Howells Architects.
25. Glenn Howells Architects Company Profile booklet, prepared by Glenn Howells Architects.
26. Landscape Design Report, prepared by Mitchell & Associates Landscape Architects.

27. Landscape Drawings, including Ground floor and Roof Garden drawings, prepared by Mitchell & Associates Landscape Architects (see schedule of drawings attached with each bundle).
28. Arboricultural and Tree Protection Report and drawings (including Tree Protection Plan and Tree Survey & Constraints Plan), prepared by CMK Horticulture & Arboriculture Ltd. (see schedule of drawings attached with each bundle).
29. Drainage and Watermain Planning Report, including Drainage and Watermain drawings, prepared by Arup Consulting Engineers. (see schedule of drawings attached with each bundle).
30. Flood Risk Assessment and Statement of Consistency, prepared by Arup Consulting Engineers.
31. Transport Statement and Statement of Consistency, prepared by Arup Consulting Engineers.
32. Environmental Impact Assessment Report, co-ordinated by Stephen Little & Associates Chartered Town Planners & Development Consultants.
33. EIA Confirmation Portal, provided by Stephen Little & Associates Chartered Town Planners & Development Consultants.
34. Construction & Demolition Waste Management Plan, prepared by AWN Consulting.
35. Operational Waste Management Plan, prepared by AWN Consulting.
36. Construction & Environmental Management Plan, prepared by ARUP Consulting Engineers.
37. Report for the purposes of Appropriate Assessment Screening, prepared by Moore Group.
38. Natura Impact Statement, prepared by Moore Group.
39. Building Lifecycle Report, prepared by Aramark Property.
40. Property Management Strategy Report, prepared by Aramark Property.
41. Parkgate Street: A Focus for Heuston Northern Quarter Expert Opinion in support of planning submission to An Bord Pleanála, prepared by John Worthington & Lora Nicolaou.
42. Energy Analysis Report, prepared by IN2 Engineering Design Partnership.
43. Public Lighting Cover Letter, prepared by IN2 Engineering Design Partnership.
44. Daylight and Sunlight Analysis, prepared by IN2 Engineering Design Partnership.
45. Microclimatic Wind Analysis and Pedestrian Comfort Report, prepared by IN2 Engineering Design Partnership.
46. Specific Assessment – Section 3.2 of the Building Height Guidelines (2018), prepared by Independent Site Management (ISM).

20 GLOSSARY

AA - Appropriate Assessment

ABP – An Bord Pleanála

BTR – Build-to-Rent

DCC – Dublin City Council

DMURS – Design Manual for Urban Streets

EIAR - Environmental Impact Assessment Report

LVIA – Landscape and Visual Impact Assessment

NIS – Natura Impact Statement

NPF – National Planning Framework

NZEB – Net Zero Energy Building standard

PDA – Planning and Development Act 2000 (as amended)

RSES – Regional and Spatial Economic Strategy

RAU – Reddy Architecture and Urbanism

SHD – Strategic Housing Development

SHD Act - Planning and Development (Housing) and Residential Tenancies Act 2016

The Board - An Bord Pleanála