

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

8 October 2021

**Re: Strategic Housing Development Application to An Bord Pleanála**

**Construction of a residential development comprising of 399 no. Build to Rent (BTR) apartments and associated ancillary residential uses including a retail unit at ground floor level, and ancillary and associated development and works at Heuston South Quarter, Kilmainham, Dublin 8**

**ABP Reference: 309058-20**

Dear Sir

This application is made to An Bord Pleanála under the Planning and Development (Housing) and Residential Tenancies Act, 2016. The application is made pursuant to a Notice of Pre-Application Consultation Opinion issued by the Board dated 22 April 2021.

This correspondence identifies the following documentation and information submitted with this application:

1. The documentation submitted in compliance with articles 297 and 298 of the Planning and Development Regulations 2001 to 2019, as amended; and,
2. The information submitted pursuant to the Board's Notice of Pre-Application Consultation Opinion dated 22 April 2021, as required under article 297(3) of the Planning and Development Regulations 2001 to 2019, as amended.

## **1 Article 297 and 298 Requirements**

The documentation required under article 297 is identified below:

- **297(1)** – The planning application form is submitted herewith

- **297(2)(a)** – The Applicant is the legal owner of the majority of the application site.  
Dublin City Council controls an area on the St. John’s Road West frontage that is included within the application boundary to accommodate localised upgrade works along that frontage. A Letter of Consent from DCC to include those lands within the application boundary is submitted with the application.
- **297(2)(b)** – A copy of the newspaper Notice published in the Irish Daily Star, on 7 October 2021 is attached herewith.
- **297(2)(ba)** – A copy of EIAR Confirmation Notice (stating confirmation Ref. 2021210) is attached at Appendix B.
- **297(2)(c)** – RAU Drawing No. P18-051D-RAU-ZZ-XX-DR-A-MPL-1001 provides a Site Location Map at a scale of 1:1,000 incorporating the requirements of parts (i) to (iv) is submitted herewith.
- **297(2)(d)** – Evidence form Irish Water that it is feasible to provide services is included at Appendix B of the Engineering Services Report, prepared by CS Consulting Engineers.
- **297(2)(e)** – It is proposed to connect to a public sewer. As such, there is no requirement to submit documentation under this provision.
- **297(2)(f)** – A full Schedule of Drawings and Documents required under sub-article (4) is submitted with the application and is provided by Reddy Architecture and Urbanism; CS Consulting Engineers and Doyle + O’troithigh Landscape – Architecture – refer also to Question 20 of the submitted planning application form.
- **297(2)(g)** – Details of compliance with Section 96 of the Planning and Development Act, 2000 have been detailed in Section 3.7 of the Planning & Statement of Consistency Report submitted with the application. Details of Part V compliance including the location of units, layouts, calculations and methodology for calculating costs form the basis of ongoing consultation with the DCC Housing Department as confirmed in a letter from the DCC Housing Section enclosed.
- **297(2)(h)** – Units to be transferred to the Planning Authority are identified on submitted Drawing No. RAU-ZZ-00-DR-A-GAP-06130, prepared by Reddy Architecture and Urbanism.
- **297(2)(i)** – A letter of consent from Dublin City Council is submitted herewith, together with a drawing identifying the lands in question.
- **297(2)(j)** – The appropriate statutory fee of €72,734 has been paid by the applicant via EFT.
- **297(3)** – Section 2 below provides a statement of proposals to address the matters set out in the Board’s Notice of Pre-Application Consultation Opinion dated 22 April 2021.
- **297(4) and 298(1)** – A full Schedule of Drawings and documents required under sub-article (4) and submitted with the application is provided by Reddy Architecture and Urbanism; CS Consulting Engineers and Doyle + O’troithigh Landscape – Architecture – refer also to Question 20 of the submitted planning application form.
- **298(2)** – This application does not propose any works to a Protected Structure or Proposed Protected Structure or to the exterior of a structure within an Architectural Conservation Area.

It is noted that the application is accompanied by a Natura Impact Statement (NIS) and an Environmental

Impact Assessment Report (EIAR).

## 2 The Board's Notice of Pre-Application Consultation Opinion

The Board's Opinion dated 22 April 2021 states that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

The Opinion identified the following requirements:

- **Matters that need to be addressed** in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development. Further consideration of these issues may require an amendment to the documentation and / or design proposals as previously submitted. These issues are set out and discussed under Section 3, below.
- **Specific information** to be submitted with the application pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017 (in addition to the requirements specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017 (as set out under Section 1 above). This information is listed in Section 4 below.
- **Authorities to be notified** of the making of the application pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017. Copies of the letters sent to these authorities notifying them of the application in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 are submitted with this application – refer to Appendix A for the copy notifications to:
  - 1) Minister of Housing Local Government and Heritage (Development Applications Unit)
  - 2) An Taisce
  - 3) An Comhairle Ealaíon
  - 4) Heritage Council
  - 5) Fáilte Ireland
  - 6) Irish Water

## 3. The Board's Opinion – Matters / Issues to be Addressed

### 3.1 Heuston South Quarter

Item 1 states:

*'Further consideration and/or justification of the documents as they relate to the development strategy for the site and relationship with existing and proposed development within the overall Heuston South Quarter urban block. Particular regard should be had to the following:*

- *The overarching design principles for the wider urban block.*
- *The selection of materials and finishes in buildings and open spaces.*

- *The design and management of pedestrian, cycle and vehicular access for all existing and proposed uses across the block.*
- *The design and layout of water and drainage service provision.'*

A response to the above request is provided in sub-section 4.1 of the submitted Architectural Design Statement, prepared by the Project Architects.

### **3.2 Royal Hospital Kilmainham**

Item 2 states:

*'(a) Further consideration and / or justification of the documents as they relate to the development strategy for the site and the relationship with the Royal Hospital Kilmainham. In particular, further consideration and/or planning rationale in respect of the proposed developments interaction with the Cone of Vision and guiding principles set out in the Dublin City Development Plan in respect of SRDA 7 Heuston and Environs.*

*(b) Further consideration and / or elaboration of the documents as they relate to the design of the pedestrian connection between the proposed development and the formal gardens of the Royal Hospital and possible architectural heritage impacts arising.*

*(c) Further consideration and / or justification within the documents as they relate to the design of the archway connection between Block A and C and its relationship with the setting of the Royal Hospital and its formal gardens.*

**Item 2(a)** is addressed in the Architectural Design Statement and is addressed in detail in the Architectural and Visual Impact Assessment Report, and the Architectural Heritage Chapter of the EIAR.

The SDRA 7 principles establish a cone of vision, extending from the west corner of the north range of the Royal Hospital Kilmainham and the north-east corner of the Deputy Master's House to the western side of the Magazine Fort and east edge of the main elevation of the Irish Army Headquarters (former Royal Military Infirmary) respectively. The outer extents are identified by yellow hatched lines on Figure 5.2 of the submitted Planning Report and Statement of Consistency. The relevant policy 'test' in respect of any development within the cone of vision is as set out under Point 8 of the SDRA principles:

*'Any new developments within this zone shall not adversely affect this view. A visual impact analysis shall be submitted with planning applications to demonstrate this view is not undermined.'*

The submitted Architectural Heritage and Visual Impact Assessment (AHVIA) provides a comprehensive assessment of the impact of the proposed development on the COV and the setting of the RHK and its formal gardens. The Assessment identifies the Royal RHK as *'indisputably Ireland's most significant public building, a fact recognised by its inclusion on both the Record of Protected Structures and the NIAH, which deems it to be of international significance for its qualities'*.

The Assessment describes the historic evolution and development of the HSQ development and describes the sensitive and responsive design, massing and interaction of the proposed development. The following design responses are noted:

*'The proposals for the second (SHD) phase of the Heuston South Quarter have been designed*

*specifically to respond to its highly significant neighbour, the RHK. It was therefore felt that there is a strong case for the proposed massing of the design to relate formally and orthogonally to the gardens and the RHK. The design responds to address the gardens orthogonally with two lower residential blocks, D&E. These are in a contemporary classical language and materiality, the top floors of which will form a mediated backdrop to an arch-like opening between blocks A&B, framing views of the HSQ 1 development and the city beyond. This arch-like opening is to be framed by two twelve-storey blocks with a three-storey infill between the sixth and tenth floors forming the top of the archway.*

*The proposals respond to the sensitive formal geometry of the Royal Hospital building and its splendid gardens, and screen the irregular unsatisfactory forms of the first phase of the HSQ development that have so fundamentally altered the setting of the RHK.'*

With specific regard to the COV, the Assessment notes that of the three relevant monuments within the Cone referenced in the City Plan, the magazine fort is obscured by mature trees, while the Royal Military Hospital is so distant, that only the cupola, and the unsatisfactory large three-storey 1935-40 extension, are discernible. The cupola is small but with a distinctive form, while the extension is in a crude pastiche style that detracts from the purity of the Gandon building.

The Assessment states that the area within the COV has been much altered over the past 150 years, with the advent of the railways and associated infrastructure, and the incremental addition of numerous large developments within the cone, both in the near and far grounds which include tall, mixed used developments at Clancy Barracks, offices and apartment blocks of variable quality along Conyngham Road, the dominant new Courts of Criminal Justice building at Parkgate Street, the beginning of the construction of the new six-storey Garda Command Centre on Military Road, and the large pastiche 1935-40 office extension added to the south-eastern side of Gandon's Royal Military Infirmary, which is considerably more prominent visually than the original building. Importantly, it notes that trees have also obscured all views of the magazine fort on the west side of the cone of vision as outlined in the development plan.

The Assessment concludes in this regard, as follows:

*'The proposed development screens the irregular forms and materiality of the first phase of the HSQ development - and other large more recent structures in the COV - that have so fundamentally altered the RHK's historic setting. The proposals respond to its formality and materiality while maintaining the visual link between the Royal Hospital and the Gandon Cupola from the central axis. Accordingly, there is no adverse impact on the cone of vision.'*

**Item 2(b)** is addressed in the Architectural Design Statement having regard to the masterplanning principles established in the parent permission, and those applying to the development of the remaining undeveloped areas of Sites A and B.

The proposed development incorporates a strong east-west visual and pedestrian connection through the HSQ development, consistent with the principles established in the parent permission and masterplan for the HSQ site. This east-west connection will, in time, link the city with the RHK gardens and the RHK/IMMA. The proposed design futureproofs this connection, and a proposed design of the

connection incorporating new steps and a raised landing area entrance is shown for information purposes on RAU Drawing No. Drawing No. P19-213D-RAU-ZZ-00-DR-A-GAP-06131 (Rev. P01). In this regard it must be emphasised that the required opening up works to the boundary wall and provision of gates therein do not form part of this application and is not included within the red line application boundary. The details relating to such opening up works and alteration of the existing boundary wall, as shown on the aforementioned drawing seeks solely to demonstrate that the proposed development has appropriately provided for a future connection that can be sensitively incorporated by way of a separate application if agreement can be reached with the OPW to deliver the connection.

**Item 2(c)** is addressed in the Architectural Design Statement, and the Architectural Heritage and Visual Impact Statement.

### 3.3 Residential Amenity

Item 3 states:

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

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

**Item 3(a):** The scheme presented at the Tripartite meeting with ABP on 23 March 2021, included 54 no. units with private amenity space provision in the form of a private patio / terrace (23 units), balconies (19 units), and Juliet balconies (7 units).

The proposed development has been amended to increase the quantum of units that benefit from private amenity space provision. The submitted Housing Quality Assessment identify 22 no. units that benefit from private patio terraces and a further 74 no. units benefit from balcony provision. The latter comprises almost four times as many balconies as the scheme presented at the Tripartite consultation.

The proposed patio terraces are provided at lower ground (15) and podium level (7). The proposed 74 no. balconies are distributed as follows:

- 13 no. balconies to the eastern elevation of Block A;
- 38 no. balconies on Block B - 13 no. to the western façade; 15 no. to the eastern façade and 10 no. to the northern façade;
- 16 no. balconies to the eastern façade of Block C;
- 3 no. balconies to the western façade of Block D; and
- 4 no. balconies to the western façade of Block E.

It is noted that SPPR8 (ii) of the Apartment Guidelines (2020) afford flexibility for BTR scheme in this regard, stating:

*'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.'*

It is submitted that this level of provision of private amenity space is appropriately supplemented through the generous provision of outdoor communal amenity space and a range of communal recreational facilities and amenities to meet the requirements of SPPR 7 and 8, as summarised below:

- Resident Support Facilities<sup>1</sup> – In this regard it was identified that the proposed development would benefit from concierge / management facilities and waste management facilities that will be provided at lower ground floor level.
- Resident Services and Amenities<sup>2</sup> - A range of communal recreational facilities are provided, which include shared co-working area / lounge and gym at lower ground floor level and lounges on either side of a residential foyer within Block A and a TV Room / lounge in Block C – all at ground floor / podium level. Communal gardens / amenity spaces are provided in the form of roof terraces and communal courtyards at lower ground level.
- The quantitative requirement for outdoor communal amenity space (based on the Annex 1 standards and the mix of the previous proposed 399 no. BTR units) is identified as 2,155 sq.m.

A total of 3,809 sq.m of communal outdoor amenity spaces are proposed in the form of:

- secure, accessible roof gardens (1,179 sq.m);
- communal residential courtyards at lower ground floor level between blocks (960 sq.m); and
- communal open space at podium level, which includes the provision of a MUGA at the southern end of the site to encourage active recreational uses (totalling 1,670 sq.m).

As detailed in the Planning Report and Statement of Consistency and the submitted application documents, this level of outdoor communal open space provision comfortably exceeds the minimum required level of provision even when an area of 94 sq.m of the proposed courtyard space for Blocks C and D is discounted from the total provision to account for qualitative aspects associated with the space and the achievement of sunlight penetration standards as set out in sub-section 4.1 of the Daylight and Sunlight Report. Detailed calculations are provided under sub-section 5.1.2 of the submitted Planning Report and Statement of Consistency in this regard.

It is further noted that it was agreed in principle with DCC that balconies were not appropriate on the facades of the buildings that addressed the RHK and its gardens as this had the potential to create visual clutter on these visually sensitive and important facades. This reduced the number of units that could be provided with balconies to provide private amenity space. The majority of these units enjoy a westerly

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1 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.

2 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.

or south westerly aspect overlooking the RHK gardens. Accordingly, these units will enjoy a high level of direct sunlight and daylight exposure / penetration, and as such, will enjoy a correspondingly high level of internal amenity.

It is submitted that the quantity, quality and variety of the communal indoor and outdoor amenity and recreational spaces, provide for a very high level of amenity and recreational facilities for all units, and appropriately compensate for some units not having private amenity space provision, consistent with SPPR8(ii) of the Apartment Guidelines.

**Item 3(b)** requests further detail in respect of potential impact of the proposed development on the residential amenities of existing adjoining residential amenities in respect of overlooking, daylight and sunlight and overshadowing.

A Daylight and Sunlight Report accompanies the application, prepared in accordance with the BRE Guidelines and all relevant guidance. The report assessed the impact of the proposed development on established residential properties within the HSQ precinct. The existing buildings were assessed for both Vertical Sky Component (VSC), and Annual Probable Daylight Hours, a measure of direct sunlight. The assessment concludes:

*'The analysis indicated that the majority of the existing residences within HSQ assessed for daylight impact were found to achieve full compliance with BRE recommendations, the proposed massing had less of an impact when compared to the mirrored massing. These dwellings would therefore not be adversely affected by the proposed new development in terms of receipt of natural light.*

*'Some windows were determined to receive a minor impact due to the proposed massing however it can be noted that the wider planning benefits of completion of the site and the added amenity may be considered to negate these impacts.....*

*'Both assessments determined that there would only be minor impact as a result of the proposed development. The Annual Probable Sunlight hours assessment determines the annual sunlight impact on a window and the winter sunlight impact through a quantitative assessment. Appendix A includes site shading diagrams displayed on an hourly basis for the Equinox and Summer/ Winter Solstices.*

As detailed in the Planning Report and Statement of Consistency, the site represents an infill urban consolidation site that will assist in completing the regeneration of this large city centre in a manner consistent with the principles established in the parent permission. The physical and policy context of the site also mandate a sustainable level of density. It is submitted that the impact on adjoining residential amenities by reason of daylight, sunlight and overshadowing impact has been assessed and determined to be minor and is an appropriate and acceptable level of impact given this context.

With regard to potential privacy and overlooking impacts, Item 3(b) requests further consideration and / or justification in terms of the relationship of the development with existing adjoining development to demonstrate that no significant adverse impacts would result from overlooking / loss of privacy to such neighbouring residential blocks and that it should be illustrated in cross sections and contextual elevations.

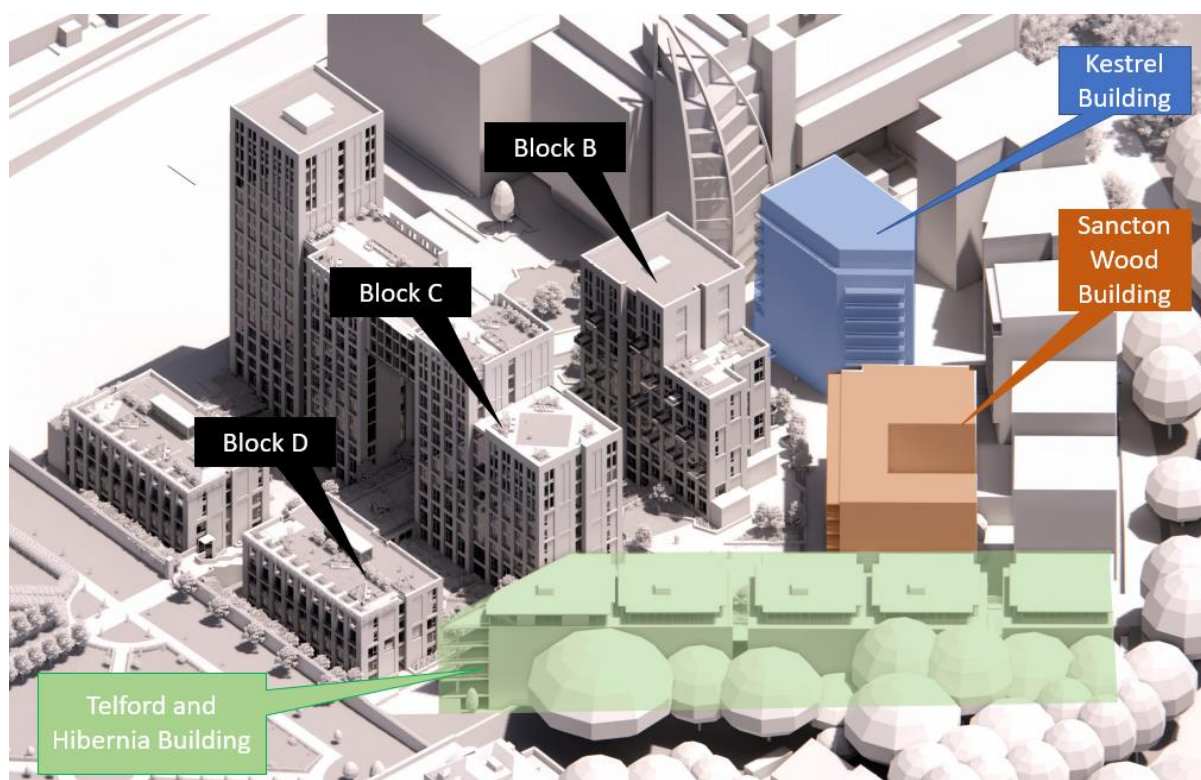
In this regard the figure below shows the relationship of proposed Blocks B, C and D with the neighbouring residential blocks to the east (Kestrel Building); the south-east (Sancton Wood) and the



south (Telford and Hibernia building). Having regard to this context, the following 3 no. important relationships and interfaces between the proposed development and the existing adjoining development are considered relevant and are discussed in more detail under separate sub-headings below:

- I. Relationship between proposed Block B and the Kestrel Building to the east and Sancton Wood to the south-east thereof;
- II. Relationship between proposed Block C and Sancton Wood to the east and the Telford Building to the south thereof; and
- III. Relationship between proposed Block D and the Telford Building to the south thereof.

**Figure 1: Contextual Relationship between Proposed Development and Existing adjoining Residential Development**



Having regard to the above, the identified 3 no. key relationships between the proposed scheme and existing adjoining development are discussed in turn below, under separate headings.

- i) Relationship between proposed Block B and the Kestrel Building to the east and Sancton Wood to the south-east thereof

The Kestrel Building and the Sancton Wood developments contain residential apartments at the upper levels with numerous west facing habitable room windows and balconies, as shown in Figure 2 below. Due to the location of Block B that is sited on the south-eastern part of the application site it is the block nearest to the Kestrel and Sancton Wood building. Block B is part 8- and part 12-storeys in height with the southern part of the building closest to Sancton Wood being the lower part of the building (8-storeys). This block provides a total of 81 no. apartments and a communal rooftop terrace above the

lowest part of the block at its southern end.

Due to the location of the Kestrel building to the east, it is considered that the position and design of the eastern elevation of Block B is considered most relevant in this regard. Drawing No. RAU-ZZ-00-DR-A-GAP-06100 (Proposed Level 00) indicates separation distances to nearby existing adjoining residential blocks to the east and south. It is indicated that the eastern elevation of Block B is separated by approximately 21.1 to 21.5m from the western elevation of the Kestrel Building. The submitted RAU Drawing No. P19-213D-RAU-ZZ-ZZ-DR-A-SEC-06306 (Rev. P01) contains a number of cross sections through the proposed development showing its relationship with adjoining buildings. In this regard Section A-A indicates a separation distance of approximately 20m between the eastern elevation of Block B and the western elevation of the Kestrel building measured at a right angle to both facades.

Whilst the eastern elevation of Block B contains numerous habitable room windows and balconies, it is submitted that a separation distance in excess of 20m is considered generous for a high-density mixed use / residential environment / context and will adequately safeguard the residential amenities of residents within the Kestrel apartments by avoiding excessive levels of overlooking from occurring.

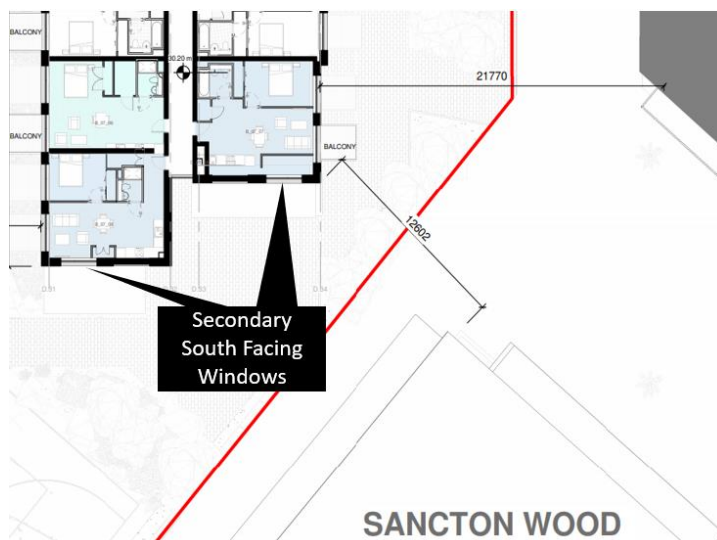
### Figure 2: Existing West Facing Elevations of Kestrel and Sancton Wood Buildings



The southern and lower end of Block B is situated much closer to the adjoining Sancton Wood building. Submitted Drawing No. RAU-ZZ-00-DR-A-GAP-06107 (Proposed Level 07) indicates a separation distance of approximately 12.6m from the south-eastern corner of Block B to the Sancton Wood building. At 8<sup>th</sup> floor level there is also a roof terrace proposed at the southern end of Block B in this position.

The detailed cross sections B-B and C-C, as shown on submitted RAU Drawing No. P19-213D-RAU-ZZ-ZZ-DR-A-SEC-06306 (Rev. P01) demonstrate that separation distances vary between 14.9m (as measured at a right angle to the Sancton Wood elevation) and 21.8m, as measured at a right angle from the southern elevation of Block B to the middle of the north-western elevation of the adjoining Sancton Wood building.

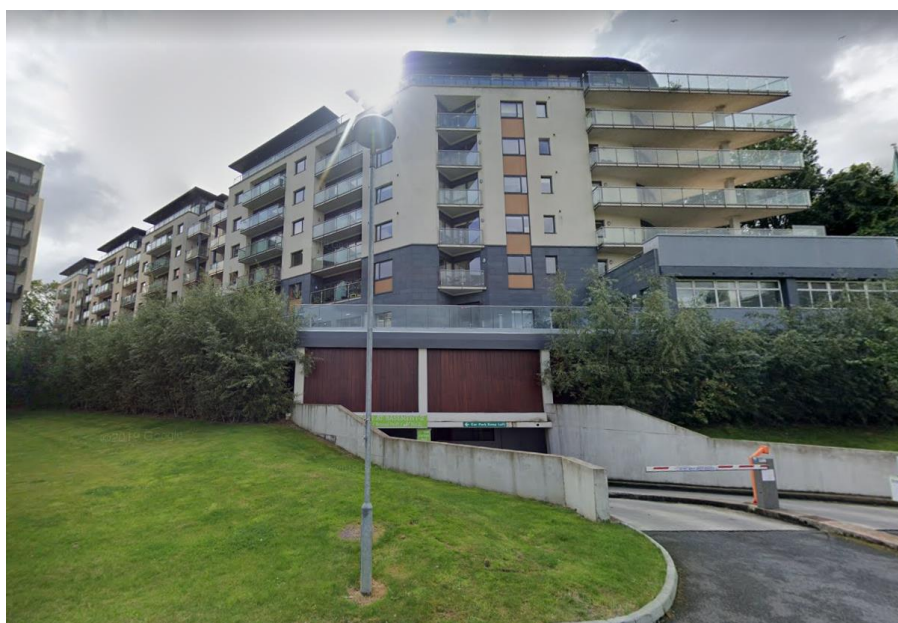
Having regard to the submitted elevational drawings and floorplans for Block B it is noted that the southern elevation of a typical upper floor contains secondary south facing windows (in addition to the east and west facing windows (respectively) serving open plan living rooms of the southern-most apartments within Block B, as shown in the inset plan, right. Should ABP consider it necessary and appropriate, a planning condition could be attached to a grant of planning permission requiring these south facing windows of Block B to be fitted with obscured glazing to mitigate against such impacts.



ii) Relationship between proposed Block C and Sancton Wood to the east and the Telford Building to the south thereof

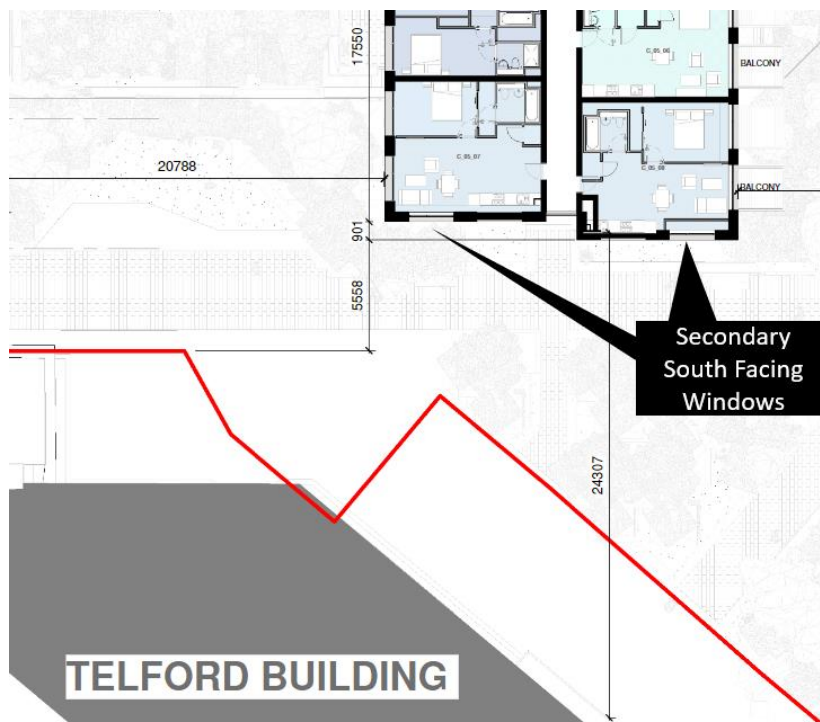
The Sancton Wood and Telford / Hibernia developments contain residential apartments at the upper levels with numerous west and north facing habitable room windows and balconies. The figure below shows the northern elevation of the Telford / Hibernia development to the south of proposed Block C. Due to the location of Block C between Block D to the west and Block B to the east (further away from Sancton Wood), the nearest existing and adjoining residential development is the Telford building to the south thereof. Block C is a rectangular shaped block that varies in height up to a maximum of 12-storeys above podium level and includes a lower ground floor level to provide a total of 86 no. apartments. It is positioned perpendicular to the Telford Development with its narrow southern elevation facing the Telford development.

**Figure 3: Existing North Facing Elevations of the Hibernia and Telford Buildings**





Due to the angle and shape of the Telford building it presents a short northern elevation to the application site (as can be seen on the right-hand side of the image, above) and its main longer / wider northern elevation angles away from the application site to face north-east. This short northern elevation is situated to the west of Block C (and not due south of its southern elevation), resulting in varying separation distances to the south between the southern elevation of Block C and the Telford building.



Submitted Drawing No. RAU-ZZ-00-DR-A-GAP-06105 (Proposed

Level 05) indicates a separation distance of approximately 24.3m from the southern elevation of Block C to the Telford Building (as measured from the southern living room window of the unit occupying the south-eastern corner of Block C). This relationship is also shown in the detailed cross sections D-D as shown on submitted RAU Drawing No. P19-213D-RAU-ZZ-ZZ-DR-A-SEC-06306 (Rev. P01). To the west of this unit is another unit, also with a south facing window which is separated approximately 14m from the nearest part of the Telford Building, as indicated on submitted Drawing No. RAU-ZZ-00-DR-A-GAP-06100 (Proposed Level 00).

Having regard to the submitted elevational drawings and floorplans for Block C it is noted that as in the case of Block B, these south facing living room windows are secondary south facing windows (in addition to the east and west facing windows (respectively) serving open plan living rooms of the southern-most apartments within Block C, as shown in the inset plan, right). Whilst views of the Telford building and the balconies of the apartments at its western end would be able to be obtained from the west facing living room window of the apartments occupying the south-western corner of Block C, such views would be at an oblique angle and would be unlikely to result in serious overlooking / loss of privacy to adjoining residents within the Telford building. Whilst it is considered that the separation distances achieved between the south facing living room windows in Block C and the Telford building are adequate to avoid any serious overlooking, it is noted that these are secondary windows serving those units and should ABP consider it necessary and appropriate, a planning condition could be attached to a grant of planning permission requiring the south facing windows of Block C to be fitted with obscured glazing in order to mitigate such impacts.

At its southern end Block C measures approximately 9-storeys in height before it steps up to a 12-storey height further north. At the top of the 9-storey element and at its most southern end is a communal rooftop terrace proposed. The southern parapet wall of this roof terrace would be situated approximately 14m from the nearest part of the Telford Building but due to its height above corresponding podium

level (approximately 29.35m) it would be situated approximately 3 floors higher than the nearest north facing roof terrace / balcony of the Telford Building which would mitigate against any direct overlooking from the roof terrace in a southerly direction.

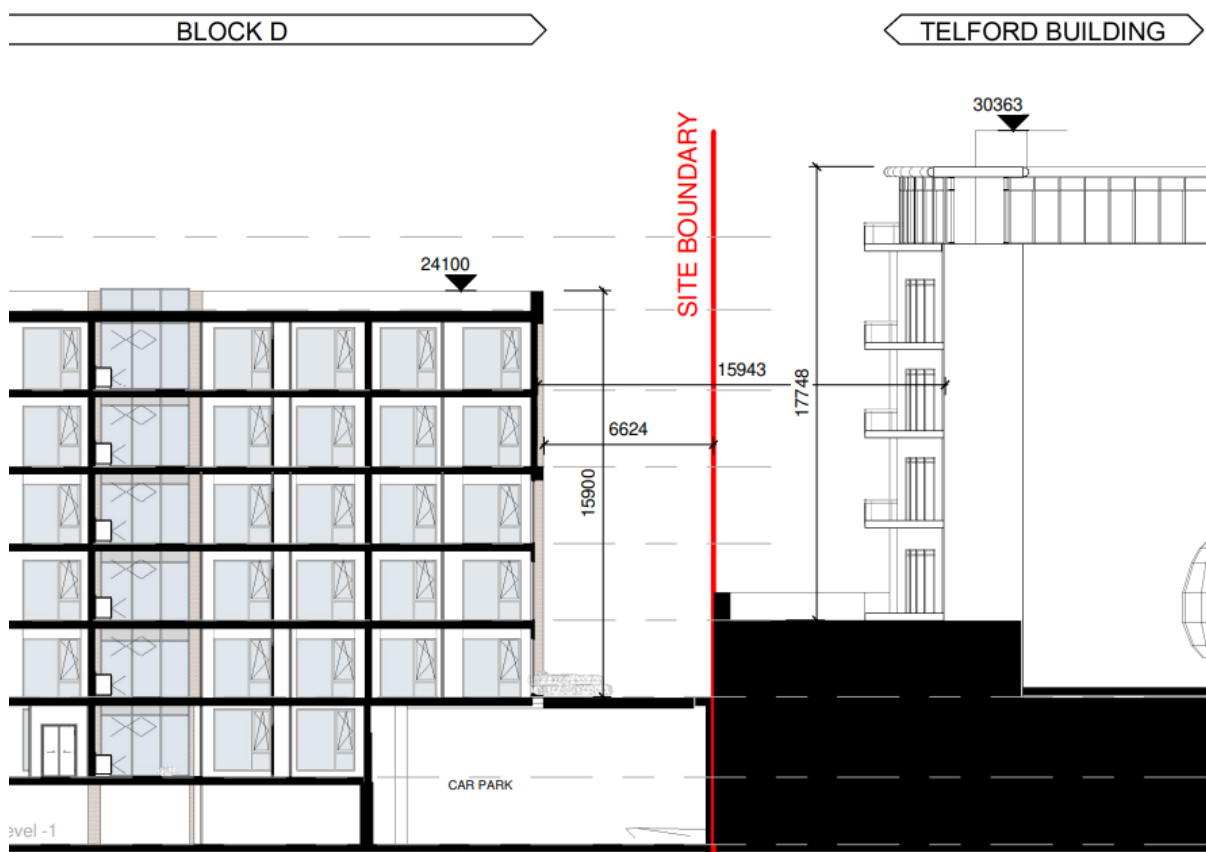
iii) Relationship between proposed Block D and the Telford Building to the south thereof

Block D is a 5-storey over basement level rectangular block that occupies the south-western corner of the application site and accommodates a total of 35 no. apartments. Block D is positioned perpendicular to the Telford Development that is situated due south of the eastern part of Block D, with Block D presenting its narrow southern elevation towards the Telford development.

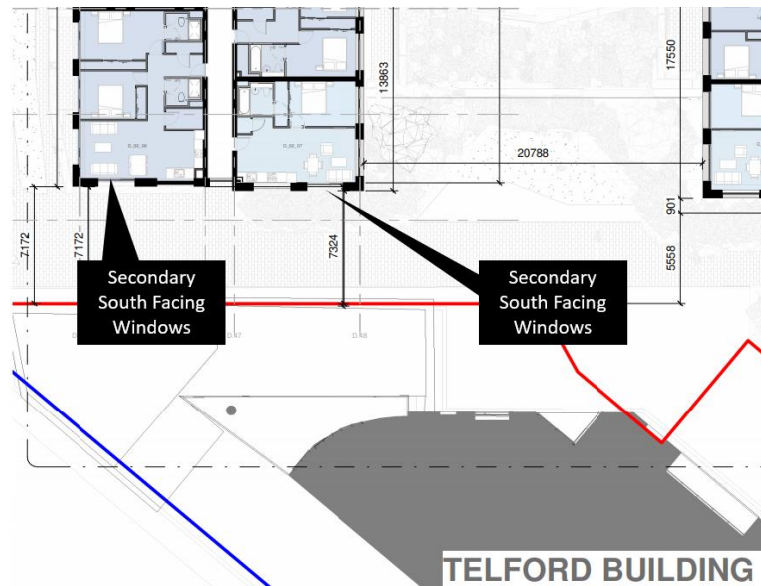
The short northern elevation of the Telford block contains numerous habitable room windows in addition to north facing balconies, including substantial triangular shaped balconies / terraces at its western end.

Submitted RAU Drawing No. P19-213D-RAU-ZZ-ZZ-DR-A-SEC-06306 (Rev. P01) contains a detailed section E-E (as duplicated in Figure 4, below) that shows a physical separation of approximately 15.9m between the southern elevation of Block D and the northern elevation of the Telford building.

**Figure 4: Section showing relationship between Block D and the Telford Building to the South**

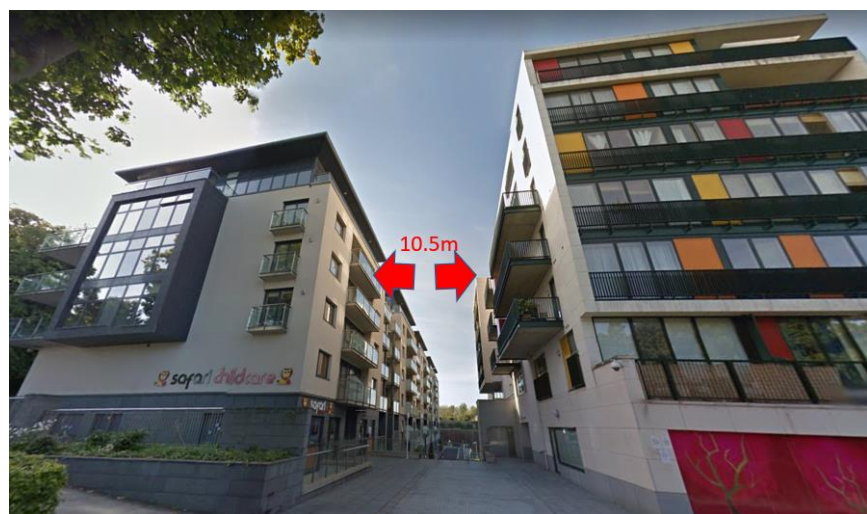


Having regard to the submitted floor plans for Block D and Drawing P19-213D-RAU-ZZ-ZZ-DR-A-ELE-06205 (Proposed Elevations 5) which illustrate the southern elevations of Blocks B, C and D it is noted that as in the case of Blocks C and B, there are secondary south facing living room windows (in addition to the east and west facing windows (respectively) serving open plan living rooms of the southern-most apartments within Block D, as shown in the inset plan, top right. Whilst it is considered that the separation distances achieved between the south facing living room windows in Block D and the Telford building are adequate to avoid any serious overlooking, it is noted that these are secondary windows serving those units and should ABP consider it necessary and appropriate, a planning condition could be attached to a grant of planning permission requiring the south facing living room windows of Block D to be fitted with obscured glazing in order to mitigate against such impacts.



Block D is proposed as a uniform 5-storey high building that benefits from a communal rooftop terrace. The proposed rooftop terrace is set in from the southern elevation to increase the separation distance to the northern elevation of the Telford building. Having regard to the landscaping details submitted, particularly Drawing No. PP-02-PP (Planting Plan 02 – Roof Terraces) it is noted that the southern edge of the proposed roof terrace will be densely planted to include shrubs and 3 no. Mespil Trees of 2-2.5m in height that will aid in providing a southern screen to the roof terrace that would mitigate against adverse impacts occurring through overlooking to and from the proposed roof terrace in a southerly direction.

Concluding on this issue, it is noted that in all of the abovementioned interfaces / relationships, the level of separation achieved between the proposed residential blocks and the existing adjoining residential blocks are more generous than the established layout and relationship between existing residential blocks. In this regard it is noted that the northern elevation of the Hibernia Building and



the southern elevation of the Sancton Wood building directly opposite, is separated by approximately 10.5m, as illustrated in the inset figure, right.

In fact, it is evident that the facing elevations of these buildings contain a number of opposing balconies in close proximity to each other. Clearly the layout and pattern of development proposed improves on this established pattern of development that was previously approved by DCC. It is considered reasonable to deduct that the Planning Authority in adjudicating on the parent planning permission, previously considered that such a relatively close relationship and interface between facing apartment blocks provide a reasonable level of privacy which is indicative of higher-density urban living conditions throughout most highly populated cities.

**4. Requested Specific Information**

The table below list the specific information requested by the Board to accompany the application pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017 (in addition to the requirements specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017. The requested information is listed in the left-hand column with a reference to the corresponding documents provided in the right-hand column.

**Table 4.1: Schedule of Required and Submitted Specific Information with the Planning Application**

Requested Information	Reference to Submitted Information
<p>1. <i>A revised assessment of Sunlight, Daylight and Overshadowing, which includes an examination of impacts on adjoining lands and development, including potential impacts on the formal gardens of the Royal Hospital.</i></p>	<p>The submitted Daylight and Sunlight Report addresses these matters.</p>
<p>2. <i>A detailed assessment of microclimate and in particular wind comfort within private, communal and public amenity spaces, to include rooftop open space. The assessment should also consider any impacts on existing adjoining private and communal amenity spaces. The assessment should assess the effectiveness of any identified mitigation measures to achieve the required comfort criteria.</i></p>	<p>The submitted Microclimate Wind Analysis Report addresses these matters.</p>
<p>3. <i>A revised Landscape and Visual Impact Assessment which should:</i>                      a) <i>Have regard to existing and permitted /</i></p>	<p>An updated Landscape and Visual Impact Assessment is submitted with the application. The LVIA should be read in conjunction with the</p>

<p><i>proposed development on adjoining lands and give consideration to summer and winter views having regard to the influence of foliage on views in the area.</i></p> <p>b) <i>Provide an assessment of impact of the development in respect of additional views, including views from:</i></p> <ul style="list-style-type: none"> <li>• <i>St. John’s Road West, to the east of and including the original Heuston Station terminal building.</i></li> <li>• <i>St. John’s Road West on the approach to the city from the west.</i></li> <li>• <i>Wolfe Tone Quay.</i></li> </ul>	<p>Architectural Heritage and Visual Impact Assessment, the EIAR, and the Photomontages and Verified Views.</p> <p>The following additional views have been included in the LVIA in response to item 3(b):</p> <ul style="list-style-type: none"> <li>• View no. 01 to the east of and including Heuston Station terminal building looking west along St. John’s Road West.</li> <li>• View nos. 17 and 18 show the approach to the city from the west along St. John’s Road West.</li> <li>• View no. 24 shows the proposed development from Wolfe Tone Quay.</li> </ul> <p>The impact of the proposed development in respect of all 24 no. views is set out under sub-section 15.5.2 (Chapter 15) of the submitted Environmental Impact Assessment Report (EIAR) that accompanies the planning application.</p>
<p>4. <i>A Social and Community Infrastructure Audit of existing facilities within the area demonstrating how the proposal will contribute to the range of supporting community infrastructure. This should be accompanied by an assessment of the capacity of schools and childcare facilities in the area to accommodate the needs of the proposed development.</i></p>	<p>Chapter 5 of the submitted EIAR examines the potential population and human health effects and mitigation measures of the proposed development. The assessment identifies and assesses the potential population, human health and wellbeing effects of the proposed project, and to deliver evidence-based recommendations that maximise health benefits and mitigate or remove potentially negative impacts associated with the Proposed Development.</p> <p>Section 5.4.6 of the EIAR provides a detailed assessment of Social Infrastructure provision within the identified study area. In terms of schools and childcare facilities, it identifies that there are nine creches available to provide childcare for parents with small children, while three primary schools are located in close proximity. Only one secondary school is located within the 1km buffer zone, while an additional</p>



	<p>21 primary schools and eight secondary schools are located within 2km of the site.</p> <p>Sections 5.6.3 and 5.6.4 of the EIAR assess the construction and operational impacts of the proposed development on childcare facilities and primary and post primary schools within the study area, respectively. In terms of the potential of existing facilities to accommodate the needs of the proposed development at the operational phase of development, it concludes as follows:</p> <ul style="list-style-type: none"> <li>• <u>Childcare Facilities</u> – ‘...c. 11 pre-school childcare places would be required...In any event, regardless of the variables used, it is expected that the demand for private childcare arising out of the development can be met by the various childcare facilities that are present within the Study Area and 1km - 2km from the Proposed Development.’</li> <li>• <u>Primary and Post Primary Schools</u> – ‘Based on the 2016 Census figures for the area, the population estimate for the 5-12 age cohort (primary school) (5.2%) is estimated to be 12 children. The population estimate for the 13-18 age cohort (Post primary school) (3.4%) is estimated to be 8. However, the Proposed Development will not generate this level of demand instantly given that the development will be constructed in a phased manner. It is expected that the primary and post primary school facilities in proximity of the Proposed Development will sufficiently absorb the school going population generated by the development.’</li> </ul>
<p>5. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes</p>	<p>These details are provided in the submitted Architectural Design Statement.</p>

<p><i>which have regard to the context of the site. The rationale for the choice of materials should be clearly set out, having regard to the relationship of the development with the Royal Hospital.</i></p>	
<p><i>6. Landscaping proposals including an overall landscape masterplan for the development site including detail of tree planting, the quantity, type and location of all proposed hard and soft landscaping including details of public lighting, pedestrian entrances and boundary treatments and potential greening of retaining walls in the scheme. Detail shall include a rationale for the planting / vegetation selected having regard to the daylight and sunlight characteristics of the site.</i></p>	<p>These details are provided in the submitted Landscape Strategy and Public Realm Strategy, and the Landscape Drawings.</p> <p>Details of site lighting are provided in the submitted Site Lighting Report.</p>
<p><i>7. (a) A Traffic and Transport Impact Assessment (TTIA) which should consider cumulative impacts with existing and proposed adjoining development. The scope of this assessment should be discussed in advance with Dublin City Council.</i></p>	<p>The submitted Traffic and Transport Assessment (TTA) includes a full assessment of the potential impact on the operation of the surrounding road network. This comprises both operational phase assessments of nearby junctions' performance (including: (a) existing HSQ traffic; (b) traffic generated by the subject development and (c) estimated traffic related to the adjacent planned commercial development), as well as an assessment of the eastern HSQ access junction's performance during the construction phase (accounting for the displacement of existing HSQ traffic from St. John's Road West to Military Road).</p>
<p><i>7(b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual. This should incorporate a Quality Audit that includes (i) a Road Safety Audit, (ii) an Access Audit, (ii) a Walking and Cycle Audit.</i></p>	<p>This detail is provided in the submitted DMURS Statement of Consistency and as attachments to the Traffic and Transportation Assessment.</p>
<p><i>7(c) A Parking Strategy and Mobility Management Plan. This plan shall provide</i></p>	<p>A Residential Travel Plan (RTP) is submitted with</p>

<p><i>a justification for the quantum and design of cycle storage / parking facilities having regard to the provisions of the Apartment Design Guidelines.</i></p>	<p>this application.</p> <p>The proposed parking management strategy, and an analysis of residential parking demand patterns, are provided in Section 6 of the submitted TTA.</p>
<p><i>(d) The items raised in the report of the Dublin City Council Transportation Planning Division, dated 26th January 2021.</i></p>	<p>Section 8 of the submitted TTA provide responses to the matters raised in the pre-application discussions.</p>
<p><i>8. Where the applicant is not the legal owner of any land or structure affected by the proposed development, the written consent of the owner to make the application. In particular, confirmation of the consent of the Office of Public Works to the proposed east – west connection between the proposed development site / Heuston South Quarter and the formal gardens of the Royal Hospital Kilmainham should be submitted.</i></p>	<p>The Applicant is the legal owner of the majority of the application site.</p> <p>Dublin City Council controls an area on the St. John’s Road West frontage that is included within the application boundary to accommodate localised upgrade works along that frontage. A Letter of Consent from DCC to include those lands within the application boundary is submitted with the application.</p> <p>With regard to the connection to the RHK gardens, as clarified in the response to Item 2(b) above, the proposed design futureproofs an east-west connection with the RHK gardens. Whilst the proposed works of opening up the existing boundary wall with the RHK does not fall within the scope of the subject application, the design detail of the proposed connection and new gateway to the RHK gardens is submitted for information purposes, as shown on RAU Drawing No. Drawing No. P19-213D-RAU-ZZ-00-DR-A-GAP-06131 (Rev. P01). In this regard it must be emphasised that the required opening up works to the boundary wall and provision of gates therein do not form part of this application and is not included within the red line application boundary.</p> <p>Accordingly, the proposed development has appropriately provided for a future connection that can be sensitively incorporated by way of a separate application when agreement is reached with the OPW to deliver the</p>

	<p>connection.</p> <p>These works will form part of a future planning application and is being illustrated to demonstrate how it can be appropriately integrated with the proposed development, as referenced in the Board's Opinion.</p>
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I trust that the application documentation is in order, and I look forward to a favourable decision from the Board.

Yours sincerely,



Hennie Kallmeyer

**Declan Brassil & Co. Ltd.**

## Appendix A

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Copies of letters to Authorities to be notified of the making of this application pursuant to Article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017.

List of Authorities Notified, as follows:

- Minister of Housing Local Government and Heritage (Development Applications Unit);
- An Taisce;
- An Comhairle Ealaíon;
- Heritage Council;
- Fáilte Ireland; and
- Irish Water.

Development Applications Unit  
Government Offices  
Newtown Road  
Wexford  
County Wexford  
Y35 AP90

8 October 2021

**Re: Strategic Housing Development Application Made to An Bord Pleanála**

**Construction of a residential development comprising of 399 no. Build to Rent (BTR) apartments and associated ancillary residential uses including a retail unit at ground floor level, and ancillary and associated development and works at Heuston South Quarter, Kilmainham, Dublin 8**

Dear Sir/Madam

Please be advised that HPREF HSQ Investments Ltd., intend to apply to An Bord Pleanála for a proposed residential development at Heuston South Quarter, Kilmainham, Dublin 8.

Pursuant to Article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, and Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), a copy of the application, including the Environmental Impact Assessment Report and Natura Impact Statement, is enclosed for your information. As agreed by e-mail dated 24 September with Mr. Connor Rooney of your office, only an electronic copy of the application is required / provided herewith<sup>1</sup>.

The application may also be inspected online at the following website set up by the Applicant: [www.heustonsouthquartershd.ie](http://www.heustonsouthquartershd.ie)

The proposed development will consist of site clearance works and localised demolitions to remove part of the podium and Basement Level -1 reinforced concrete slabs at the interface of the proposed Blocks A and B, together with the incorporation of part of the existing double basement level structure extending to approximately 7,613 sq.m (excluding an area of 3,318 sq.m that will be backfilled at Basement Level -1) together with the construction of 5 new buildings over reconfigured existing double basement to provide 399 no. Build to Rent apartments, comprising 46 studios, 250 no. 1 bed apartments, and 103 no. 2 bed apartments. The apartments are arranged in 5 blocks (Blocks A to E) that vary in height from 3 storeys to 18 storeys over basement levels.

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<sup>1</sup> A hard copy can be provided upon request and receipt of this letter.

The application site extends to approximately 1.08 ha, resulting in a gross residential density of approximately 369 units per hectare. The proposed development also includes a retail unit of 120 sq m GFA at ground floor / podium level at the northern end of Block B.

A submission or observation can be made in writing to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within the period of 5 weeks beginning on the date of receipt by An Bord Pleanála of the application, relating to:

- (I) the implications of the proposed development, if carried out, for proper planning and sustainable development in the area or areas concerned, and
- (II) the likely effects on the environment or the likely effects on a European site, as the case may be, of the proposed development, if carried out. Submissions or observations duly made will be considered by An Bord Pleanála in making a decision on the application.

An Bord Pleanála may grant permission for the strategic housing development as proposed, or may grant permission subject to such modifications as it specifies in its decision, or may grant permission in part only, with or without any other modifications it may specify in its decision, or may refuse to grant permission for the proposed development. An Bord Pleanála may attach to a grant of permission such conditions as it considers appropriate.

Any enquiries relating to the application process should be directed to the Strategic Housing Development Section of An Bord Pleanála (tel. 01-8588100).

Yours faithfully,



Declan Brassil

**Declan Brassil & Co.**

An Taisce  
Tailors' Hall  
Back Lane  
Dublin  
D08 X2A3

8 October 2021

**Re: Strategic Housing Development Application Made to An Bord Pleanála**

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Declan Brassil

**Declan Brassil & Co.**

The Arts Council  
(An Comhairle Ealaíon)  
70 Merrion Square  
Dublin 2  
D02 NY52

8 October 2021

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Declan Brassil

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The Heritage Council  
Aras na hOidhreachta  
Church Lane  
Kilkenny  
R95 X264

8 October 2021

**Re: Strategic Housing Development Application Made to An Bord Pleanála**

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Declan Brassil

**Declan Brassil & Co.**

FAO: Shane Dineen (Environment & Planning Manager)

Fáilte Ireland  
Unit 2 Nessian House  
Riverview Business Park  
Blackrock  
Cork  
T12 R8HE

8 October 2021

**Re: Strategic Housing Development Application Made to An Bord Pleanála**

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Dear Shane,

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Declan Brassil

**Declan Brassil & Co.**

Irish Water  
Planning Department  
Connections and Developer Services  
Colvill House  
24-26 Talbot Street  
Dublin 1

8 October 2021

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Yours faithfully,



Declan Brassil

**Declan Brassil & Co.**



## EIA Portal Confirmation Notice Portal ID 2021210



Housing Eiaportal <EIAportal@housing.gov.ie>  
To Hendrik Kallmeyer

Reply Reply All Forward

Wed 06/10/2021 13:58

An EIA Portal notification was received on 05/10/2021 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 06/10/2021 under EIA Portal ID number **2021210** and is available to view at:  
<https://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=7b90c4b181ff463893947e469774246d>

**Portal ID:** 2021210

**Competent Authority:** Dublin City Council

**Applicant Name:** HPREF HSQ Investments Ltd

**Location:** Heuston South Quarter  
St Johns Road West / Military Road  
Kilmainham  
Dublin

**Description:** Residential development of 399 no. 'Build To Rent' residential units and all ancillary and associated uses, development and works, and a retail unit of 120 sq m, on a site of 1.08 ha.

**Linear Development:** No

**Date Uploaded to Portal:** 06/10/2021

Regards

EIA Portal team

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**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**  
Department of Housing, Local Government and Heritage