

Appeal NO: ABP 3/5053-22

Defer Re O/H

□

TO:SEO

Having considered the contents of the submission dated/ received 2/12/22

from Board of Management
of City Quay National School

I recommend that section 131 of the Planning and Development Act, 2000

~~be~~/not be invoked at this stage for the following reason(s): no new issues raised

E.O.:

Date:

To EO: _____

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.:_____

Date: _____

S.A.O: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ **Task No:** _____

Allow 2/3/4weeks – BP_____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP _____

M _____

Please treat correspondence received on _____ as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP _____

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments****4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐**RETURN TO EO** ☐Plans Date Stamped ☐Date Stamped Filled in ☐**EO:****AA:****Date:****Date:**

Validation Checklist

Lodgement Number : **LDG-059698-22**
Case Numb(**ABP-315053-22**
Customer: **The Board of Management of City Quay National School**
Lodgement Date: **02/12/2022 11:24:00**
Validation Officer: **Patrick Buckley**
PA Name: **Dublin City Council South**
PA Reg Ref: **4674/22**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Observation / Submission**



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Bord
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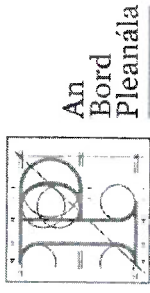
Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

BP40 issued AMN 02/12/2022

Run at: 02/12/2022 13:55

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-059698-22



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Details

Lodgement Date	02/12/2022
Customer	City Quay National School
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-059698-22
Map ID	
Created By	Klaudia Wieszowska
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	4674122

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Dublin City Council South
Case Type (3rd Level Category)	

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	0.00

Observation/Objection Allowed?	
Payment	PMT-046666-22
Related Payment Details Record	PD-046556-22

ABP-315053-22

Observation

L/D : 5/12/22 ✓

Run at: 02/12/2022 11:30

Run by: Klaudia Wieszowska

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	

City Quay National School

Gloucester Street South
Dublin 2

Tel/Fax: 01-671 3754
Email: cityquayns@hotmail.com



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1. D01 V902

Friday 2nd December 2022

City Quay National School
Gloucester Street South
Dublin 2

AN BORD PLEANÁLA	
LDG-	059698-22
ABP-	315053-22
02 DEC 2022	
Fee: €	50.00
Type:	land
Time:	11.21
By:	hurch

Submission of Third Party Observation
An Bord Pleanála Ref: PL29S.315053
Dublin City Council Reg. Ref. 4674/22

Proposed Development: Ventaway Ltd seeks a ten year planning permission for a development comprising: Demolition of the existing buildings and structures; • Construction of a building up to 24 storeys in height (108.4 metres above ground) over a double basement including arts centre, offices, gym and ancillary uses; • The overall gross floor area of the development comprises 35,910 sq.m. including 1,404 sq.m. arts centre, 22,587 sq.m. offices and 244 sq.m. gym.

The site of the planning application is bounded by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2.

Last Day for Submission of Observations: 6th December 2022

Dear Sir / Madam

I am the Principal of City Quay National School and make this submission on behalf of The Board of Management of City Quay National School, Gloucester Street South, Dublin 2.

The Board of Management objects to the proposed development on lands directly to the west of the school in the strongest possible terms. Should the development proceed it will have a major negative impact on the ability of the school to deliver high quality education to the pupils in our care.

We lodged an objection to this development with Dublin City Council under reg ref. 4674/22. We have reviewed the grounds of appeal submitted by John Spain Associates Planning Consultants, together with supporting documentation including the Daylight and Sunlight Assessment, the Architects Response to the Reasons for Refusal and the Report on Townscape and Visual Impact. In our view the submissions by the various consultants on behalf of Ventaway Ltd are essentially a repetition of the original documentation submitted to Dublin City Council. They make no attempt to address any of the legitimate issues raised by objectors to the scheme. No modifications are proposed to the development, and the concerns of the local community have been entirely ignored. In the circumstances therefore, our original grounds of objection remain valid. We would point out that at

no stage have the developers or their agents made contact with City Quay National School to discuss the project or respond to our concerns. Given the scale of this proposal, that is entirely unacceptable.

Background

The school currently has 178 children enrolled. Approximately 90% of the children are local to the City Quay area and walk to school each day. In recent years we have had regular interruption to the children's' education due to construction works in the area. Despite noise controls being in place, at times the noise of various machinery and construction activities has resulted in us not being able to teach the children. On numerous occasions we have had to relocate the children to an alternative setting within the school in order to escape the noise and make it possible to teach. Developers would state that they are within permitted noise levels, however regardless of the noise parameters in place, it was frequently not possible to teach the children. The requirement that we keep windows open for ventilation as a Covid-19 mitigation, has made this all the more difficult.

Like children all over the country, the pupils in City Quay have missed a substantial amount of schooling due to the Covid 19 pandemic. Data has shown that children in disadvantaged areas, such as City Quay, have suffered disproportionately adverse effects from recent school closures. They cannot afford to miss any more school due to development of a neighbouring site.

The construction activity in the area has greatly impacted the staff's ability to engage the children meaningfully. This is a challenging school to teach in. Many children in the school have complex needs. We have recently opened an Autism class, where many of the children have sensory issues. The construction noise etc. has proved distressing for these children and many others in the school.

Our parents have found the construction activity in the area particularly difficult. Despite developments having Traffic Management Plans in place, there have been many instances where construction delivery drivers have not used the correct route, putting children and parents walking to school in danger. This has been the cause of numerous confrontations between parents and construction workers.

There is no defined route (pedestrian crossings etc.) for the children to walk to the school, and the paths outside the school are in very poor condition. The increase in rubbish, dust etc. caused by construction activity is a real health and well-being issue.

We set out the grounds of our objection to the proposed development below.

Grounds of Objection

1. We note the developers have requested that a 10 year permission be granted. This is entirely unacceptable and should not be facilitated. A 10 year permission is unnecessary and unreasonable and discards the rights of adjoining occupiers to the quiet enjoyment of their lands. It will create significant uncertainty and cause disruption to the future operation and management of the adjoining primary school. Planning permissions would normally have a life of no more than five years, and only in exceptional circumstances would this period be extended. There are no exceptional circumstances in this instance. It is not a development of civic importance or merit. It's simply a high density speculative office development that adds nothing to the architectural heritage of the city or benefit to the local area and community. Should An Bord Pleanála decide to grant permission for the scheme, we would request that a five year permission should be the maximum time period allowed.

2. At the date of drafting this submission we are aware that the new Dublin City Development Plan 2022-2028 is due to come into force shortly (effective on 14th December 2022). However, the final Plan has not yet been published and our comments in this submission, relating to planning policy and zoning matters, refer to the Draft Plan currently in the public domain. In any event, it is highly unlikely that any substantive amendments will appear in the final Plan and we are confident that our comments in this regard remain pertinent and relevant to the Board's consideration of the appeal.

The subject site is located in a Z5 City Centre mixed-use zone. The primary purpose of this use zone as stated in the Draft City Plan is to *"sustain life within the centre of the city through intensive mixed-use development"* (p 616). In addition, the Draft Plan points out that *"a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage"..... in the interests of promoting a mixed use city, it may not be appropriate to allow mono office use on Z5 zoned lands, particularly on large scale development sites... in a particular area. Therefore, where significant city centre sites are being redeveloped, an element of residential and other uses as appropriate should be provided to complement the predominant office use in the interests of encouraging sustainable, mixed use development"* (p 616). This scheme is not a mixed-use development and is clearly contrary to the principle of the zoning objective of the current and Draft City Development Plan. It's a very large, speculative office scheme, with a very minor amount of non-office floorspace. Non-office uses comprise less than 2,000 sqm of a 36,000sqm development. In addition, uses such as 'arts centres' require long term subsidy to survive, and cannot reasonably be considered a long-term sustainable land use unless provided with ongoing financial support. This scheme is not a credible mixed-use development and should be rejected. In reality, it represents a material contravention of the Z5 zoning objective for the land.

3. It is recognised that in planning for the future of the city, higher densities and taller buildings may be required in certain locations in the interests of sustainability. While Dublin has traditionally been a low-rise city, it is both national and local policy, as expressed in the Building Height Guidelines (*Urban Development and Building Heights: Guidelines for Planning Authorities. 2018*) and the current and draft Dublin City Development Plans, to promote more intensive use of urban land. In this instance the proposed scheme has a quoted plot ratio of 14:1, which if permitted, would be among the highest density developments in the city. The current and Draft City Plan quote an 'indicative' plot ratio for the central city area of 2.5 – 3.0:1. While such figures are indicative only, they nevertheless indicate a generally appropriate level of development for the city centre. This proposal is far in excess of these figures and cannot be justified in planning terms. Indeed, it is reasonable to question the logic of such a large scale office development. With changing work practices and the growth of home working, the future demand for developments such as this is very uncertain.

In order to justify greater height and density in urban developments, the Building Height Guidelines (pages 13 & 14) sets out a series of criteria that must be satisfied. In this regard we refer to a number of these below:

- *Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.*

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape*
- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.*
- *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.*

In our view that the proposed development fails to satisfy any of the above criteria. The site is located in a highly sensitive area from an architectural and urban design perspective, and the proposed tower, by virtue of its height, scale, massing and density, clearly does not integrate into, or enhance, the character and public realm of the area. As the Guidelines point out, context is of fundamental importance in making design decisions. Urban character and site context should be the starting point of the design process, and while context need not always be slavishly adhered too, it should always be respected. In this instance that has not happened. It has been entirely ignored in the pursuit of maximising speculative floorspace. It is a specific requirement of the Guidelines that the scheme makes *"a positive contribution to the urban neighbourhood and streetscape."* This proposal clearly fails to do so. There are no benefits to the neighbourhood and streetscape from this development. Indeed, there are no benefits to the city.

As already pointed out above, the proposal is not a credible mixed-use development and cannot reasonably be considered to *"positively contribute to the mix of uses in the neighbourhood."*

We have reviewed the Daylight and Sunlight Assessment submitted as part of the appeal documentation. We note that the Assessment acknowledges that the scheme will have a negative impact on the adjoining school. However, this is considered to be acceptable as sunlight availability will not be reduced below 80% of existing value. However, we would contend that this reduction is not acceptable. The school premises already suffers from limited availability of both sunlight and daylight due to the proximity of adjoining development. Further reductions will only exacerbate an already unsatisfactory environment for the children. We would also point out that the school building and yard are frequently used after 3.00pm in the afternoon, contrary to the comments in the Assessment. In addition, the

presence of such a high tower in very close proximity to the school may introduce microclimate effects such as down-draughts.

4. It is accepted that the site is located in proximity to good public transport, and we note the appellant's comments with regard to MetroLink. While we would strongly support the provision of MetroLink, we would point out that the future of this project is very uncertain. It is still at a very early stage in the planning process (the Railway Order has not been approved by An Bord Pleanála, the project has not been subject to detailed design and it has yet to be properly costed). In the circumstances, it is entirely premature to contend that proximity to such an uncertain project is justifiable reason to construct a 24 storey tower in this location. Even if MetroLink were to proceed at some time in the future, it would not of itself justify the proposed scheme. Proximity to public transport is only one factor for consideration in the Board's deliberations, and should not be the sole determinant of suitability and acceptability for the tower.
5. According to the Draft City Plan (p 224, Appendix 3) *"in general, and in accordance with the Guidelines, a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics and heritage/environmental considerations. Where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities"* (our underlining). In this instance the proposed development abuts a significantly lower density and very sensitive school site. There is no attempt to secure an appropriate transition in scale and no separation distance. No attempt has been made to protect the amenities of the school building or schoolyard/playground to the rear. The proposed development is clearly contrary to the above requirements of the Draft City Plan.
6. The Draft City Plan further states (p 224, Appendix 3) that *"proposals for increased height within key sensitive areas of the city including the city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic Georgian core and squares and the canals etc. must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. Heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria set out in Table 3"*. Inter alia, Table 3 states as follows:

Enhanced density and scale should:

- *Respect and/or complement the existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraint.*
- *Have a positive impact on the local community and environment and contribute to 'healthy placemaking'.*

In our respectful opinion the proposed development clearly fails to comply with the above. The proposed development is located on a prominent and sensitive site on the City Quays, directly adjoining the River Liffey and opposite the historic Customs House. The site frontage onto the Quays is designated in the current and Draft City Plans as a Conservation Area. This is an architecturally sensitive location with a unique riverside character. The proposed development totally ignores the sensitive context of the surrounding area. At a height of over 108m it is almost as tall as the Spire (120m). There is no design logic or justification for such a structure in this location. While it will be visible from a very wide area, there is no necessity in urban design terms for such a massive structure on this site. The Quays to the east of the site, on both sides of the river, predominantly comprise buildings of some 6-9 storeys. A building

of such height in this location (perhaps similar to the nearby Grant Thornton premises) would be more appropriate in urban design terms to the civic context of the site.

7. The development provides no planning gain for the local community. The area accommodates the community of City Quay who have been ignored in this process and given the nature and scale of development proposed, this is entirely unacceptable. It is a central tenet of the Draft City Plan (and of good planning) that 'community development' is key to the creation of a living, thriving city centre; a welcoming and safe place with decent facilities, where communities can grow and where people want to live. The opportunity to assist in this process has been totally missed with this scheme. Rather, the scheme displays an obsession with 'height' for its own sake; an attempt to create 'statement' architecture (and maximise floorspace) rather than make a contribution to the real needs of the area and the community that lives here. In both financial and architectural terms, it is entirely feasible to create a high-density development on this site that also brings real benefits to the local community, and the wider city generally.
8. As pointed out earlier in this submission, at no stage in the planning process has the applicant made any attempt to engage with the school. No attempt was made to reach out to the local community or to provide or improve community facilities. If such a meeting had taken place the school would have had an opportunity to discuss:
 - The incorporation of direct liaison and input into a construction management plan.
 - A survey of the condition of the existing school building.
 - A pest control strategy.
 - Dust control strategy (perhaps by wrapping the building site) to avoid impact on the school.
 - A proper noise control plan.
 - A detailed design proposal to mitigate overlooking of the school and school yard and minimise loss of sunlight and daylight.
 - A construction management plan to prohibit oversailing of City Quay National School.

The school authorities have major concerns in relation to all of the above, and ultimately to the safety of the children in our care should this scheme proceed. It is simply unacceptable for any developer to so completely disregard the legitimate concerns of a long-standing and sensitive neighbouring land use.

9. While fire and general public safety are subject to separate legislation outside the planning code, they are nevertheless matters to which the planning authority should have regard, and are of great concern to the school. The possibility of an accident during construction, with material falling onto the school building or schoolyard is a real possibility. Likewise a fire in such a high building (for which the city fire services are inadequately equipped to deal) could have catastrophic consequences.

In conclusion, we would respectfully contend that this speculative office development is entirely inappropriate on the subject site. A more appropriate, but nonetheless high-density development with a genuine mix of uses, that also has regard to the needs of the local community could, and should, be provided. We would request An Bord Pleanála to refuse planning permission for the proposed development for the reasons outlined above.

If we can provide any further information please contact the undersigned.

Yours faithfully



Richie Hoban
Principal
City Quay National School

