

Compliance Statement

In respect of

**Spencer Place North, City Block 2, Spencer Dock,
Dublin 1**

Prepared by

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On behalf of

Spencer Place Development Company Limited

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Introduction

This document is submitted to Dublin City Council in support of the proposed alteration to planning application to Reg. Ref. DSDZ 2896/18 and as amended by Reg. Ref. DSDZ4279/18 at Spencer Dock, Dublin 1 to provide for a residential scheme and a change of use from aparthotel to shared accommodation.

The principle of the development on this site has already been accepted. The proposed alteration to the permitted development is made under Section 3(d) of the Planning and Development and Residential Tenancies Act 2016 which sets out the provision to seek an alteration to a Section 34 permission under the Strategic Housing Development process.

The proposed alteration to the permitted development on the site is located within the SDZ Planning Scheme area and as such, where a planning application is made under Section 34 of the Planning and Development Act 2000, as amended and is compliant with the provisions of the Planning Scheme the planning authority under Section 170 of the Planning and Development Act must grant permission for the development.

In this regard, it should be noted that the subject application made under the Strategic Housing Development provisions is not a Section 34 application and therefore Section 170(2) of the 2000 Act is not applicable.

As such, it is respectfully requested that An Bord Pleanála review this request for a pre application consultant on this basis.

Appendix 3 of the Planning Scheme states that it is a requirement that prior to the submission of a planning application for development within a City Block, a City Block Roll Out Agreement (CBRA) shall be entered into unless an individual planning application for the City Block addresses these matters. A Joint City Block Roll Out Agreement can also be entered into with an adjacent City Block as a mechanism to ensure the co-ordinated delivery of the mix of uses and supporting infrastructure necessary to deliver the objectives of the Planning Scheme.

A Joint City Block Roll Out Agreement was agreed with the North Lotts and Grand Canal Dock SDZ Development Agency as part of the parent planning application. It is proposed to slightly revise the JCBRA as part of this application in terms of the location of the residential and commercial area within the blocks.

The JCBRA will set out how the key principles of the Planning Scheme in relation to issues such as land use mix are achieved across both City Blocks (Blocks 2 and 7). The JCBRA will retain the overall land use mix ration between residential and commercial as required by the Planning Scheme, while allowing for a slightly greater proportion of residential land use to be delivered in the short term, pre Dart Underground. This has been discussed with Dublin City Council.

Appendix 3 further states that:

“In order to ensure co-ordinated and equitable delivery of City Blocks, it is also a requirement of the Planning Scheme and CBRA that each planning application within a City Block must include a “compliance statement” indicating inter alia how the CBRA is being implemented and how the proposed development complies with and matches the strategic and specific design intent and objectives of the SDZ Planning Scheme.”

In Appendix 3 (B) specific guidance is provided regarding the form and context of such compliance statements. A Joint City Block Roll-out Agreement is submitted as part of this planning application.

Permission was granted to the applicant of the subject application for an office and hotel scheme on Block 7 under Dublin City Council Reg. Ref. DSDZ2661/17 on the 5th September 2017 and as amended by a recently lodged scheme, Reg, Ref. DSDZ 4184/18.

In order to indicate how the proposed development at Block 2 is consistent with the objectives of the Scheme, this compliance statement is submitted.

It should be noted that the planning application is supported by detailed technical supporting documentation and a planning report. This compliance statement should be read in tandem with this documentation.

1) Compliance with Vision and High Level Themes for Scheme

It is stated that the compliance statement should indicate how the development has been designed to take account of the Planning Scheme Vision and is consistent with the six high level themes in Chapter 3 of the Scheme. These are set out in summary below.

Sustainability

It is stated in the scheme that the sustainability concept for the SDZ area can be encapsulated in the concepts of livelihood (jobs) and liveability (quality of life for all ages and future generations).

The proposed development is consistent in terms of sustainability concept of the SDZ as per the granted parent permission and as amended. Therefore, there is no change to the compliance statement in this regard.

Economic Renewal and Employment

It is acknowledged in the Scheme that the Docklands SDZ is of national economic and social importance to the state and ideally placed to build on the economic synergies which have happened to date in order to contribute a real competitive edge to the Dublin region.

The proposed development will increase the level of employment opportunities through the management of the residential scheme and shared living accommodation on the site.

The remainder of the development remains consistent with the permitted scheme on the site. Therefore there is no change to the compliance statement in this regard.

Quality of Living

The proposed amendments to the residential development are of high quality architectural standard in accordance with the apartment guidelines.

The proposed amendments are therefore consistent with the permitted development on the site and therefore there is no change to the compliance statement in this regard.

Identity

The proposed amendments will enhance and refine the quality of the elevations previously permitted. The provision of the additional floors have been treated to a high architectural quality as to reduce the visual impact of the development.

The proposed provision of the additional floors will also be treated at parts in a different material to the remainder of the scheme. The change in material is to enhance the variety and quality of the elevations and to create a district identity in the area.

Infrastructure

It is stated in the Scheme that the provision of good infrastructure, both physical and social is a theme which includes and supports the delivery of the first four themes.

The proposed development will provide for all the necessary upgrades in relation to drainage, water supply, electricity, gas, telecommunications and flood management which will be necessary to serve the development and create a high quality living and working environment.

Movement and Connectivity

It is stated in the Scheme that improvements of connectivity within the SDZ is a key objective and involves the creation of a safe and efficient public realm as well as adequate facilities for pedestrians, cyclists, public transport and vehicular traffic.

- There is no change to the layout of urban spaces proposed as part of the amendment application. The permitted urban spaces will therefore continue to provide for greater movement, connections and permeability through the site and open up what was previously an impenetrable block. The landscaping of the public spaces have been slightly revised to increase the number of cycle spaces and to refine the quality and treatment of the landscape scheme in accordance with the increased unit numbers on the site.
- The development will provide for under croft car parking spaces. In addition provision for cyclists will be provided with the provisions of bicycle space. Sustainable transport modes such as car clubs will be provided for through dedicated parking areas.

2 (a) Nature and Extent of Proposed Development

Development Code Fixed Elements

Overall development quantum

The overall GFA of the development is 53,169 sq. metres in total accommodating 464 no. residential apartment units and 102 no. shared accommodation units. The GFA of the residential element is 45,738 sq. metres and the GFA of the shared accommodation scheme is 7,431 sq. metres including café.

Land Use Ratio

The Planning Scheme sets the following objectives for City Block 2:

- *40 Residential: 60 Commercial over City Block.*
- *Commercial uses to be concentrated on 2C, fronting Station Square, and west side of 2D to form a commercial hub at confluence of Luas line and DART Inter-connector.*
- *Residential to be concentrated to east side of 2D. The design of such residential development shall respect the context, setting and amenities of existing housing on Mayor Street Upper. This approach allows for an appropriate transition in height and scale at the hub's interface and affords an opportunity to address the social housing legacy issues associated with block STUV.*
- *Blocks 2A and 2C on DART Underground line shall be used as location for temporary pavilion structures for a wide range of cultural, innovation and creative events and uses. The design and use of such temporary structures shall have regard to the protection of residential and visual amenities of the surrounding area.*
- *Ground floor active uses to be provided fronting Station Square.*

It is stated in the Planning Scheme:

"The Roll Out Agreement or planning application must demonstrate how the specified land use ratio for each City Block is to be achieved either within that City Block or in combination with adjacent City Blocks. It is a policy objective to achieve a 50:50 land use ratio in the overall SDZ and to provide a ratio as close as possible to this mix in each of the constituent hub areas." (our emphasis)

A land use ratio was agreed as part of the Joint City Roll Out Agreement as part of the parent permission, Reg. Ref. DSDZ2986/18. This application seeks minor revisions to the previously agreed JCBRA. The revised JCBRA has been discussed with Dublin City Council Development Agency. The proposed JCBRA will revise the layout of the commercial and residential within Block 2 and 7 but will not alter the overall land use ratio previously agreed.

The proposed amendment to the JCBRA seeks to replace the commercial area within Block 2D with the residential area within Block 7C. The progression of the development within Block 7C is currently on hold due to the uncertainty of the delivery and location of the Dart Underground Station to the north within the civic square. The revised configuration of the land uses will enable the delivery of residential units to be provided immediately within Block 2D and thus will promote the objectives of the NPF and Rebuilding Ireland to provide for residential development within existing urban areas well served by public transport.

Public Realm

The Scheme sets out a number of objectives regarding the public realm including:

- *East-west street linking existing pedestrian street in STUV block to New Wapping Street approximately mid-way along block.*
- *North-south street mid-way along block linking Sheriff Street with Mayor Street and Station Square.*
- *A landscaped plaza fronting Block 2C to provide for attractive space adjacent the Luas stop.*
- *New streets to be within the range of widths as shown on figure 31 and subject to the criteria set out in Section 5.4.3.*

The location of the public realm as per the parent application is not proposed to be revised as part of this application. However, minor landscaping revisions are included with this planning application such as revised boundary treatments, revised landscaping arrangements and details and minor ancillary landscaping details. In addition, landscaping is proposed to the Irish Water pumping station located in the centre of the site. The proposed landscaping will reduce the visual impact of the pumping station and integrate it in with the overall civic space in the area. These items are not significant in terms of compliance with the SDZ.

A detailed statement regarding the design rationale and proposed landscaping strategy is provided in the attached Landscape Drawings prepared by NMP.

City Block Building Line

The proposed development has been designed to accord with the fixed building lines as set out in Fig. 35 of the Scheme. This indicates fixed lines along Sheriff Street Upper, Mayor Street Upper and New Wapping Street. The Scheme also notes:

“the extent of any proposed building will not extend forward of the building lines indicated on the City Block Development Code (Fig. 35), unless it can be demonstrated that they do not impinge on the key structuring principles set out in section 4.10 above. Examples where they may be acceptable include projecting canopies, glazed atriums, kiosks, high level glazed bridges and balconies.”

The proposed footprint of the blocks accords with this fixed building line and no development extends forward of the building lines indicated on Fig. 35. It is noted however that the development does provide for projecting balconies. These are contained within the site boundary and will not project over the public footpath. It is considered however that they are an integral part of the design approach to the building and elevational treatment and in this context are appropriate.

It should also be noted that the planning scheme provides for flexible building lines internally within the block layout. The permitted development largely complies with the alignment of these building lines.

Figure 35 indicates that there is no building above the existing Irish Water pumping station which is located in the centre of the site. The proposed development is compliant with this objective and seeks to restrict any building works surrounding or above the Irish Water pumping station. The proposed development will address the visual amenity of the pumping station through landscaping integrating it into the civic space on the site.



Fig. 1: Fixed Building Lines

Height

The City Block Objectives for Block 2 set out specific guidance regarding building height. It states:

- *Block 2C to be 12-storey (maximum) commercial (minimum 10 storey) fronting Station Square, to achieve balance between hub quantum and view lines from Georgian mile. Landscaped plaza south of block.*
- *Remaining blocks to be range between 5-storey commercial/6- storey residential and 6-storey commercial/7-storey residential, stepping down to 3 residential immediately north and west of the Mayor Street terrace.*
- *Urban blocks to front Sheriff Street to remake and contain the street.*
- *The 7-storey residential frontage to New Wapping Street responds to the 2/3-storey terrace opposite, more favourably than the 9-storey scheme previously certified.*
- *Any temporary pavilion buildings to be up to a maximum of 4 storeys.*

The proposed development provides for additional storeys above the specified height thresholds within the SDZ Planning Scheme. However, it is clear that there is an intention in the Planning Scheme to provide for higher building at Station Square and at the Spencer Dock Hub. The scheme states on page 173 that:

“Station Square: up to 12 storeys commercial, to provide critical mass while not compromising views from the Georgian mile”.

In respect of Spencer Dock Hub, the scheme states on page 127 that:

“It is suggested that a range of 10-12 storeys at the upper end of Spencer Dock is appropriate”.

In addition, since the adoption of the planning scheme, the National Planning Framework and the Urban Development and Building Height Guidelines have been published. These policy documents set out a clear drive towards greater heights and densities in existing urban areas, well served by public transport. The Statement of Consistency submitted with the planning application sets out in detail the justification in policy terms for the height proposed on the subject site. Therefore, in accordance with National Planning Framework and the Urban Development and Building Height Guidelines, it is respectfully submitted that the proposed

additional storeys can be accommodated on the site and can be granted permission notwithstanding the provisions of the Planning Scheme in accordance with Section 28(1)(C) of the Planning and Development Act 2000 as amended.

National policy guidelines seek to maximise the utility of brownfield sites in existing urban areas (particularly scarce sites within the city centre) by increasing building heights and densities on these sites.

The Urban Development and Building Height Guidelines were adopted on 7th December 2018 under Section 28 of the Planning and Development Act 2000. The Guidelines set out 4 no. specific planning policy requirements (SPPR) objectives for the assessment of building height.

As noted in the Urban Development and Building Height Guidelines, the National Planning Framework has a number of directly relevant national policy objectives that articulate delivering on a compact urban growth programme. These include the following as referenced in the Urban Development and Building Height Guidelines 2018:

- National Policy Objective (NPO) 2(a) relating to growth in our cities;
- NPO 3(a)/(b)/(c) relating to brownfield redevelopment targets;
- NPO 4 relating to attractive, well designed liveable neighbourhoods;
- NPO 5 relating to sufficient scale and quality of urban development; and
- NPO 6 relating to increased residential population and employment in urban areas.

And in particular, NPO 13 which states that:

“In urban area, planning and related standards, including particular building height and car parking will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

It is therefore considered that in order to comply with the objectives of the NPF that increased building heights should be provided in appropriate locations subject to meeting the assessment criteria for increased heights as set out in the Urban Development and Building Height Guidelines. Full details of compliance with National Planning Policies are set out in the Statement of Consistency submitted with this application.

The Dublin City Development Plan identifies a number of locations in the city capable of facilitating high rise buildings of 50+ metres. The Docklands area is identified as one of these locations. The Development Plan states that:

“Planning applications will be assessed against the building height and development principles established in a relevant LAP/SDZ/SDRA. Proposals for height buildings should be in accordance with the provisions of the relevant LAP/SDZ/SDRA in addition to the assessment criteria for high buildings and development plan standards. Chapter 15 provides guiding principles for the design of potential high buildings in SDRAs, where appropriate”.

All areas outlined in the table below are considered to be in the low-rise category unless the provisions of a LAP/ SDZ/ SDRA indicate otherwise.

Building Height in Dublin:

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 2: Extract from Dublin City Development Plan 2016 – 2022.

The Urban Development and Building Height Guidelines are intended to set out national planning policy guidelines on building heights in relation to urban areas, as defined by the census, building on the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework.

The Guidelines recognise the importance of increasing building height and compact urban development in existing urban areas and promote increased densities and heights. Section 1.4 of the guidelines state:

“However, in recent years, local authorities, through the statutory development and local area plan process, have begun to set generic maximum height limits across their functional area. Frequently, such limits have resulted from local level concerns, like maintaining the character of an existing built up area, for example. However, such limits, if inflexibly or unreasonably applied can undermine wider national policy objectives to provide for more compact forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby many of our cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area. Such blanket

limitations can also hinder innovation in urban design and architecture leading to poor planning outcomes”.

Section 1.20 and 1.21 of the Guidelines also acknowledge the importance of increased height and densities stating:

“A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban areas and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning process and particularly so at local authority and An Bord Pleanála levels.

Increasing prevailing building heights therefore has a critical role to play in addressing the delivery of more compact growth in our urban area, particularly our cities and large towns through enhancing both the scale and density of development and our planning process must actively address how this objective will be secured”.

It is therefore considered that it is the intention of the Guidelines as a whole to promote increased building heights and densities in appropriate urban locations such as the Dublin Docklands, which is a city centre area well served by public transport.

The Guidelines also note that in assessing applications for increased heights the planning authority or the Board shall be a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. Section 3.1 of the Guidelines states:

“In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town / city cores and in other urban locations with good public transport accessibility”.

As such in applying the content of the guidelines is it wholly appropriate to apply the basis of increased height in SDZ areas which have been designated of strategic national importance and therefore should be key areas for the delivery of this type of development.

The Guidelines set out a number of criteria for the assessment of increased building heights, at the scale of the relevant city / town, at the scale of district / neighbourhood / street and at the scale of site/ building.

In addition, Section 1.14 of the Guidelines clarifies this position further stating:

“Accordingly, where SPPRs are stated in this document, they take precedence over any conflicting policy and objectives of development plans, local area plans and strategic development zone planning schemes”.

An assessment of the development in accordance with the criteria is set out in the Statement of Consistency submitted with this planning application.

It is noted that paragraph 2.15 of the guidelines also require planning authorities to review and where appropriate bring forward variations to development plans and local areas plans in addition to planning schemes. A review of the planning scheme has been carried out by Dublin City Council and is submitted to An Bord Pleanála for a decision under Section 170(a) of the Planning and Development Act 2000, as amended.

The proposed amendments to the planning scheme submitted to An Bord Pleanála by Dublin City Council and the Development Agency in May 2019 has increased the building height permissible within Block 2 which enables greater heights on the subject site compared to the current SDZ planning scheme. The proposed amendments seek to provide building heights of

up to 12 no. storeys in the north west and north east corners, with 6/ 7 no. storeys for the remainder of the subject site.

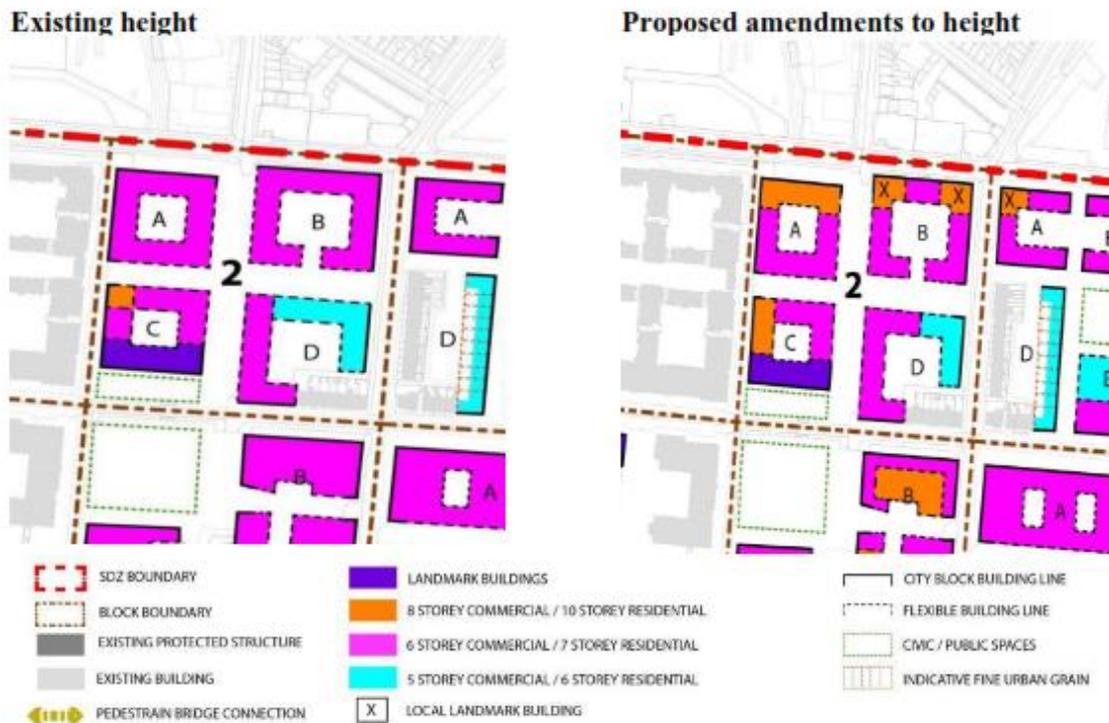


Figure 3: Existing and proposed building heights in City Block 2

The revised SDZ states the following in relation to Urban Form/ Height Range as follows:

- *Block 2A to be 8 storey commercial / 10 storey residential fronting onto Sheriff Street Upper*

The subject application does not relate to Block 2A.

- *12 storey residential local landmarks at NE and NW corners of block 2B, to extend along no more than one third of the sub-block frontages.*

The proposed development will provide for 13 no. and 11 no. storeys to the north west and north east corners respectively. The proposed development is therefore considered to be largely in line with the proposed SDZ amendments. The remainder of the north elevation of Block 1 fronting Sheriff Street is 9 no. storeys.

- *Block 2C to be 12 storeys (maximum) commercial (minimum 10 storeys) fronting Station Square to achieve balance between hub quantum and view lines from Georgian mile. Landscaped plaza south of block. Western side of 2C to be 8 storeys commercial / 10 storey residential.*

The subject application does not relate to Block 2C

- *Remaining blocks to range between 5 storey commercial / 6 storey residential and 6 storey commercial/ 7 storey residential, stepping down to 3 residential immediately north and west of the Mayor Street Terrace.*

The remainder of Block 2B and 2D comprise of a range of 7 to 8 no. storeys in height with additional set back floors. Section 5.4.5 of the SDZ is also amended to include the potential of a set back floor on top of the height stated per block. The proposed development is therefore largely compliant with this aspect of the planning scheme. At the corners of Block 1, the height will increase to 10 / 11 no. storeys to create articulation and variations in the building massing and architectural design.

- *Urban blocks to Sheriff Street to remake and contain the street.*

The proposed block layout seeks to address Sherriff Street and the level change along this elevation.

- *The 7 storey residential frontage to New Wapping Street responds to the 2/3 storeys terrace opposite, more favourably than the 9 storey scheme previously certified.*

The proposed development seeks to provide for 7 no. storeys with a set back 8th storey to New Wapping Street in Block 2 and 8 no. storeys with a 2 no. storey set back to Block 1.

The proposed development is largely compliant with the building height proposed as part of the SDZ review. The proposed development is therefore considered to be an appropriate response to the amendments proposed to the SDZ planning scheme.

In the context of Planning Scheme, Appendix 5 sets out the assessment criteria for mid-rise and high buildings. Notwithstanding the overall context of the National Planning Policy Guidance, the assessment of the proposed development in accordance with Appendix 5 is set out below:

- Urban Form and Spatial Criteria

Exhibit exceptional architectural character and quality, creating a building which is of slender proportions, elegant, contemporary, stylish and in terms of form and profile, makes a positive contribution to the city skyline, city structure and topography.

The proposed development provides for a variation in the building heights within Block 2. The building heights ranging from 7 no. to 13 no. storeys. The massing and modulation of the building heights contribute to the articulation of the city skyline and urban design principles. The proposed development provides for a distinctive urban design response to each individual building which responds to the context and adjoining scale and massing of developments. The proposed design provides for contemporary and stylish facades with a mix of brick, metal cladding and glazing elements.

Create a positive relationship with the immediate surroundings, both existing and proposed buildings and prominent features in the vicinity, as well as streets and existing open spaces.

The proposed development is bound by Sheriff Street to the north, City Block 7 to the south, the remainder of City Block 2 and Station Square to the west and City Block 3 to the east. The proposed development therefore contains a specific context along each boundary of the site.

To the north the proposed development has been designed with regard to the existing residential units along Sheriff Street and the context of development along this boundary. The proposed development seeks to achieve 9 no. storeys along this boundary with 2 no. 12 and 13 no. storey pop up corner features. The propose height of the development is considered appropriate in the context of the surrounding development in the area, particularly City Block 1 to the west and the 12 no. storey apartment development opposite the site at Cannon Hall.

The southern boundary of the site adjoins the Luas line. The sale and urban edge provided at this location must address this high frequency public transport facility. The proposed

development at this location also provides for an appropriate scale and mass to create a hard edge to the development and an appropriate design solution to front a public transport service while at the same time responding to the residential dwellings fronting Mayor Street providing for an appropriate transition in height and scale of the development.

The eastern boundary adjoins New Wapping Street and the proposed redevelopment of Block 3. The proposed scale of development with 7 / 8 no. storeys and additional set backs provide for an appropriate setting in the context of the surrounding build form. The western boundary 9/ 10 storeys with a 13 no. storey pop up corner element. The proposed height and massing along this boundary responds to the remainder of the Block 2 and the permissible heights at his location.

The proposed development adjoins Station Square on the western boundary of the site. The proposed civic space to accommodate the future Dart Underground Station which will be the only station to serve the Docklands area. The setting and character of this space is therefore important to set a scale of development capable of facilitating the critical mass needed to serve the public transport node and to frame the area as a location of significance.

The Planning Scheme states that 12 no. storeys are considered appropriate at Station Square to provide for the critical mass needed to provide sustainable development in the area.

“Station Square: up to 12 storeys commercial, to provide critical mass while not compromising views from the Georgian mile”.

The proposed development at 10/11 no. storeys in Building 2 therefore provides for the appropriate scale of development to create a sense of importance to Station Square in the context of tis setting as a major planned public transport interchange.

As such it is therefore considered that the proposed development responds appropriate to its surroundings, public streets and civic spaces.

Successfully incorporate the building into the existing urban grain; proposals to be accompanied by a design statement

As discussed above the proposed development has responded to each of the site boundaries providing for a variation in the design treatment of the elevations in direct response to the surrounding developments. The Architectural Design Statement submitted with the application addresses the proposed height of the development in the context of the surrounding developments and existing urban grain. Please refer to the design statement for more details.

Create positive urban design solutions

The proposed development has been designed as contemporary design solutions that provides for articulation and variation in the building elevations. The proposed use of materials and use of building height and massing on the site provides for a positive contribution to the articulation and variation in the roof profiles. Please refer to the Design Statement submitted with the planning application for further details on the design proposal.

Have regard to important views, landmarks, prospects, roofscapes and vistas.

Protect the built and natural heritage of the city.

The subject application is accompanied by a Landscape and Visual Impact Assessment which concludes that the proposed additional storeys do not impact on the character and setting of the protected structures and conservation areas.

Ensure that the site is of an appropriate size and context to allow for a well-designed setting of lower buildings and/or landscaped open space.

The subject site is 1.26 hectares and is an appropriate size for setting its own character and setting for a range of building heights. The proposed development provides for building heights of 7 no. to 13 no. storeys which respond to both the lower elements and taller setting of the surrounding context of development. The proposed variation in building height is therefore considered to be an appropriate response to address Station Square at 12 no. storeys, Sherriff Street at 12 no. storey context, Block 7 at 7-9 no. storeys and the lower existing residential developments.

Include an outstanding ground floor and entrance design.

Ensure that the entrance is proportionate to the scale of the entire building and relates directly to the site's principal street frontages and allows easy access for all users.

Use materials of the highest quality in the design of the building façade.

The proposed development includes a distinctive entrance including a café to the development fronting Mayor Street for the shared accommodation and fronting the new east west street to serve the residential accommodation.

The proposed entrance points address the key frontages within the development and provides for easy legible access to both the residential development and the shared accommodation development. The proposed accessibility in the site also provides for high quality public realm areas which allow for easy access for all users.

The proposed materials are of a high quality architectural finish. The full details of the materials proposed are set out in the Architectural Design Statement.

Consider signage, branding and lighting at the outset as part of the overall design approach and submit details at the application stage, including an assessment of potential impacts of light pollution on the immediate and wider context.

The proposed development does not include any signage proposals.

Consider the impact on the scale and quality of existing streetscapes, spaces and buildings.

The proposed development seeks further enhancements to the public realm area to provide for a more appropriate response to the Irish Water pumping Station. In addition, additional amenity has been provided to serve the residential development and shared accommodation scheme.

Consider the impact on protected structures, conservation areas, and the architectural character and setting of existing buildings, streets, and spaces of artistic, civic and historic importance, in particular, the buildings' relationship with the historic city centre, the River Liffey and quays, Trinity College, Dublin Castle, the historic squares and precincts, the Phoenix Park, the Royal Hospital, Kilmainham and the canals.

The subject application is accompanied by a Landscape and Visual Impact Assessment prepared by Kennett Consulting which assesses a number of key views surrounding the site including the historic city centre, River Liffey and quays and a number of historic viewpoints. Please refer to the LVIA for further details.

- Economic Criteria

Represent a strategic intervention in terms of significant regeneration and/or a significant economic contributor.

The proposed development will significantly contribute to the economic activity of the area providing for construction related jobs through the development and associated management employment opportunities to serve the rental accommodation on the site..

- Social Criteria

Minimise overshadowing and overlooking of surrounding properties and adverse impacts on established or emerging residential communities

The proposed development has assessed the impact of proposed development on the surrounding residential developments. A report prepared by IES is submitted as part of this application. The report concluded that the proposed development will not impact on the surrounding residential developments in compliance with the BRE Guidelines.

The development contributes to the social / community development of the City Block

The proposed development will provide for a range of residential amenities within the development. The proposal also includes a café unit at ground floor level and the potential for community ground and local social clubs to utilise the meeting spaces within the development on a bookable basis.

The proposed development therefore contributes to the social and community development of the area.

Be part of mixed use City Block which contributes to the vibrancy of the area throughout the day.

Contribution to the animation of the street at ground floor level

The proposed development will provide for a café unit and reception / concierge areas at ground floor level which will provide for animation and engagement with the street. In addition, the provision of residential units along the site boundaries will be provide for activity and passive surveillance of the surrounding streets and public spaces. . The proposed development will also significantly enhance the public realm and accessibility of the site. The proposed development therefore is considered to contribute to the vibrancy and activity in the area by creating a more pedestrian friendly and accessible space with a number of active uses at ground floor level.

- Transport and Movement Criteria

Maximise access and permeability to public transport connections

Form part of an integrated movement strategy to reduce the reliance on the use of private cars and to promote increased use of low – energy sustainable forms of transport, such as public transport, cycling and walking. A travel plan may be required in this regard.

Demonstrate link with public open spaces with high quality pedestrian and cyclist routes

The proposed development is located adjacent to the Luas Station at Mayor Street, and thereby provides for a sustainable mode of transport to serve the development. In addition, the proposed development provides for ample cycle parking and a significant number of car sharing facilities to serve the residential development in accordance with the sustainable development objectives of the area.

- Cultural Criteria

Include provision for cultural facilities at a suitably accessible location in all City Blocks catering for high buildings

Provide for high quality public art as an element of all proposals to create visual interest and a sense of place

The proposed development will provide for a café unit and a range of residential amenity services within the development which can accommodate social and community events on a bookable basis.

The proposed development will also provide for a significantly improvement to the public realm of the are creating landscaped public feature within the proposed new east west street to create visual interest in this space and within the development.

The proposed development is therefore considered to be compliance with the overall objectives of for taller buildings as set out in Appendix 5 of the SDZ Planning Scheme.

Notwithstanding the above, it should be noted that this proposed application is not subject to the same provisions in terms of compliance with the Planning Scheme as the City Council in making a decision on an Section 34 application. In addition, the proposed Strategic Housing Development alteration application is made under Section 4 of the 2016 Act and is not a Section 34 planning application therefore is not subject to the same provisions of Section 170(2) of the 2000 Act. .

The Planning authority, under Section 170 (1) and (2) of the Planning and Development act 2000, as amended which state:

“(1)Where an application is mode to a planning authority under Section 34 for a development in a strategic development zone, that section and any permission regulations shall apply, subject to the other provisions of this section.

(2) Subject to the provision of Part X or Part XAB, or both of those Parts as appropriate, a planning authority shall grant permission in respect of an application for a development in a strategic development zone where it is satisfied that the development, where carried out in accordance with the application or subject to any conditions which the planning authority may attach to a permission, would be consistent with any planning scheme in force for the land in question, and no permission shall be granted for any development which would not be consistent with such as planning scheme”.

The Board however are not bound by this provision and are only required to have regard to the policies and objectives of Section 28 Guidelines and any other statutory plans. Section 143 (1)of the Planning and Development Act states that:

“The Board shall, in performing its function, have regard to –

(a) the policies and objectives for the time being of the Government, a State Authority, the Minister, Planning Authorities, and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns, or other areas, whether urban or rural”.

Therefore, it is considered that the Board can grant permission for the proposed alteration notwithstanding the provisions of the SDZ planning scheme.

Heritage and Protected Structures

The subject site does not accommodate any protected structures or any feature of particular heritage value.

2(b) Compliance with Development Code City Block Specific Objectives

Additional range of infrastructure to be provided at site and City Block Level

The infrastructure to serve the proposed development is set out in detail in the Engineering Report prepared by Cronin Sutton Consulting Engineers submitted with the planning application. All necessary physical infrastructure to serve the development will be provided.

With regard to Block 2 the following Infrastructure provision requirements are set out:

- *Each site to complete access and attendant Public Realm prior to occupation.*

As per the permitted scheme, all public realm and open space areas within the site will be completed prior to the occupation of the development.

- *Drainage/water infrastructure to be installed with access installation.*

All relevant infrastructure will be installed with access installation.

- *Foul drainage: south of site to drain to new 525mm pipeline and onto Spencer Dock Pumping Station North of site to drain to proposed 1,200mm pipeline (currently at tender stage) and onto the Spencer Dock Pumping Station.*

The necessary foul infrastructure will be put in place to serve the development. Please see enclosed report by Cronin Sutton Consulting Engineers for further detail regarding foul drainage from the site.

- *Surface water drainage: Stormwater infrastructure to be put in place which will drain northwards to East Wall Pumping Station.*

The necessary stormwater infrastructure will be put in place to serve the development. Please see enclosed report by Cronin Sutton Consulting Engineers for further detail regarding surface water drainage from the site.

- *The hatched line as indicated in City Block 2A and 2C shall be retained as a reservation strip for the future provision of the DART Underground Station. No permanent structures shall be built over this until the position of the DART Underground Station has been confirmed. In the interim period, temporary uses and/or pavilion structures will be considered. Any future over-site development must incorporate the smoke ventilation and air intake provisions into their design, and that temporary buildings should not pose a risk to the delivery of the station. All applications for buildings within the zone of influence will demonstrate to Iarnród Éireann in their planning application how the proposal relates to the DART Underground line. (Refer to Appendix 7 for Reservation Strip and Zone of Influence).*

The first phase application does not provide for any permanent development of the Reservation Strip and Zone of Influence.

See also section 4 below.

Sustainable Objectives for Quality in Building Construction and Materials

A detailed Sustainability Report prepared by Axiseng Consulting Engineers is submitted with the application which sets out the alternative sustainable technologies incorporated into the design of the development.

3) Sustainable Energy

International Building Performance

As per permitted, the proposed development has been designed in accordance with a high standard of sustainable design and will include a number of alternative sustainable technologies. A full detailed report regarding the sustainable design of the buildings is submitted with the application (see Sustainability Report prepared by Axiseng Consulting Engineers). The residential building will be designed to accord with the TGD Part L 2017. This requires the design to provide an energy performance to limit the calculated primary energy consumption and related carbon dioxide (CO₂) emissions using the Dwelling Energy Assessment Procedure (DEAP). Preliminary calculations confirm Part L compliance with a Building Energy Rating (BER) of A3.

4) Infrastructure

It is stated that the provision of infrastructure including funding responsibilities shall be addressed at both site and strategic network level, in accordance with the criteria set out in the Infrastructure Schedule. Appendix 4 sets out an Infrastructure Schedule to be agreed and discussed with Development Agency.

In overview, the relevant categories of infrastructure which are allocated to the developer for the purposes of implementation and funding, will be so delivered and are included in the nature and extent of the proposed development. These include:

- provisions of streets networks/paths through Block 2;
- provision of new/improved/ walking and cycling links;
- public realm areas;
- on-site provision of drainage/water infrastructure;
- on-site provision of flood management/SUDS and landscaping;
- soil decontamination where relevant;
- on-site public lighting;
- on-site provision of and outward connection to services including electricity, gas, WiFi, phone.

Relevant external infrastructure provision is mainly in the form of public water and drainage upgrades in the wider area. These are fully described in the relevant sections of the Site Services/Engineering Report (Cronin Sutton Consulting Engineers) and will be provided by/on behalf of Irish Water.

5) Social Audits and the Provision of Social Infrastructure

Delivery of key social infrastructure

Section 4.3.4.2 of the Planning Scheme set out the opportunities for community infrastructure and gain. The table below summarises these and outlines how the scheme accords with these objectives.

Section 4.3.4.2: Community Infrastructure set out in the Planning Scheme	Proposed Development
High quality housing options to expand the population base and vitality of the area.	The application will deliver 464 no. new high quality housing units and a 102 no. shared accommodation units
New employment opportunities within commercial and mixed use developments including requirement for business start-up and smaller enterprise space.	The shared accommodation and residential development will result in new employment opportunities to the area.
New permeable routes and street connections that facilitate ease of local movement and neighbourhood integration.	The landscaping scheme has been revised to increase the quality and accessibility to the landscaped areas. The proposed development will include increased surface level cycle parking spaces and new boundary treatments and access arrangements.
A high quality public realm and provision of public open space for recreation and socialising.	The proposed development will not revise the public realm spaces permitted in the development. Additional communal roof terraces and landscaping features will be provided as part of this application.
A vibrant mix of commercial uses that include local shopping, cafes, restaurants and leisure uses to benefit the population	The proposed development will include the provision of a café at ground level. However the level of communal amenity space requirement will result in a range of different uses on the site such as gym, cinema, meeting room, shared work space etc.
Provision of suitable accommodation for private childcare operators to uptake and where public sector operators have funding, floor space available for public and community based childcare services.	No change as per the parent permission
Encourage the shared use of facilities and spaces for the benefit of community meetings and events	The development will incorporate a number of communal facilities for the residential element including communal open space
Develop tourism, culture and arts resources within the local area which engage with the local community.	The proposed development will provide for a range of different residential formats to cater for a range of activities including a range of lease types, function rooms and pricing of units which will cater and engage with the local community
Reinforce the strong connections with established urban villages and neighbourhoods in the wider area and encourage shared use of facilities in all location for all.	No change as per the parent permission
Provision of new social facilities as part of development proposals.	No change as per the parent permission

6) Providing Co-ordinating Delivery

Phasing and implementation strategy

The proposed development will accord with all of the general principles and fixed elements of the SDZ Planning Scheme.

It is intended that the proposed development will be delivered in one phase. The proposed construction programme is set out in the construction management plan which accompanies the planning application.

7) Construction Management Plan

A Construction Management Plan was submitted with the parent application. It is envisaged that this document will be further refined with the appointed contractor prior to the commencement of construction. This sets out detail regarding the phasing of development, sequencing of works and general mitigation measures to reduce and ameliorate negative impacts during the construction phase.