

Statement of Response to ABP's Opinion

In respect of

**Lands at Docklands Innovation Park ,
128-130 East Wall Road, Dublin 3.**

Prepared by

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On behalf of

EWR Innovation Park Ltd.

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1.0 **INTRODUCTION**

1.1. This document has been prepared in response to the pre-application consultation opinion issued by An Bord Pleanála in relation to the proposed strategic housing development at EWR Innovation Park Limited, Docklands Innovation Park , 128-130 East Wall Road, Dublin 3 which was received on 25th November 2019.

1.1 Section 6(9)(b) of the Planning and Development and Residential Tenancies Act 2016 states:

(9) Neither—

(a) the holding of a consultation under this section, nor

*(b) **the forming of an opinion under this section,***

*shall prejudice the performance by the Board, or the planning authority or authorities in whose area or areas the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016, or any other enactment **and cannot be relied upon in the formal planning process or in legal proceedings.***

1.2 In this regard, it should be noted that this application is not relying on the opinion received from An Bord Pleanála, however this response is submitted as part of the planning application process.

1.3 The opinion states that An Bord Pleanála *‘is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development’.*

1.4 In this regard it is considered that the proposed development as submitted is sufficient to proceed to planning application stage. Notwithstanding the reasonable basis to make an application, the opinion further states that *‘pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission.*

1.5 The specific information listed in the opinion is summarised as follows:

- Design of gable treatment
- Cross Sections and CGI's
- Land use mix
- Daylight and Sunlight Analysis
- Wind Analysis
- Landscaping Strategy
- Car Parking
- Areas to be taken in charge
- Surface Water Drainage proposal
- Site Specific Flood Risk Assessment

1.6 A detailed response to each of the points raised above has been provided within this response report and has been included as part of the planning application documentation.

2.0 STATEMENT OF RESPONSE TO SPECIFIC INFORMATION REQUIRED

2.1 The following sets out how the applicant has addressed the Board's request for additional specific information in respect of the proposed development.

Item No.1– Proposal for an appropriate and aesthetically acceptable treatment for large areas of blank gables. Whilst it is noted that such large expanses of blank gable may be due to the future development potential of adjacent sites, the blank gables as they are currently represented could be improved and drawings should adequately detail this.

2.2 A review of the gable treatment of each of the blocks has been carried out. Block 6 and 7 fronting East Wall Road are the only locations where elements of blank gables are present. The western gable on Block 7 adjoining the School site has been designed having regard to potential overlooking of the school development. The gable treatment at this location provides for a corner feature to the block, however avoids the inclusion of any windows along the western elevation as to ensure a high level of privacy is maintained to the school site. The proposed elevational treatment at this location is therefore considered appropriate.

2.3 The proposed elevational treatment to Block 6 has been revised following the pre application consultation to introduce more variation in the proposed materials and finishes and thereby providing for a greater level of visual interest at this location.

2.4 The proposed eastern gable of Block 6 directly adjoins the corner site currently comprising of a two storey commercial premises. It is essential that the proposed development safeguards the potential redevelopment of this site and thereby provides for an appropriate boundary treatment as to not hinder the future redevelopment of the adjoining lands. In this regard, the eastern elevation of Block 6 has been intentionally designed without any window opes to protect the future potential development of the adjoining site.

2.5 However, in order to provide for visual interest at this gable, a variety of materials and finishes are proposed to break up this elevation. The design has been visually broken down into different planes, allowing the façade to be dynamic and to provide an interface with the nature of the exiting fabric along Merchants Road and East Wall Road. The stone detail around the balconies along the East Wall Road elevation continues along the Merchants Road elevation, allowing the volume of the block to consistently turn the corner. The brickwork is divided in two planes, and the zinc cladding on the top floor along East Wall Road continues as it turns the corner. Vertical stone recess are also proposed to balance the openings proportions of the gable in relation to the context.

2.6 Full details of the proposed treatment of the elevations are set out in the Architectural design statement and the Architectural drawings prepared by MCORM submitted with the application.

Item No. 2- - Photomontages, cross sections, visual impact analysis, shadow analysis, boundary treatment and landscaping details to indicate potential impacts on visual and residential amenities, to include views from the wider area including in particular adjacent areas (planned and existing); axonometric views of the

scheme and CGIs are recommended. Specifically, enlarged cross sections to illustrate level changes and the interface between buildings, ground levels and public spaces should be illustrated.

2.7 A number of additional cross sections, photomontages and CGI's have been prepared and submitted with this application. The proposed cross sections illustrate the relationship and interface at all major junctions within the development, including the surrounding properties and the proposed blocks themselves. The proposed development also include a visual impact assessment which has been prepared by Mitchells and Associates and a shadow analysis which has been prepared by IES.

2.8 Additional CGI's have also been prepared within the development which demonstrate the quality of the residential amenity spaces and the overall material and finishes proposed within the development. The CGI's clearly indicate that the proposed development is a high quality new urban space and provides for an appropriate scale and density of development in the area.

2.9 The LVIA states:

“One might surmise that the current character of the subject site may be perceived by local people as being a secure area to which there is currently no unhindered public access. There is some evidence of abuses to the built fabric, both within the site and generally within the local area.

It is clear that the insertion of any proposed development into this existing open expanse will alter the landscape context of the site and the areas around it. However, given the subject site's current near-derelict condition and the well considered design of the proposed development, the proposal represents a significant positive impact on the existing local environment. The proposed community facilities within the scheme, its open spaces, play areas and the public permeability designed into it offer significant benefits for the broader areas as well as for the proposed new development itself”.

2.10 The daylight / sunlight report states the following:

“All points tested on the National Scheme in East Wall have a Vertical Sky Component (VSC) greater than 27% or not less than 0.8 times their former value (that of the Existing Situation) in line with BRE Guidelines”.

“43% (10 out of 23) of the points tested on the Merchants Road Dwellings have a Vertical Sky Component (VSC) greater than 27% or not less than 0.8 times their former value (that of the existing situation) in line with BRE guidelines”.

“The analysis images show that on 21st March for the proposed scheme amenity area, over half of the proposed amenity spaces (70%) would receive at least 2 hours of sunlight in line with the BRE recommendations”

“93% of the tested rooms of the proposed scheme exceed the Average Daylight Factors (ADF) from the BRE Guidelines. This overall rate within the propose scheme would be greater than 95% if all of the upper floor rooms were included in the results”.

Item No. 3- A study or report describing the existing mix and composition of land uses on and in the vicinity of the site in the context of the current Z14 zoning objective for the area.

- 2.11 The subject site is located within a Z14 zoned area, which promotes the mix of commercial and residential uses. Currently the breakdown of uses within the Z14 are immediately surrounding the site largely comprise of commercial uses with only a small proportion of residential development as indicated in Figure 2 below. The following uses are noted immediately surrounding the site:

Office Space

- No.1 Gateway 4,785 sqm
- No.2 Gateway 7,228 sqm (ESB networks)
- No.3 Gateway 4,020 sqm
- Transit/Beckitt House 20,740 sqm (Facebook)
- Aldi MU Centre 2,863.1 sqm

Commercial Space

- Portside Business Park (8 no. units)
- An Post mail delivery warehouse 2,686 sqm

Retail Space

- Aldi circa 4,000 sq.m, 1,125 sq.m, 2,863 sq.m of office [2,318/09]
- Lidl – 6,258 sq.m (MU) [2555/13]

Figure 1: Existing Commercial uses surrounding the subject site

- 2.12 The level of commercial development in the area is therefore quite significant and comprises of the majority of the Z14 lands. The inclusion of a mix of residential and commercial development as proposed within the subject site is therefore considered to improve the overall mix in the area in compliance with the Z14 zoning objective of the area.
- 2.13 The proposed development within the subject site alone, provides for 87.9% residential / 12.1% commercial. The proposed mix of uses is considered to be appropriate giving the context of the surrounding area and the need to regenerate the area.
- 2.14 In addition, taking the overall site area, the proportion of commercial land use comprises of 18.6% of the overall site area with residential development comprising of 30.7%, the remaining being afforded to public and communal open spaces and the proposed internal road network. In this regard it is considered that the proposed development complies with the overall Z14 land use objective of the area and provides for a mix of uses both commercial and residential.
- 2.15 Having regard to the entire area zoned Z14 in the area, the majority of the Z14 lands surrounding the subject site including the SDZ area are in commercial use (as indicated in red hatching) with only 2 no. sites in residential use outside the SDZ area (as indicated in yellow hatching) as indicated in the zoning map below. The level of commercial use in the area therefore far exceeds the intention of the Z14 zoning which seeks to provide a mix of uses.

- 2.16 The surrounding area comprises of a number of commercial uses such as the local centre to the west, which provides for 2 no. convenience food stores and a restaurant. In addition, the site is bound to the west by a significant office development and to the east by other industrial / commercial uses. It is considered that the proposed ratio between the provision of residential and commercial uses on the site is in keeping with the general principle to provide a mix of uses in the overall Z14 area and is in keeping with the immediate land uses surrounding the development.
- 2.17 The proposed mixed use development on the subject site therefore adds to the residential land use in the area and increasing the overall mix proposed within the entire Z14 zoned lands. As such it is considered that the proposed land use mix as set out within the development is appropriate both within the wider context of the Z14 lands and within the site itself providing for an adequate mix and proportion of residential and commercial development.
- 2.18 The Z14 zoned lands also include the North Lotts and Grand Canal Dock SDZ area which has a set land use mix for residential and commercial uses. The SDZ area however, has not delivered on the residential proportion of the land use mix. The SDZ area is predominantly office use with only limited residential use delivered to date. The Z14 zoning in the Docklands has therefore been very successful in employment creation but has exacerbated shortage of residential in the area. There is an urgent need for significant residential development to support this job creation and inward investment within the overall Z14 zoned lands.

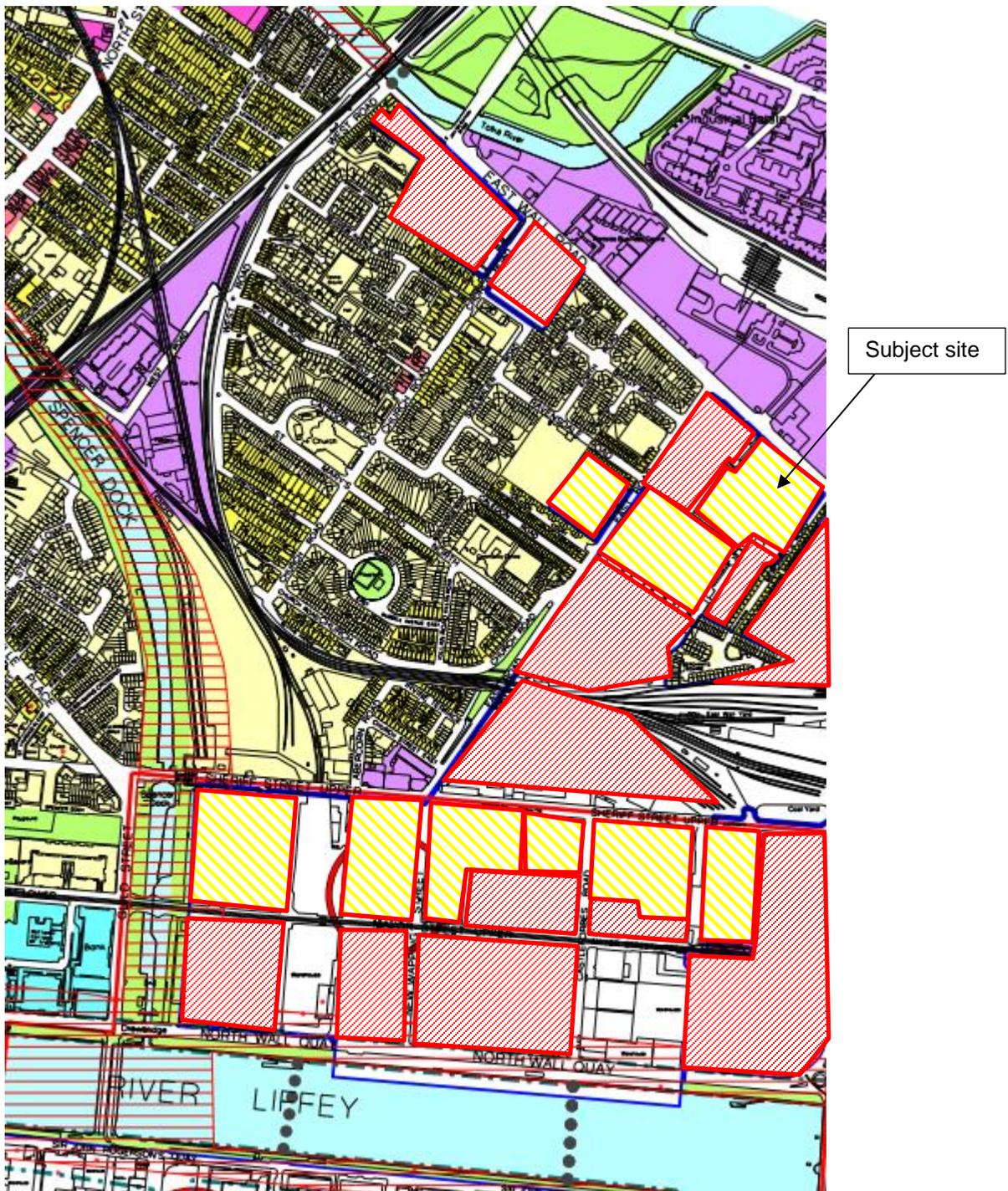


Figure 2: Existing Land use mix within the Z14 area-(residential use indicated in yellow hatching and commercial use indicated in red hatching) with subject site indicated

- 2.19 It should also be noted that a large expanse of lands adjacent to the site to the north (on the opposite side of East Wall Road) is proposed to be rezoned from Z6 to Z10 (mixed use) under variation No 25 to the Dublin City Development Plan. The re-zoning of these lands highlights the change to the land use mix in the area, from commercial / employment based uses (Z6) to mixed use (Z10) and therefore is encouraging a shift from predominantly employment / commercial uses to a range of mixed uses in the area, which is provided within the proposed development.

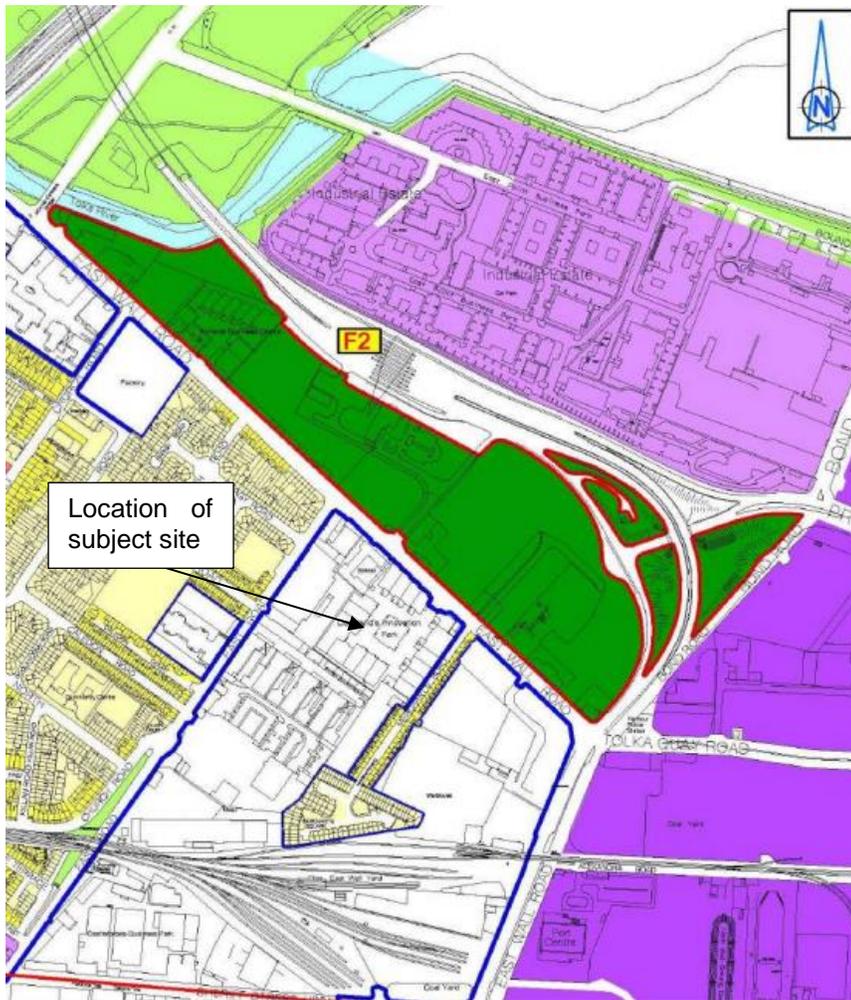


Figure 3: Proposed Variation 25 to the Dublin City Development Plan 2016-2022.

- 2.20 In addition, having regard to the change to the overall mix of uses on the subject site from predominantly commercial/ employment uses to a mix of both residential and commercial uses, a report has been prepared by Element 78 to set out the existing and proposed mix of the subject site and surrounding area. The subject site is currently occupied by a number of commercial . light industrial uses which generate low levels of employment. In total, based on the existing uses, 125 no. people are employed within the existing development. The proposed development seeks to provide for a total of 219 no. employment opportunities therefore increasing the number of employment uses on the site.
- 2.21 Therefore the proposed development will increase both the level of employment opportunities on the site and the overall residential mix in the are, therefore complying with the overall objectives of the Z14 zone.

Item No. 4 – Daylight / Sunlight analysis to an appropriate scale, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential

overshadowing impacts on adjoining residential areas and other sensitive receptors.

- 2.22 A daylight and sunlight analysis has been prepared and is submitted as part of the planning application. The daylight / sunlight analysis concludes that *“the shadow images in this proposal highlight there is no additional shading visible from the proposed development on the existing residential dwellings due to their location respective to the development site”*. In addition, the daylight / sunlight analysis concludes that *“the analysis images show that on the 21st March for the proposed scheme amenity area, over half of the proposed amenity spaces (70%) would receive at least 2 hours of sunlight in line with the BRE recommendations”*.
- 2.23 Internally within the development, the analysis concludes that *“93% of the tested rooms of the proposed scheme exceed the Average Daylight Factors (ADF) from the BRE Guidelines. It is expected that this overall percentage would rise if all of the upper floors were included in the results”*.
- 2.24 Full details of the daylight /sunlight analysis are set out in the report prepared by IES submitted with this application.

Item No. 5 – Analysis of the wind microclimate at ground level with reference to pedestrian occupation and usability of new public scale in the context of the scale of buildings proposed.

- 2.25 A wind and microclimate has been prepared by In2 and is submitted as part of the application. The wind microclimate report analysed the pedestrian comfort of the communal spaces proposed within the development. The initial results of the wind analysis highlighted some areas within the civic plaza as unsuitable for sitting.
- 2.26 In response to this, a canopy above the café seating area, in conjunction with foliage as proposed for in the landscaping plan were introduced to mitigate against any potential wind impact in the area. The proposed design solutions were re-analysed and the civic area was subsequently determined to be suitable for frequent/ occasional sitting in accordance with the methodology.
- 2.27 In addition, all balconies were tested for wind and microclimate conditions, and were deemed suitable for long / short term sitting. The penthouse floor of Block 2 was initially identified as an area of potential exposure for high winds. In response, a 2m high glass screen has been introduced to mitigate against the potential wind impacts. The penthouse area with the proposed mitigation design features are now suitable for frequent/ occasional sitting and therefore is a viable amenity space within the development.
- 2.28 Full details of the methodology and analysis of the wind and microclimate assessment is set out in the In2 report submitted as part of this application.

Item No. 6 – A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture where proposed and indicates which areas are to be accessible to the public. The landscaping plan should critically assess the best and most appropriate way to incorporate underground car parking ventilation structures.

2.29 A landscape masterplan has been prepared by Mitchells and Associates for the subject site and is submitted as part of the planning application. The landscape masterplan sets out the hard and soft landscape treatment to the scheme.

Item No. 7 – Given the city centre location and availability of public transport, a rationale for the proposed car parking provision should be prepared, to include details of car parking management and car share schemes.

2.30 The proposed development provides for a total of 158 no car parking spaces which results in a ratio of 0.58 car parking spaces per unit. It is requested to justify the proposed number of car parking spaces provided having regard to the availability of public transport in the area.

2.31 An assessment of the proposed car parking has been carried out by NRB Consulting Engineers and is submitted as part of this application. The assessment notes that the Dublin City Development Plan standard for this area suggests a maximum car parking ratio of 1 no. space per unit. In addition, the City Council through the pre application consultation have requested that the car parking provision be increase to meet this maximum ratio and to avoid overspill of car parking into the surrounding area.

2.32 It is considered that given the location of the proposed development within the city centre and having regard to the availability of public transport in the area, that the provision of 1 no. car parking space per unit is excessive. Therefore, it is considered that a balance must be struck between the requirements of the City Council and the requirements to promote sustainable modes of transport. As such it is considered that a reduced rate of 0.58 no. car parking spaces per residential unit is appropriate for the subject site.

2.33 It is noted that the apartment guidelines seek car parking in urban areas well served by public transport to be wholly eliminated or substantially reduced, however having regard to the Dublin City Council requirements and the CSO data for car ownership in the area, it is considered that some element of car parking should be provided on the site.

2.34 The CSO data for the area immediately surrounding the site, suggests a typical car ownership rate of 0.6 cars per household. Therefore taking account the current trends and to apply an appropriate balance of supply verses encouraging modal split, it is considered that the proposed ratio of 0.58 car parking spaces per units is considered acceptable in this instance.

2.35 In addition, to reduce car dependency and encourage sustainable modes of transport, the car parking on site will be managed through a rental agreement. The car parking spaces are therefore not guaranteed with each unit and will be available at a first come first served basis. The restrictions in car parking usage and the additional cost to obtain a car parking spaces within the development will encourage a reduced reliance on car parking within the scheme.

2.36 The proposed development will also provide for a car club facility which again will reduce the need for residents to own a car, encouraging the use of the available public transport in the area.

2.37 The Transport Assessment prepared by NRB Consulting Engineers sets out the proposed rationale for the proposed level of car parking at this location.

Item No. 8 – A site layout plan, which clearly indicates what areas are to be taken in charge by the local authority.

- 2.38 A site layout plan has been prepared by MCORM Architects indicating the proposed areas to be taken in charge. The areas indicated relate to the public footpaths along Merchants Road and East Wall Road. All other area within the scheme will be managed through a management company on the site.

Item No. 9- Surface water drainage proposals to address issues raised in the report of the Engineering Department – Drainage Division of Dublin City Council dated 24th October 2019, with specific reference to a surface water sewer that runs through the site.

- 2.39 The surface water drainage proposal has been agreed with the planning authority prior to the submission of the application. The drainage details have been re-represented to make the proposed layout and detailed arrangements clearly identifiable. For full details, please see Engineering Services Report prepared by POGA Engineers submitted as part of the application.

Item No. 10 – Site Specific Flood Risk Assessment to address details that concern vulnerable development, flood zone A/B and finished floor levels set at 4mOD, raised in the report of the Engineering Department – Drainage Division of Dublin City Council dated 24th October 2019. Reference should be made to the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment, and to consider downstream / displacement impacts as a result of the proposed development.

- 2.40 Following the pre application meeting and the points raised by the drainage department, it was agreed that the finished floor level of the development be raised from 2.6m to 3.3m OD. It is noted that the Development Plan Guidance states a finish floor level of 4m OD is required, however following a number of detailed discussions with Dublin City Council Drainage Department, the proposed level of 3.3m was agreed as acceptable for this site and the proposed development.
- 2.41 The flood risk assessment submitted with the application has therefore been revised on the basis of the 3.3m OD. For full details, please see Flood Risk Assessment prepared by JBA Consulting.

3.0 CONCLUSION

- 3.1 This document outlines how the specific information items requested in the pre-application consultation opinion from An Bord Pleanála in relation to a proposed mixed use development at the former EWR Innovation Park Limited, Docklands Innovation Park , 128-130 East Wall Road, Dublin 3 have been addressed in full by the applicant and design team prior to lodgement of the application to ABP.
- 3.2 The relevant prescribed authorities identified in the pre-application consultation opinion from An Bord Pleanála have also been notified of the submission of the planning application in accordance with Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 3.3 The layout and design changes incorporated into the final scheme are considered to result in improvements to the overall proposed development and ensure that a high-quality scheme is presented to the Board for approval.
- 3.4 It is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines.



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