
Statement of Response to Pre-application Consultation Opinion

Build-To-Rent Residential Development

**Former Steelworks Site, 32A, 32B, 33, 34 & 35 James
Street, Dublin 8**

Cherry Core Ltd. and Jasmine Perfection Ltd.

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1.0 Introduction

Hughes Planning and Development Consultants, 70 Pearse Street, Dublin 2, have prepared this Statement of Response to Pre-application Consultation Opinion on behalf of our clients, Cherry Core Ltd. and Jasmine Perfection Ltd, to accompany a planning application to An Bord Pleanála for a proposed Build-to-Rent development at the Former Steelworks Site, 32A, 32B, 33, 34 & 35 James Street, Dublin 8. Following consultations with Dublin City Council, a request to enter into pre-planning consultations with An Bord Pleanála was submitted and a pre-planning consultation meeting was facilitated on 15th September 2020.

An Bord Pleanála subsequently issued a Notice of Pre-Application Consultation Opinion on 5th October 2020, which identified 2 no. items to be addressed, in order for the application to constitute the reasonable basis for a Strategic Housing Application. These 2 no. items were as follows:

- 1. Further consideration/justification of the documents as they relate to the development strategy for the proposed scheme, in terms of the overall layout, apartment, building and open space design, as well as height, form and massing, specifically with regard to impacts in relation to residential amenity (existing and future) including overbearance, sunlight-daylight and overshadowing.*
- 2. While the site may be considered suitable for high density development and may be able to absorb height and taller elements within it, further consideration/justification of the documents as they relate to the visual impact of the development, in particular in terms of design, materiality and massing. Further consideration/justification of the documents should also address the visual impact of the development, and the development's visual relationship with the existing development(s) adjacent to it, as well as within the wider city area.*

The Board also requested, pursuant to article 285(5)(b) of the Planning and Development Act 2000 (As amended by the Residential Tenancies Act 2016), the provision of the following specific information:

- 1. Revised sunlight/daylight/overshadowing analysis, including impact on properties to the west and south, as well as to the east.*
- 2. Further consideration of level of sunlight available to open spaces to the east and the amenity value of such spaces.*
- 3. Consideration of proximity of Block C to the western boundary and issue of overbearance.*
- 4. Consideration of passive surveillance at ground level within the development as well as onto the external streets, specifically location of pedestrian access to Block C, location of waste storage room, and location of plant and bicycle stores.*
- 5. Additional CGIs/visualisations, specifically from: corner of Bow Lane and Steeven's Lane; further east on Basin View (south footpath, east of View 14); further north on Basin View (north of View 4); directly opposite the site on James Street; and in the position of the proposed footpath on the northern side of the Grand Canal Harbour scheme; and roof plant to be indicated on the drawings. The additional CGIs/visualisations should be accompanied by a report addressing the justification for increased height at this location relative to the surrounding area.*
- 6. Unit mix proposed and consideration of the housing typologies and mix within the wider area (both existing and permitted).*
- 7. Wind micro-climate study, including analysis of balconies and any upper level roof gardens.*
- 8. Details of all materials proposed for buildings, open spaces, paved areas, boundary and landscaped areas.*
- 9. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.*

10. *A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.*
11. *Response to issues raised in relation to transportation and water services, report in Addendum B of Planning Authority Report, received 24th June 2020.*
12. *Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.*

Further to the above, the Board's Notice of Pre-Application Consultation Opinion set out the statutory bodies to be notified of the making an application, pursuant to section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016. They are as follows:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Minister for Culture, Heritage and the Gaeltacht (archaeology)
5. An Taisce
6. The Heritage Council

A copy of the current application has been sent to the prescribed bodies identified by the Board. Copies of the applicable cover letters are enclosed with the application.

2.0 Response to Issues Raised

The following sets out how the applicant and design team have addressed the 2 no. issues raised in the Board's Notice of Pre-Application Consultation Opinion to ensure the subject application constitutes a reasonable basis for an application for strategic housing development.

2.1 Item No. 1

The Board required the following:

Further consideration/justification of the documents as they relate to the development strategy for the proposed scheme, in terms of the overall layout, apartment, building and open space design, as well as height, form and massing, specifically with regard to impacts in relation to residential amenity (existing and future) including overbearance, sunlight-daylight and overshadowing.

2.1.1 Applicants Response to Item No. 1

In response to the above, the following amendments have been made to the proposal tabled at SHD pre-planning stage:

- The massing and height of the proposed development has been reduced, from 3-10 storeys comprising a total of 17,481sqm to a development of 3-8 storeys comprising a total of 15,839sqm, resulting in a reduction in the no. of apartments proposed (from 225 no. to 189 no.), density (from 405 dwellings per Ha to 341 dwellings per Ha) and plot ratio (from 3.45 to 2.6) and a more appropriately scaled proposal;
- Increased setbacks have been provided between Block A and the eastern boundary (increased from between 13.2-19.4 metres to between 13.4-23.4 metres) and between proposed Blocks A and B (increased from 3.6 metres to 13.7 metres). Cumulatively, these amendments improve the proposed development's interface with and amenity impacts on abutting properties as well as how the building sits within the James Street and Basin View streetscapes and the

surrounding area more broadly. The elevations and sections featuring in the architectural drawing pack, prepared by EML Architects; the photomontages, prepared by 3D Design Bureau; and the Landscape + Visual Impact Assessment, prepared by Ait Urbanism + Landscape Limited, illustrate how the proposed development will sit comfortably within its immediately surrounding context and the surrounding area more broadly;

- The size of the ground floor communal open space areas serving the development has been increased (from 1,335sqm to 1,382sqm) and the useability improved as a result of the increased setback provided between Blocks A and B. Further to this an additional 75sqm roof terrace has been introduced to provide residents with access to sunny open space areas at all times of the day. As illustrated in the Daylight and Sunlight Report, prepared by AxisEng Consulting Engineers, the proposed communal open space areas comply with the BRE Guidelines regarding sunlight provision; and
- The ground floor open space areas have also been re-designed to provide defensible space to each ground floor apartment fronting the communal open space areas, thus ensuring they are provided with a suitable level of privacy and an appropriate outlook. Cumulatively, these amendments ensure a high degree of residential amenity for future residents of the subject scheme.

In preparing the Daylight and Sunlight Report, AxisEng Consulting Engineers carried out an assessment of Oaklee Block B's west facing windows/balconies. This assessment confirmed that the poor design of the balconies has resulted in poor light penetration. Upon receipt of the results of this assessment, the Applicant reached out to Oaklee Housing and offered to undertake improvement works to the balconies, aimed at enhancing the functionality of those balconies particularly from a sunlight/daylight perspective. Whilst the offer was welcomed, Oaklee Housing are not currently in a position to take up the Applicant's offer as outlined in their letter of support, dated 30th November 2020, which accompanies under a separate cover. It is worth noting that this letter also indicates that Oaklee Housing's is supportive of the proposed redevelopment of the subject site and acknowledges that significant amendments have been made between Stage 2 and Stage 3 of the Strategic Housing Development process, particularly in relation to Block A.

The Daylight and Sunlight Report, prepared by AxisEng Consulting Engineers, also included an assessment of all adjacent properties on James Street to the west and all proposed apartments and open space areas within the development.

2.2 Item No. 2

The Board required the following in relation to the visual impact of the development of the proposed development:

While the site may be considered suitable for high density development and may be able to absorb height and taller elements within it, further consideration/justification of the documents as they relate to the visual impact of the development, in particular in terms of design, materiality and massing. Further consideration/justification of the documents should also address the visual impact of the development, and the development's visual relationship with the existing development(s) adjacent to it, as well as within the wider city area.

2.2.1 Applicants Response to Item No. 2

As discussed previously in Section 2.1.1, a no. of amendments have been made to the proposal tabled at SHD pre-planning stage. The reductions made in relation to building height and massing and the increased setbacks provided from adjacent property boundaries and between Blocks A and B have reduced the visual impact of the proposed development. In addition to the amendments discussed previously in Section 2.1.1, the materials and finishes palette has been reconsidered with an increased amount of brick proposed to better respond to the materials and finishes featuring in the surrounding area's existing housing stock. The resulting improvement to the proposed building's visual presentation is best illustrated in the elevation and section excerpts included overleaf.



Figure 1.0 James Street elevation tabled at pre-planning consultation with An Bord Pleanála (ABP Ref. ABP-307204-20)



Figure 2.0 Proposed James Street elevation



Figure 3.0 Southern elevation tabled at pre-planning consultation with An Bord Pleanála (ABP Ref. ABP-307204-20)

The Landscape + Visual Impact Assessment concludes the following in relation to the subject proposal:

In assessing the overall landscape and visual impact of the proposed development, nineteen verified views were evaluated. The points were chosen within the local public realm as representative views where there may be potential for impact on local key sensitive receptors. The most significant impacts will be in close proximity to the proposed development on James Street itself and from adjacent side streets to the south, east and west. Given the very poor visual quality and dereliction associated with the current subject site, the impact assessment and the infill nature of the proposed development, the rating assessment ranges do not find any medium to long term significant and negative impact. V12, V13, V14, V16 and V18 rate the visual impact as moderate and positive to significant and positive.

The high-quality architectural built form and consideration of the existing architectural and built context and materials will act as substantial mitigation measures and have a potentially positive impact on the visual quality of the overall development. The active frontage at ground level on James street, along with a roof terrace and balconies will activate the streetscape at James' Street to the north of the site.

The active frontage on Basin View and westerly facing balconies at the western corner of Basin View serve to activate Basin View streetscape.

3.0 Statement of Response to Specific Information Required

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

3.1 Revised sunlight/daylight/overshadowing analysis

The application is accompanied by a revised Daylight and Sunlight Report Report, prepared by AxisEng Consulting Engineers. This report includes a sunlight/daylight/overshadowing assessment of the proposed development as well as the potential impact on properties to the east, west and south. 100% of the proposed apartments in the scheme were assessed and 96% meet the Sunlight/Daylight criteria, with only marginal shortfalls resulting for the remaining 4%.

3.2 Further consideration of level of sunlight available to open spaces to the east and the amenity value of such spaces.

In advancing the planning application, the ground floor communal open space areas serving the development has been improved and an additional roof terrace has been introduced to provide residents with access to sunny open space areas at all times of the day. More specifically in the context of the ground floor communal open space areas, the following improvements have been made:

- A larger open space area has been provided centrally as a result of a greater setback being adopted between Blocks A and B;
- The overall provision of communal open space at ground floor level has increased from 1,335sqm to 1,382sqm (exclusive of the roof terrace); and
- The ground floor open space areas have also been designed to provide defensible space to ground floor apartments fronting the communal open space areas, thus ensuring they are provided with a suitable level of privacy and an appropriate outlook.

Section 5 of the revised Daylight and Sunlight Report, prepared by AxisEng Consulting Engineers, which accompanies the application demonstrates that the proposed open spaces achieve a suitable level of sunlight, with 56% of all open space areas achieving at least 2 hours of Sunlight in March, thus exceeding the minimum criteria. This combined with the landscaping proposals, put forward by Áit Urbanism + Landscape Limited, provide a high quality of amenity in these spaces.

3.3 Consideration of proximity of Block C to the western boundary and the issue of overbearance

The central section of the subject site's western boundary is flanked by a disused parcel of land (as illustrated in Figure 7.0 below), located behind Nos. 25-29 James Street, which features overgrown vegetation and dilapidated sheds/structures. Block C has been developed proximate to this section of the western boundary and the western elevation has been left devoid of balconies and windows so as to facilitate the redevelopment of this disused parcel of land in the future.

Block C replaces an existing 2-3 storey industrial building currently featuring on the subject site which is developed to the common boundary (as illustrated in Figure 7.0 below). We would contend that Block C, with its high quality design and rich palette of materials and finishes, is an improvement to the existing condition on this part of the site. Block C has been designed having regard to the properties to the north and south with setbacks adopted from the sites northern (1.6-2.9 metres) and southern boundaries (2.57 metres) - an improvement from the existing building which is developed to the common boundary. Block C is set back 21.1 metres from Mary Aikenhead House to the south and 19.4 metres from No. 31 James Street to the north at its nearest point and therefore we are satisfied that there is no overbearance



Figure 7.0 Photograph illustrating existing building featuring in the western part of the site and the abutting disused parcel of land located behind Nos. 25-29 James Street

3.4 Consideration of passive surveillance at ground level within the development as well as onto the external streets, specifically location of pedestrian access to Block C, location of waste storage room, and location of plant and bicycle stores.

In advancing the planning application, the following amendments were made in relation to Block C in response to the above item:

- The pedestrian access has been moved to the north-eastern corner of the building, accessible off the central path and now fronting onto the enlarged central open space area;
- The waste storage area has been replaced with a bicycle storage area which will receive greater footfall;
- Improvements have been made to the balconies on the James Street elevation to increase their width;
- A westerly facing balcony aspect has been introduced to Block B to enhance passive surveillance of the Basin View entrance and Basin View itself; and
- An apartment has been introduced at ground floor level fronting Basin View, replacing the previously proposed services area.

The proposed development now provides an appropriate level of passive surveillance at ground level within the development as well as onto the external streets, with balconies and windows with an outlook to the communal amenity space, James Street frontage and Basin View frontage provided.

3.5 Additional CGIs/Visualisations

The photomontage/CGI set, prepared by 3D Design Bureau, which accompanies the application includes the following additional CGIs/Visualisations, as requested by the Board:

- Corner of Bow Lane and Steeven's Lane;
- Further east on Basin View (south footpath, east of View 14);
- Further north on Basin View (north of View 4);
- Directly opposite the site on James Street; and
- In the position of the proposed footpath on the northern side of the Grand Canal Harbour scheme.

The photomontage/CGI set, prepared by 3D Design Bureau, inform a Landscape + Visual Impact Assessment, prepared by Áit Urbanism + Landscape Limited, which accompanies this application. Further to this justification for increased height at this location is provided in the Statement of Consistency and Planning Report and Statement of Material Contravention, both prepared by Hughes Planning and Development Consultants, as well as in the Architectural Report, prepared by EML Architects. Drawing Nos. 3484-EML-00-00-A-009, 3484-EML-0A-06-A-107, 3484-EML-0B-08-A-109 and 3484-EML-0C-06-A-107, included in EML Architects drawing set, also indicates the proposed roof plant.

3.6 Unit mix proposed and consideration of the housing typologies and mix within the wider area (both existing and permitted)

The mix of units proposed in outlined in the Schedule of Accommodation, prepared by EML Architects, which accompanies this application. The subject proposal features 189 no. Build-to-Rent apartments comprising 151 no. one-bed apartments, 34 no. two-bed apartments and 4 no. three-bed apartments in a variety of layouts. The proposed housing typology, being Build-to-Rent, and unit mix is considered appropriate having regard to the within the wider area (both existing and permitted) for the following reasons:

- A Build-to-Rent residential development is considered appropriate for the subject site given its central location, proximate to a variety of employment sources, services and amenities, and its proximity to a multitude of public transport services and sustainable transport options. The site is well-served by high-frequency, high-capacity public transport with Heuston Station located a 7 minute walk from the subject site; this train station provides services to Waterford, Limerick, Cork and Galway. The site is also served by Dublin Bus services located a 1-minute walk from the subject site, with buses running to Liffey Valley, Grange Castle and Kilnamanagh Road (Nos. 13, 40 and 123). James Street Luas Stop is a 4-minute walk from the subject site, which provides Red Line Luas services to The Point, Tallaght, Saggart and Connolly. In addition to the high-frequency, high-capacity public transport that is proximate to the site, there is Dublin Bikes services located in proximity to the site. There is a Dublin Bikes provider on James Street, which is a 2-minutes' walk (190m) from the site and at Market Street South, which is a 3-minutes' walk (280m) from the subject site. National planning policy encourages Build-to-Rent residential developments in locations such as this.
- A Build-to-Rent residential development is also considered appropriate for the subject site given its proximity to 3 no. hospitals, James' Hospital, St. Patrick's University Hospital and the new Children's Hospital. The proposed development will provide a low maintenance, secure and longer-term rental option which is extremely suitable for the busy nurses, doctors and medical staff working in these nearby hospitals.
- The proposed Build-to-Rent development responds to the intense pressure Ireland's rental market is undergoing as increasing urbanisation and shifting demographics result in record levels of demand for rental accommodation. The Q1 2020 Rental Report presented by Daft.ie reveals that the first quarter of the year saw rents in Dublin between 3-5% above the first quarter of the previous year. The average Dublin City Centre rent was €2111 per month, a 3.1% increase from the previous year.

- The proposed Build-to-Rent development responds to the growth in apartment living experienced in the past 2 decades. Within Dublin, the rate of growth in apartment living is higher than any other type of housing nationally, the 2016 census indicating an increase of almost 89% from the 2002 census figures. The 2016 census also revealed that 36% of people in Dublin were renting their accommodation (a much higher rate compared with 29% for the country as a whole).
- The proposed unit mix is reflective of the increasing trend towards smaller 1-2 person households. There is evidence of shifting trends across Europe towards housing compositions that favour smaller average household sizes. In Dublin City, a review of CSO data reveals that the average household size has reduced from 2.67 persons in 1996 to 2.48 persons in 2016. According to the CSO (2016), within Dublin City and its suburbs, 1 and 2-person households account for over 53% of all households when combined. Further to this, according to the CSO (2016) in Dublin 53% of people aged over 15 are single. While the no. of 3+ person households has seen an increase between 2011 and 2016, they still represent only a small proportion of the total households. Therefore, the provision of 4 no. 3-bed apartments within the proposed scheme is sufficient to meet the current level of and possible future increases in demand.
- The proposed unit mix is also considered appropriate having regard to the age demographics of the surrounding population. Evidence from the Irish Central Statistics Office for 2016 indicates that in the Dublin area, the primary occupier of privately rented households is between 25 to 34 years old (48% of households) followed by 35 to 39 years olds (17% of households). Further to this, the target age for Build-to-Rent schemes is 25-44 years old. The subject site is located within the Crumlin - Kimmage Local Electoral Area. The last census (2016), people within the age range of 25 to 39 years old accounted for 34.4% of the population of the Crumlin - Kimmage Local Electoral Area. Therefore, the demographic composition of the Crumlin - Kimmage Local Electoral Area indicates that there is a large percentage of residents within the ideal range in the immediate local area.
- Specific Planning Policy Requirement 8, included in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, outlines that no restrictions on dwelling mix shall apply in relation to specific Build-to-Rent developments.

3.7 Wind Micro-climate Study

The application is accompanied by a Wind Microclimate Modelling (which includes an analysis of balconies and any upper level roof gardens), prepared by B-fluid. This report includes the following conclusions in relation to the proposed scheme:

- *The proposed James Street Development will produce a high-quality environment that is attractive and comfortable for pedestrians of all categories.*
- *Wind flow speeds at ground floor around the development are shown to be within tenable conditions. Some higher velocity and funnelling effects are found, depending on the wind direction, on the main roads around the development and on the roads in-between the different blocks. Some recirculation effects are found at the corners of the buildings. However, these conditions are below the safety threshold values defined by the acceptance criteria and they do not occur at a frequency that would compromise the pedestrian comfort, according to the Lawson Criteria. Moreover, the mitigation measures with tree planting planned for the areas around the development will mitigate these effects. Thus, it can be concluded that at ground floor good shielding is achieved everywhere.*
- *On the terrace, higher velocities can be found for some directions, only in some small areas of the terraces and often corresponding to the edges of it. However, the mitigation measures implemented significantly reduce the velocities on the terrace.*
- *The higher velocities effects have been successfully reduced or eliminated. Thus, it can be concluded that on the roof terrace good shielding is achieved everywhere.*
- *On balconies, velocities are below the threshold values defined by the acceptance criteria and therefore they are not critical for safety. It can be concluded that on the balconies good shielding is achieved everywhere.*
- *The proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings.*
- *The pedestrian comfort assessment, performed at Ground Floor level, on the terrace and on the balconies accordingly to the Lawson criteria, identified the areas that are suitable for the different pedestrian activities in order to guarantee pedestrian comfort. The areas around the development, as well as the terrace and the balconies can all be considered suitable for long*

term sitting, as well as for any other activities. Moreover, in terms of distress, no critical conditions were found for “Frail persons or cyclists” and for members of the “General Public” in the surrounding of the development.

3.8 Details of all materials proposed for buildings, open spaces, paved areas, boundary and landscaped areas.

The Architectural Report and the sections and elevations included in EML Architects architectural drawing set indicate the materials and finishes proposed for the buildings and boundary treatments. Details of materials proposed for open spaces, paved areas and landscaped areas, are included in the Landscape Report and associated Landscape Plans, prepared by Áit Urbanism + Landscape Limited.

3.9 Schedule of Accommodation

The architectural drawing set, prepared by EML Architects, which accompanies the application includes a Housing Quality Assessment which illustrates compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018. The Statement of Consistency and Planning Report and Statement of Material Contravention, prepared by Hughes Planning and Development Consultants, also includes an assessment against the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018.

3.10 Building Life Cycle Report

The application is accompanied by a Building Life Cycle Report, prepared by Aramark Property.

3.11 Response to issues raised in relation to transportation and water services, in Addendum B of Planning Authority Report, received 24th June 2020.

The issues raised in relation to transportation and water services, in Addendum B of Planning Authority Report, are discussed in the Traffic Management & Travel Plan Report and Engineering Services Report (respectively), prepared by CS Consulting Group, which accompany this application.

3.12 Material Contravention Statement

The application is accompanied by a Statement of Material Contravention, prepared by Hughes Planning and Development Consultants, which provides justification for the proposed building height in the context of the provisions of Section 37(2)(b) of the Planning and Development Act, 2000 (as amended).

4.0 Conclusion

This report sets out how the various issues raised by An Board Pleanála, in their Notice of Pre-Application Consultation Opinion, in relation to the proposed Build-to-Rent residential development on the Former Steelworks Site, 32A, 32B, 33, 34 & 35 James Street, Dublin 8.

The layout and design changes incorporated into the final scheme are considered to result in improvements to the overall development and ensure that a high-quality residential development will be provided. The design and fit out of the proposed scheme has been discussed with the end user PRS fund and an Approved Housing Body.

It is therefore 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.



Margaret Commene MIPI
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for and on behalf of HPDC.