



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-303875-19

Strategic Housing Development

299 no. units, childcare facility, café, public open space, car parking and bicycle spaces.

Location

Daneswell Place, Former Printworks/Smurfit Site, Botanic Road, Glasnevin, Dublin 9.

Planning Authority

Dublin City Council North

Applicant

Scanron Ltd

Prescribed Bodies

The Minister for Culture, Heritage and the Gaeltacht

The Heritage Council

An Taisce

An Chomhairle Ealaíon

Fáilte Ireland

Irish Water
Transport Infrastructure Ireland
National Transport Authority
Dublin City Childcare Committee

Observer(s) 98 observers see Appendix I

Date of Site Inspection 27 May 2019

Inspector Stephen Rhys Thomas

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The Inspector's Report relating to ABP-302698-18 describes the site as following and for the most part I broadly concur with this description as follows:

The site is located on Botanic Road, Glasnevin, 3 km north of the city centre in a predominantly mature residential conservation area between Botanic Road and Drumcondra Road. The site is a former industrial premises (Print Works / Smurfit) with a stated area of 2.02 ha. It fronts onto Botanic Road near the neighbourhood corner known as Hart's Corner where it merges with the R135 Finglas Road. Both these roads are major arterial routes into the city and there is a bus and cycle lane along Botanic Road. There are residential properties and a hotel to the immediate east on Iona Park. To the south the site is adjacent to the rear lane / garages and / or gardens serving houses along Iona Road. The gable sides of nos. 31 and 31A Botanic Road overlook the site from the south. There are 2 storey houses on the opposite side of Botanic Road. The houses in the area date for the most part from the Edwardian era and the houses are typically 2 storey red-brick houses and styles also include the more decorative Art Nouveau and Arts and Crafts features. Together these styles and scale contribute to the character of this residential conservation area. The adjoining former Players Factory, including its granite façade, railings, gate, piers, plinth walls and red brick chimneystack are listed as a protected structure under the City Development Plan (RPS ref. no. 855). The complex is now in community / commercial use.

Vehicular access to the site is from Botanic Avenue, directly opposite the junction of 2.2.merging traffic from R135. The original structures at the site have been demolished and development is currently under construction on foot of PL29N.246124 (as amended). The site and has been filled and levelled and is therefore elevated above surrounding properties, particularly at the north east corner adjoining properties on Iona Park.

2.2. In addition, I note that that house numbers 1-24 (inclusive) have been constructed and are substantially complete. A temporary street from Botanic Road (R108) provides an access to the site and houses. The foundations of the remaining houses (25-35) have also been constructed. There are mounds of spoil and other building waste on the site. The subject lands act as site compound and car parking area for construction workers.

3.0 Proposed Strategic Housing Development

3.1. The development comprises 299 no. apartments on 2.02 Hectares, arranged in five blocks, as follows:

Apartment Type	No. of Units	%
1 bed	112	37%
2 bed	178	60%
3 bed	9	3%
Total	299	

The proposed apartments are arranged in 5 no. Blocks (A-E) ranging in height from 5 storeys (Block A), increasing to 7 storeys (Blocks B and E) and 9 storeys (Blocks C and D) over basement level in the centre of the site. The development incorporates 35 houses granted under the parent permission PL29N.246124, some of which are almost complete. These are located along the southern and eastern site boundaries. The development has a stated residential density of c.166 units/ha, including the 35 no. houses permitted under PL29N.246124 (as amended).

3.2. The development also includes the following:

- Childcare facility (286 sq.m.) for 61 childcare spaces
- Café (152 sq.m.)
- Medical Consultant Unit (174 sq.m.)
- Flexible Space (286 sq.m.)
- Lap pool (263 sq.m.)

- Gym (130 sq.m.)
- Management Facilities (199 sq.m.)
- 2,134 sq.m. or 10% communal open space
- Proposed 171 no. car parking spaces and 506 no. cycle parking spaces. A total of 161 no. car parking spaces at basement level and the remainder at surface level.
- Part V proposal is to provide 33 apartments (7 – one beds and 26 – two beds).
- Works to the public road and footpath.

4.0 Planning History

4.1. Reg. ref. **3665/15** and ABP ref. **PL29N.246124**

Permission granted for a residential scheme comprising 131 no. residential units (43 houses and 88 apartments in 4 blocks), café and childcare facility at the development site, with access to Botanic Road. Condition no. 2 of PL29N.246124 required the following amendments:

(a) Block D (duplex units nos. 120 to 131 inclusive) together with the road fronting this shall be omitted from the proposal. Units nos. 36 to 43 inclusive (including their rear garden boundaries) shall be moved 2 m to the west.

(b) Houses nos. 31 to 35 inclusive shall be moved 2 m to the west, thereby providing longer rear gardens to these units.

(c) The space thus released shall be incorporated into the public open space provision of the scheme.

4.2. Reg. Ref. **4267/17**

Permission granted by Dublin City Council to amend the development permitted under PL29N.246124, to consist of amendments to permitted dwelling houses nos. 1 to 19 along the southern boundary of the site, with a change to permitted House Type T2 to provide for 4 no. 4-bed, 3-storey terrace units (c. 186 sq.m GFA, an increase of 23 sq.m each) and to House Type T3 to provide for 15 no. 5-bed, 3 storey terrace units (c.187.3 sq.m GFA, an increase of 24.3 sq.m each); revisions to the overall height, layout and elevations of the structures; reorganisation of allocated

surface car parking within this portion of the site resulting in the provision of 1 no. additional space from that permitted. Permission also granted for modifications to the boundary treatments and all other associated site excavation and site development works above and below ground.

4.3. Reg. Ref. **2133/18**

Permission granted to amend the development permitted under PL29N.246124 to consist of amendments to permitted houses nos. 20 to 35 along the southern and eastern boundary of the site, with a change to permitted House Type T1 to provide for 16 no. 5-bed, 3 storey terrace units (c. 235.1 sq m GFA, an increase of 23.2 sq m each); revisions to layouts and elevations; no change to allocated surface car parking within this portion of the site; modifications to the boundary treatments and all other associated site excavation and site development works above and below ground.

4.4. Reg. Ref. **4306/18**

Subsequent modification of the permitted residential development (ABP Reg PL 29N.246124; Dublin City Council Reg Ref 3665/15(as modified by DCC Reg Refs 4267/17 and 2133/18)), change of permitted house type nos. 25-35 inclusive from 5 bed three storey terraced units to 5 bed three storey semi-detached units; resulting in a reduction from 11 no. to 10 no. units, each comprising c.235sq m (same area as permitted under Reg Ref 2133/18)

5.0 **Section 5 Pre Application Consultation**

5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 7 November 2018 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-302698-18. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

5.1.1. Design and Scale of Development

In terms of local and national guidelines, the prospective applicant should satisfy themselves that the proposed building heights provide the optimal urban design and architectural solution for this site and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. In particular the elevational treatments and proposed materials should be revisited, in terms of the site's context and locational attributes including the adjacent protected structure and residential conservation area. In this regard an appropriate statement in relation to consistency with the relevant development plan is required.

5.1.2. Residential Amenity of Development

The applicant should consider in particular the provision of single aspect apartments and the availability of daylight / sunlight within the units; the provision of quality, useable public open space within the scheme; the design and layout of ground floor accesses and internal circulation areas and the interaction with the other proposed land uses, i.e. childcare facility, office use and café, and with ancillary services.

5.1.3. Impacts on the Development Potential of the Adjoining Site to the North

In terms of the possible impacts on the development potential of the adjoining site to the north, justification should have regard to, inter alia, the close proximity of the proposed development to the shared boundary (within 1.7m) and the height of the proposed blocks B, C, D and E against the shared boundary. While the masterplan strategy for the development of the subject site and the adjoining site is noted, it is further noted that the 2015 Phibsborough LAP was never adopted and therefore has no statutory status.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential visual impacts on the adjoining residential conservation area and on the setting of the adjacent protected structure, to include views from the wider area including Iona Road and Botanic Road.
2. Topographical survey of the development site.

3. Rationale for proposed childcare provision with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018).
 4. Rationale for the proposed car parking provision with regard to Dublin City Development Plan 2016-2022 Table 16.1 car parking standards and the performance related approach set out in the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) in relation to infill sites in urban areas.
 5. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development. The analysis should also consider potential overshadowing impacts on adjoining residential areas and on the adjoining site to the north.
 6. Heritage assessment to consider impacts on the adjacent protected structure and residential conservation area.
 7. An Archaeological Impact Assessment.
 8. Traffic and Transport Impact Analysis, to consider cumulative impacts of permitted development in the area.
 9. AA screening report.
- 5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:
- The Minister for Culture, Heritage and the Gaeltacht
 - The Heritage Council
 - An Taisce
 - An Chomhairle Ealaíon
 - Fáilte Ireland
 - Irish Water
 - Transport Infrastructure Ireland
 - National Transport Authority

- Dublin City Childcare Committee

5.4. Applicant's Statement

5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

- Design and Scale of Development – the proposed heights exceed the parameters set out in the Development Plan. However, there is sufficient justification for the heights proposed, inter alia; edge of city centre location and high frequency public transport. A number of design changes have been made to the proposed blocks, including; removal of office type characteristics, more balconies and winter gardens, variation of materials resulting from the analysis of the area by conservation architects. The layout of the blocks draws from the draft Phibsborough LAP, never adopted but still a sound design proposition. Taller blocks are located at the centre and step down to meet surrounding development, without an adverse impact to amenities.
- Residential Amenity of Development – apartment units meet and exceed the standards required by guidelines, the Housing Quality Assessment demonstrates this. A total of 65% exceed the minimum floor standard by 10% or more. In terms of apartment aspect, 47% are dual and 53% single aspect. A daylight and sunlight analysis reveals that all apartments are broadly compliant with BRE standards with a small number falling below in certain areas, a Daylight and Sunlight Analysis has been submitted. Sufficient private amenity space has been provided in all cases. Communal open space is provided throughout the scheme, 1,944 sq.m is provided over and above the minimum set by the 2018 apartment guidelines. In addition, internal resident amenities bring the total area for use by residents to 2,244 sq.m. An area of public open space is proposed and includes a children's play area, total area 2,161 sq.m. The public open space has been design to link into the site to the north and addresses the red brick chimney as its focal point.

Ground floor access points have been improved, with block A providing more pedestrian interaction with Botanic Road and eastwards to the interior of the site. Pedestrian access points to the remaining blocks are taken from the interior of the intervening open spaces, all designed to improve passive surveillance and pedestrian safety. Ancillary uses in block A ensure greater interaction of the development with the area, entry is via a new public realm along Botanic Road.

- Impacts on the Development Potential of the Adjoining Site to the North – it is noted that the previous permission for the site allowed separation distances of around 4 metres between blocks and the shared boundary. The proposed public open space aligns with the chimney and the aims of the draft Phibsborough LAP. In addition, connections to the north can be achieved and link in with Iona Crescent. The north/south positioning of the blocks allows light to penetrate through to the adjacent site. The design and material selection for the apartments has been carefully selected so that the setting and context of the former Players Factory is not detracted from. The applicant predicts that the proposed building heights are likely to be mirrored on the site to the north.

5.5. Material Contravention Statement

- 5.5.1. The applicant has prepared a statement to provide a justification for the material contravention of the Dublin City Council Development Plan 2016 – 2022 in relation to height parameters as a result of section 16.7.2 of the current Plan that identifies building heights for the city. Specific reference is made in the Development Plan to the subject site. The Plan states that up to “a maximum of 19m in the centre of the Smurfit site” is permitted. The proposed development reaches up to 25.9 metres (excluding plant) at the centre of the site. The site is located within 300 metres of the planned Glasnevin stop on the metrolink route. In this regard the Plan allows up to 24 metres in areas within 500 metres of rail hubs, section 16.7.2 of the Plan refers. The applicant spots conflicting objectives in the Plan with respect to guidance on height and the achievement of sustainable residential density.
- 5.5.2. Next, the applicant turns to national guidance in relation to apartments and building heights. In both cases, it is argued that the site is ideally located for higher residential

densities and there are compelling arguments for tall buildings too. In relation to the building height guidelines, it is argued that the height limits in the City Plan go against the advice provided by the guidelines to implement national policy on sustainable development. In addition, the locational qualities of the site encourage taller buildings and better use of urban areas. The policies and objectives of the City Plan are clearly at odds with national policy on residential density and building height, there is ample justification for the Board to grant permission.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, 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”.

6.1.2. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (2018)
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 'Childcare Facilities – Guidelines for Planning Authorities' (2001)

Other relevant national guidelines include:

- 'Architectural Heritage Protection - Guidelines for Planning Authorities' – (2011)
- 'Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands (1999).

6.1.3. **Dublin City Development Plan 2016-2022**

The site has the standard residential zoning objective 'Z1 – To protect, provide and improve residential amenities'.

Development plan section 11.1.5.3 Protected Structures – Policy Application, regarded protected structures. The site is located to the south of RPS reference number 855 Former Player's factory: granite facade, including railings, gate, piers, plinth walls and red brick chimneystack. In addition, section 11.1.5.4 Architectural Conservation Areas and Conservation Areas, section 11.1.5.6 Conservation Area – Policy Application are relevant.

Policy SC25 - to promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture

befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.

Chapter 16 development standards. The following are noted in particular:

- 16.3.3 10% public open space requirement for all residential schemes.
- 16.4 density standards. No maximum density. Target of 100 units / ha in the Housing Strategy (appendix 2 of the Plan).
- 16.5 plot ratio. Permissible plot ratio for Z1 outer city is 0.5 – 2.0.
- 16.6 site coverage. Z1 indicative site coverage 45%-60%

Development plan section 16.7 building height. The site is not located in an area designated as suitable for taller buildings, e.g. and LAP, SDZ or SDRA, therefore the 'low rise' category applies. A height limit of 16m applies for residential development in the outer city. The plan states the following in relation to Phibsborough:

Phibsborough will remain a low rise area with the exception of allowing for (i) up to a max of 19 m in the centre of the Smurfit site and immediately adjoining the proposed railway station at Cross Guns Bridge; and (ii) the addition of one additional storey of 4 m will be considered in relation to any proposals to reclad the existing 'tower' at the Phibsboro Shopping Centre.

Development plan map J strategic transport and parking areas. The majority of the site is located within parking Area 2 with the western portion of the site in Area 3.

Table 16.1 car parking standards requires the following for Area 2:

- 1 space / dwelling
- 1 space / 300 sq.m. GFA office space
- 1 space / 150 sq.m. café seating area
- No standard for childcare facility or gym uses

Table 16.2 cycle parking standards for Area 2:

- 1 per residential unit all zones

- 1 space / 150 sq.m. shops and main street financial offices
- 1 space / 150 sq.m. café

6.1.4. **Phibsborough LAP (not adopted)**

The development site was identified as a key development site in both the Phibsborough-Mountjoy LAP 2008 and the draft Phibsborough LAP 2015 (not adopted). Both LAPs set out to provide a Local Site Framework Strategy for the Printworks / Smurfit site, which encompasses the development site and the neighbouring site to the north. It was envisaged that both sites would be developed to form “a high quality residential enclave within the context of the established residential area.” The 2008 LAP provided for local retail and community facilities with the Z10 zoning within the Dublin City Development Plan 2011-2017, an objective to facilitate mixed use development. This was subsequently revised to a Z1 zoning in the 2016 Development Plan. Both Framework Strategies included indicative urban form guidance with the 2008 LAP providing an indicative masterplan. The masterplan proposed that a pedestrian and cycle route pass through the sites to link Botanic Road with Iona Crescent. The protected structure in particular the chimney stack would form a focal point along this route and it was identified that a quality public space adjacent to the chimney should be provided to further enhance it as a neighbourhood landmark.

The draft 2015 LAP states that although the overall Printworks / Smurfit site is divided into two halves an integrated approach will be expected of any development on one half of the site, particularly in relation to street design and ability to connect the southern half of the site to Iona Crescent. The focus should be on enhancing permeability and creating an attractive public realm. The draft 2015 LAP further states that parking for apartments should be provided at basement level to create an attractive pedestrian environment.

The applicant has submitted a detailed and comprehensive statement of consistency with planning policy.

7.0 Third Party Submissions

7.1. A large number of submissions were received, a few offered cautioned welcome but in most cases, the observations opposed the development. Criticisms were levelled at the lack of engagement with the local community and a general disapproval of the assessments and documents prepared by the applicant to support the application. In very broad terms, the main issues revolved around the impact of excessive height and density, traffic and public transport, unit mix, public open space and general residential amenity deficits. In broad terms the planning issues can be summarised as follows:

- The development will breach the height limits in the City Development Plan, resulting in overlooking, overbearing appearance and overshadowing. The apartment blocks will lead to a wind tunnelling affect.
- The visual amenities of the area and particularly views of protected structures associated with the Players site will be adversely impacted upon.
- Lack of public open space, in terms of quantum and quality.
- Impacts upon traffic, public transport and air pollution. Opinions are split on the amount of car parking, too much and too little.
- The proposal will result in over-development of the site, far greater density than that previously permitted.
- The development potential of the site to the north has not been adequately examined, the proposed apartment blocks are too close to the boundary and will create an overshadowing impact.
- The housing mix is not family friendly and will introduce a transient population. The application fails to accord with the Dublin City Housing Strategy.
- The local amenities (social and infrastructural) of the area will be under pressure to accommodate the increase in population.
- Nature and wildlife will be impacted in the wider area.
- The validity of the application is queried on a number of technical grounds, such as the description of development, site notice and other procedural issues.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 30 April 2019. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected members of the North West Area Committee Meeting held on the 16 April 2019, and is outlined as follows:

- Concern was raised in relation to the contravention of the Development Plan in terms of height and the relevance of the new Height Guidelines. The appropriate height for the site was discussed and five storeys was considered acceptable. The status of the Phibsborough LAP was queried.
- The residential density of the site was questioned in terms of a single access point.
- The housing mix proposed was broadly welcomed.
- The traffic generated by the development is seen as problematic, especially if public transport improvements are not delivered.
- The elected members raised issues about the lack of real community gain, as the open spaces and play area are located well within the site.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

Zoning/Site Development Standards – the site is located on lands zoned Z1 'to protect, provide and improve residential amenities', the proposed development accords with the zoning objective for the site and is acceptable in principle.

Height, Scale and Design – though a reduction in height of blocks B-E of 1m-1.5m has been incorporated since the pre-application stage, there are still concerns. The proposed heights of blocks B-E would negatively impact on adjacent housing under construction and the wider area. The interaction of building height and wind tunnelling effect is not satisfactory, as the communal open spaces will only be comfortable for walking. Improvements to the frontage along Botanic Road is

welcomed. The overall design of the apartment blocks, which were initially non-domestic and more akin to office development is welcomed, although the height, scale and massing is still problematic.

Density, Site Coverage and Plot Ratio – though the proposed density is acceptable in principle, the combination of excessive height and bulk renders the quantum of development unacceptable. Plot ratio and site coverage are acceptable.

Residential Quality Standards – the Housing Quality Assessment shows that the proposed apartments meet or exceed the required standards. In terms of daylight and sunlight access, it is noted that of the rooms tested 91% meet or exceed guideline targets. The living rooms associated with 10 centrally located apartments fall significantly below target levels and this is of concern. However, the provision of a projecting balcony may help to compensate.

Open Space – private amenity spaces for each apartment are adequate, subject to suitable screening and privacy strips. Public open space between blocks C and D may meet the required 10% of the overall site area, however it is fragmented and not truly usable. The impact of wind on the usability of the open spaces is raised as a concern and the provision of a children's play area fails to meet CDP standards. The removal of Block D, as previously required by the Board, may alleviate these issues. Communal open space between blocks B and C, and blocks D and E exceeds the required standard of the CDP of 1,887 sq.m. The communal spaces are raised above the adjoining road and this raises landscaping issues that need to be resolved.

Resident Facilities – the facilities listed by the applicant should not be run as a separate commercial entity. The proposed 'Community/Open Space' at basement level is neither required or usable, it should be omitted.

Operational Management and Long Term Maintenance – conditions are recommended to ensure implementation of measures proposed and it is noted that a long term running and maintenance cost has not been supplied.

Part V – the applicant is aware of their obligations under Part V.

Impact on Neighbouring Properties – the transition from the recently completed three storey houses on the site to apartment blocks is incongruous and inappropriate. The

impact of overshadowing to the north could be mitigated by a reduction in height and a move away from the boundary.

Protected Structures – the structures associated with RPS ref number 855 are listed. The Conservation Officer raises serious concerns about the height of the proposed blocks and the use of a long format brick typology. The retention of the railing and plinth along the road boundary is welcomed, retention in-situ is preferred.

Commercial / Retail / Childcare Uses – these are welcomed subject to a number of standard conditions.

Transportation Issues – there are no significant traffic and transport issues, any of which can be addressed by condition.

8.3. The planning authority conclude that the proposed development is acceptable in principle, there are significant irretrievable concerns about the design and height of the proposal. Other issues would normally be addressed by further information and a condition in the event of a grant of permission. However, because the proposed development fails to meet a number of policy requirements of the CDP and the 2018 Building Height Guidelines, refusal of permission is recommended. The planning also include 35 conditions should a decision to grant permission issue from the Board.

8.4. Interdepartmental Reports

The reports of the Planning and Property Development Department (Housing), Parks and Landscape Services, Archaeology Section, Transportation Planning Division and Engineering Department – Drainage Division were submitted, and their recommendations incorporated into the conditions suggested by the planning authority.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council

- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Dublin City Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 6 March 2019. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated.
- **Department of Culture, Heritage and the Gaeltacht (Archaeology)** – the contents of the archaeological assessment report (John Purcell Archaeological Consultancy, January 2019) are noted. Given the information in the archaeological report the Department concurs with the archaeological mitigation programme as recommended in Section 6 (pages 12-13) of the archaeological assessment impact report and recommend their attachment as a condition.
- **Transport Infrastructure Ireland** – the site lies within the area for the Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St Stephen's Green to Broombridge Line), if permitted and not exempt, apply the levy as a condition.

10.0 Environmental Impact Assessment

10.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Screening Report. The Screening Assessment concludes that the EIA of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA

having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2018. In addition, the applicant has set out their assessment in the context of Schedule 7 and has examined the proposal with regard to the potential significant impacts on the environment.

10.2. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development involves 299 apartments on a site of 2.02 ha. The site is located in an urban area but does not come within the above definition of a “business district” and is below the threshold of 10 ha for other parts of the built-up area. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

10.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. I concur with this

examination, however, in this instance the applicant has submitted Schedule 7 information which must be addressed.

- 10.4. The proposed development of 299 apartments would be located on brownfield lands adjacent to residential and commercial development. The overall site is not designated for the protection of a landscape or of natural or cultural heritage although the former Players Factory to the north of the site is a Protected Structure listed on the RPS in the Development Plan. In addition, there is an Architectural Conservation Area in the vicinity (Prospect Square/De Courcy Square and Environs). Whilst the scale and height of the proposed development is inconsistent with adjacent development, it is not likely to have a significant effect on cultural heritage in the area. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Stage 1 Screening Report that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified. Given the scale and design of the proposed development, it is not likely to have a significant effect on natural heritage in the area.
- 10.5. The development would result in works on zoned serviced lands. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

11.0 **Appropriate Assessment**

- 11.1. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. There are twelve sites within 15km of Botanic Road that could theoretically be affected (see Appendix 1). They are:
- Malahide Estuary SAC site code - 0205
 - Broadmeadow/ Swords Estuary SPA site code - 4025
 - Rockabill to Dalkey Island SAC marine site, site code - 3000

- Baldoyle Bay SAC site code - 0199
- Baldoyle Bay site code - 4016
- Ireland's Eye SPA site code - 4117
- Howth Head SAC site code - 0202
- Howth Head cliffs SPA site code - 4113
- North Dublin Bay cSAC site code - 0206
- South Dublin Bay cSAC site code - 0210
- North Bull Island SPA site code - 4006
- Sandymount Strand/Tolka Estuary SPA site code - 4024

The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site.

11.2. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated February 2019, that in screening for an appropriate assessment of the project on the local Natura 2000 sites, especially the four constituting Dublin Bay, the analysis suggested that there would be no perceptible change in the state of the sites and no impairment of their integrity nor influence on the attainment of their conservation objectives.

11.3. The Screening for Appropriate Assessment Report concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any SPA or SAC. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.0 Assessment

12.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Z1 Zoning Objective
- Building Height and Quantum of Development
- Urban Design and Public Realm
- Residential Amenity
- Layout and Open Space
- Heritage
- Other Matters

12.2. Z1 Zoning Objective

12.2.1. The City Development Plan land use objective for the overall site area is supportive of residential development. I am satisfied that the proposed residential development is compatible with the stated objective for lands zoned Z1 – Sustainable Residential Neighbourhoods ‘to protect, provide and improve residential amenities’. In addition, I note that childcare facilities, medical and related consultant uses and community facility are permissible, but restaurant/café use is open for consideration under the Z1 zoning. The planning authority remark upon this too, but are satisfied that all the uses proposed by the applicant are acceptable and I concur with this conclusion.

12.2.2. The applicant has submitted Part V proposals comprising the provision of 33 apartment units at the site to the planning authority. The finer details are to be agreed with the City Council. A schedule of estimated costs is submitted. This complies with the zoning requirement for at least 10% social and affordable housing provision. I note the report on file of DCC Planning & Property Development Dept.

(Housing Development), which states that the applicant has engaged with the Housing Dept. and states no objection to the proposed Part V provision.

12.2.3. Having regard to the above, I consider that the development is acceptable in principle and generally in compliance with the Z1 zoning objective.

12.3. **Building Height and Quantum of Development**

12.3.1. Building Height – New national guidelines have sought to break the current patterns and development trends for cities and towns and create more compact and integrated communities. This will be achieved by building up and consolidating the development of existing urban areas, primarily through increased densities and taller buildings. The Urban Development and Building Height Guidelines pose a number of questions, some of which are pertinent to this site. It is in the context of these guidelines, the material prepared by the applicant, observations submitted and the sensitivities of the site that I will address the integration of the proposed development into the character of the area.

12.3.2. The site is an urban brownfield site, set amidst architecturally sensitive buildings and structures. Residential conservation areas are located on the southern and eastern boundaries and these are characterised by attractively scaled red brick period houses. Of prime importance for this site is the degree of successful integration into and the enhancement of the character and public realm of the area, having regard to topography, its cultural context and setting of key landmarks. I note the contents of the Architectural Heritage Impact Assessment, the Designer's Response to ABP Report and Photomontages prepared by the applicant. I also note the comments made by Dublin City Council's Conservation Officer, insofar as high bulky buildings will adversely impact the setting and enjoyment of nearby protected structures and that the visibility of a brick chimney stack will be impacted upon too.

12.3.3. In response to the ABP Opinion in relation to design and scale, the applicant has prepared an array of material to illustrate the suitability of their proposal, which remains largely unchanged since the pre-application consultation. In addition, the applicant has made arguments to rationalise the proposal in light of the City Development Plan objectives for the area. In this context, I note that the City Plan highlights a specific height objective of 19 metres as appropriate for the site, but also points to 24 metres on sites within 500 metres of a rail hub, existing or planned. I

should advise that this is all in the context of site suitability and design responsiveness to adjacent development. Irrespective of local design parameters on height, I am also guided by the Urban Development and Building Height Guidelines and other section 28 guidelines to critically assess the characteristics of the subject site.

- 12.3.4. I acknowledge that material selection and building finishes have been amended to better suit the surroundings and that public realm and layout amendments have been implemented. However, the bulk, scale, massing and principally the height of the development has remained practically the same. Whilst, I have no strong concerns around the general layout of the scheme which sets out five perpendicular blocks, severed from newly constructed terraced housing by an access street, the height of blocks B, C, D and E at the centre of the site is unsettling.
- 12.3.5. Firstly, the four blocks sit upon a basement car park that pushes up the ground floor levels of blocks B, C, D and E by between 1.5 and 1.8 metres from the new access street. In addition, the intervening communal open spaces between blocks are all raised too. This results in a general uplift of blocks B to E of nearly two metres on an existing site that is already higher than lands to the north and east.
- 12.3.6. Secondly, blocks B, C, D and E have a stated height of between 23.06 metres and 25.89 metres from the made-up ground at a podium level. In reality, these four blocks are broadly 25 metres to 29 metres above existing ground levels, not including plant at roof level. The character and context of the surrounding area is mainly two storey dwellings, three in places and punctuated by an industrial chimney of 35.5 metres in height. I have no doubt that the proposed blocks will become a dominant feature on the urban landscape, Visual Photomontage E1 is the only image that really demonstrates this. Incidentally, block A that fronts onto Botanic Road is suitably scaled and provides a strong urban edge of five storeys, though I am not convinced that stepping down at its southern end is really necessary. The four blocks that populate the interior of the site do not respond well to the scale of adjoining developments. This is a function of the bulk and massing of the apartment blocks but mostly the heights of between seven and nine storeys. Whilst the mostly red brick finish up to the seventh and eighth storey of the apartments mask their height quite well, the powder coated zinc cladding to upper floors accentuates the perception of height. In my view the upper floors and step-down treatment to the southern

elevations are both inelegant and crudely executed. I do not think that the development as proposed makes a positive contribution to place-making, in fact the scale and height of blocks B, C, D and E seems out of place. I am satisfied that the site could sustain an increase in building height in line with recent guidelines and accommodate taller buildings that take account of the receiving environment, but not in the way proposed. In this context I note the policy of the City Development Plan that seeks to promote exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture, Policy SC25 refers. I think in this instance the proposed development fails to satisfactorily meet all these worthwhile objectives.

- 12.3.7. The applicant has pointed to other recent developments where taller residential buildings were proposed and ultimately permitted by the Board. However, each site must be judged on its own merits and in this instance, I do think it appropriate to draw comparisons with other edge of city centre locations. Particularly, when the receiving environment in and around the subject site presents quite specific topographic and architecturally sensitive design considerations.
- 12.3.8. All other things considered, I had thought about the possibility of amending the development by condition and removing upper floors. However, this would be a material consideration and without the means to satisfactorily assess a truncated proposal, this would be the wrong course of action. The removal of upper floors would probably lessen the impact of height, but without new visual photomontage assessments and contextual drawings this would be difficult to ascertain with complete certainty. It is in that regard, I do not advise the removal of upper floors and I am satisfied that the proposed development should be refused as it fails to comply with the building height guidelines.
- 12.3.9. Finally, the building height guidelines require planning authorities to revisit blanket numerical limitations on building height, SPPR 1 refers. This is particularly relevant to the Dublin City Plan that seeks limits of up to 16 metres generally in outer city locations and 24 metres close to rail hubs. However, I should note that the City Plan targets the centre of the subject site for buildings of up to 19 metres and this indicates to me that some sort of analysis has been employed to explicitly determine height in around this location. Of all the outer city locations subject to the 16 metre ceiling, only Phibsborough is singled out in this fashion. That is why I have been

hesitant to accept the applicant's arguments advanced to promote the height and massing proposed on this site.

12.3.10. To conclude the issue of height, I am of the view that the combination of site topography, that is higher than surrounding lands; the raised sub-basement parking area that lifts the apartment blocks by up to 2 metres; the overall height and massing of apartment blocks B to E; and the consequential lack of a positive response to the surrounding architecturally sensitive environment in contrast to the approach advocated by the Urban Development and Building Heights - Guidelines for Planning Authorities; permission should be refused

12.3.11. Quantum of Development - The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport and the city centre. It is an appropriate location for higher densities subject to appropriate safeguards. I note the planning authority's concerns about higher densities and scale/height, however, plot ratio and site coverage are acceptable to them. Section 2.4 of the Sustainable Urban Housing Design Standards for New Apartments defines central and / or accessible urban locations suitable for higher density development as follows:

- Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800- 1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to / from high frequency (i.e. 10 minute peak hour frequency) urban bus services.

The Guidelines note that this range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors. The development site is located in a well established inner suburb close to Dublin city centre. It is served by several bus routes along Prospect Road/Botanic Road, including the high frequency 140 route, with the Finglas QBC nearby and Phibsborough and Cabra Luas stops to the south west. The Drumcondra Road is a designated radial corridor in the proposed Bus Connects programme to the east of

the development site. The Glasnevin MetroLink stop is planned to the south of the site, a railway order has not been sought to date. There are pedestrian and cycle facilities on Botanic Road. The Community and Social Infrastructure Audit indicates that there is ample provision of community, educational and social infrastructure in the surrounding area. On this basis, the development site is considered to be a suitable location for high density development with regard to the Apartment Guidelines and other national, regional and local planning policies.

12.3.12. I am satisfied that the proposed density is acceptable in principle, but as I have already discussed my concerns also revolve around height. Housing mix appears not to be an issue for the planning authority, although I note observations from local residents to the contrary. The proposed development will deliver mainly one and two bedroom units in an area that is dominated by older housing stock of three and four bedrooms. I am satisfied that the proposed housing mix will compliment and enrich the local area.

12.3.13. To conclude, the proposed quantum of development and housing mix are considered to be acceptable in the context of the location of the site in an established residential area close to the city centre and well served by public transport and is considered to be in accordance with relevant local and national planning policies.

12.4. Urban Design and Public Realm

12.4.1. The broadly rectangular site adjoins Botanic Road and a new entrance provides access to an underground car park and existing houses recently built on the site. There are also numerous pedestrian access points from the site to the Botanic Road. It would be useful if pedestrian access were also available to the site from the north, but this could be easily designed in between block E and house 35. The five apartment blocks are arranged parallel to each other and perpendicular to the site to the north. This allows good amounts of light to penetrate the proposed communal open spaces between blocks and the site to the north. Blocks C and D have been designed to frame views from within the site towards a red brick chimney, these blocks reach to within 7.8 metres of the chimney's crown. Block A provides a strong urban edge to the site along Botanic Road, behind a tree lined buffer and hardscape pedestrian linear plaza. The retention and relocation of a notable railing due to future

road and bus improvements is noted. However, the scale and arrangement of block A to Botanic Road is broadly acceptable in terms of urban design, the creation of an improved public realm and visual interest in the streetscape.

12.4.2. An urban design masterplan for the subject site should be taken in tandem with the site to the north. This is apparent from the draft Phibsborough LAP, which has in fact no statutory basis. It is regrettable that a statutory masterplan has not been approved for this urban block, architecturally sensitive as it is. The applicant's design approach to the southern site is plausible in terms of open space provision and apartment footprint. In this context I note the public realm strategy contained in Appendix A of the Architectural Design Statement. However, I express caution in relation to the proximity of blocks B to E, the site boundary to the north and limits to the development potential for the Players site. Building height aside, it is likely that the site to the north could be satisfactorily designed around the layout proposed by the applicant. I see no reason to raise the lack of a combined approach to the overall urban block as a barrier to developing the subject site.

12.4.3. In broad terms the layout and urban design principles applied to the site are acceptable. A new street has been formed and complies with the aims and objectives of the Design Manual for Urban Roads and Streets. However, there are a number of design flaws that lead to significant concerns in terms of open space and integration with the new street. These are matters that I raise under the Layout and Open Space section of my report.

12.5. Residential Amenity

12.5.1. Existing residential amenity – There are existing three storey houses constructed on site and the foundations of others underway. These houses, numbers 1-35 provide a significant transition between the southern and eastern boundary of the site and the interface with period houses along Iona Road and Iona Park. I anticipate no issues of overlooking, overshadowing or overbearing from the proposed development in the context of the existing residential amenities of the established residential area. The planning authority hold some reservations about the proposed apartment blocks and the newly constructed houses along the access street. The distance between the front face of some houses and the apartments is between 16 and 18 metres, across a narrow landscaped area and the street. From the front of

the new three storey dwellings the apartment blocks will probably read as up to six storeys, the set back upper floors perhaps not noticeable so close up. The apartment blocks are situated north of these houses and overshadowing is unlikely to be a consideration. In my opinion, issues of overlooking and overbearing appearance are unlikely to be a serious concern, given that the houses yet to be occupied are located across a street and part of a new and integrated development. It is worth noting that apartment blocks were previously permitted opposite house units 1-19 and I see no real difference in terms of residential amenity impacts, ABP ref PL29N.246124 refers.

- 12.5.1. Future occupants - The proposed development comprises 299 apartments and the completion of 35 already permitted houses and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in a number of blocks, between five and nine storeys in height. The apartments are provided with either terrace or balcony spaces, all to an acceptable standard. Apartment units are uniformly distributed throughout the site and are provided with adequately sized public or semi-private open space and play areas.
- 12.5.2. Section 5.5 of the applicant's Statement of Consistency deals with apartment design and compliance with the relevant standards. Apartment units are a combination of dual aspect (47%) and single aspect (53%). Single aspect apartments generally have favourable orientations (east or west), with none receiving only north light alone. The proposed development provides 37.5% one bedroom units, which is less than the upward amount of 50% allowed for in the guidelines. All ground floor, floor to ceiling heights are 2.7 metres (upper floors are 2.4 metres) in height and a maximum of 10 units are served per core. Specific Planning Policy Requirements (SPPRs) 1, 4, 5 and 6 are therefore met.
- 12.5.3. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m. The applicant states that this has been achieved in all cases and has been demonstrated in the Housing Quality Assessments for

apartments submitted with the application. Apartments larger than the minimum standards by 10% amount to 194 units or 65%. The proposed apartments are all in excess of the minimum floor area standards (SPPR 3), with some close to the minimum requirements but most in excess of the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the location and layout of the apartments are satisfactory from a residential amenity perspective.

12.5.4. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

12.5.5. The apartment buildings have a combination of selected granite cladding at ground floor level, dark natural slate cills/string courses, long format red brickwork and powder coated zinc cladding to upper storey setbacks. The majority of the finishes proposed are durable, attractive and suitable for the area in terms of visual amenity. I have already expressed concerns about the materials selected for upper set back floors, but in broad terms the majority of finishes proposed are acceptable subject to minor amendment.

12.5.6. It is also proposed to construct a childcare facility, café, medical consultant use unit, and a flexible space, gym and lap pool for residents. In light of all these supporting facilities, applied for under this application, I am satisfied that a comprehensive suite of facilities and services will accompany the development and enhance this urban infill site on Botanic Road.

12.5.7. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties.

12.6. Layout and Open Space

- 12.6.1. The applicant has proposed a layout that provides in excess of the minimum areas for communal open space and public open space demanded by the Development Plan and the Guidelines. Consequently, the quantum of amenity space for future residents and the public at large has been provided. The planning authority have no real issue with the amount of space provided but have serious concerns about the usability of the open spaces and the fragmented layout. I have no issue with the quantum of communal or public open space, but I have similar concerns as the planning authority with its usability and integration with existing ground levels.
- 12.6.2. For the most part, the spaces between buildings and their facades have been given over to open space and landscaped margins. This is a normal and logical approach to the layout and placement of semi-private and public open spaces. However, two issues have emerged in relation to the usability of these spaces. Firstly, the applicant has prepared a Pedestrian Wind Assessment, that concludes that the principal building entrances are suitable for pedestrian sitting, meeting the required Lawson category of pedestrian standing. Most other entrances were suitable for pedestrian standing and some building entrances were suitable for pedestrian walking. The applicant concedes that localised mitigation measures should be put in place to improve the wind conditions such that they meet the required Lawson category. The planning authority are concerned that the communal and public spaces provided are poor quality and will present a harsh environment for their users and are consequently unusable.
- 12.6.3. Given the residential density proposed, I would expect the open spaces to be high quality and serve a useful purpose. It would appear that further landscaping measures and perhaps architectural treatment to deflect downdraft is necessary. Figures 6.5 and 6.6 of the Pedestrian Wind Assessment appear to show very few areas where pedestrian sitting is viable, and these areas appear to be along a narrow margin in front of building faces. I acknowledge that Pedestrian Comfort criteria are assessed at 1.5m above ground level, but the poor results returned in the Wind Assessment seem to undermine the applicant's landscape masterplan and the deployment of architectural wind mitigation devices if any have not been advanced by the applicant.

12.6.4. Secondly, the principal open spaces are located on what is essentially a podium level on top of the sub-basement car parking area. This means that the open spaces are raised above the existing new street level by between 1.5 and 1.8 metres. These open spaces are accessed by ramps and steps. However, my main concern is that the southern interface between blocks B to E and the emerging new street to the south is characterised by a blank granite wall and service doors. This is a poor street elevation and detracts from the potential to provide a good street level interface on a constant level. The fault lies with the raised car parking sub-basement, an issue raised in part by item 2 of the Board's pre-application consultation opinion.

12.6.5. It is possible that some of these layout issues could be resolved by a variety of minor design changes but the significance of the open spaces raised up on the sub-basement car parking level remains significant. Finally, I note that blocks B to E are situated almost on the boundary with the site to the north, an issue raised by the pre-application consultation opinion prepared by the Board. Kitchen/living rooms are located on the northern elevation of the proposed apartment blocks and will directly overlook the Players site. In my mind however, the rationalisation of the Players site and its likely redevelopment in the future should be able to react to and compliment the outlook of this application. The absence of a statutory masterplan for this prominent urban block is however, extremely regrettable.

12.7. **Built Heritage**

12.7.1. The applicant has prepared a number of reports that address the architectural significance of the area. I have read these documents and note their content and thoroughness. The planning authority also note the documents prepared by the applicant but are critical of the design approach of the four apartment blocks within the site and the selection of materials. Specifically, the Council's Conservation Officer has raised concerns about the lack of an appropriate response to the architectural sensitivities of the adjacent site and the area in general. Almost all observers admonish the applicant and the material that has been prepared, in their view material such as photomontage images are not representative and are misleading. However, I am satisfied that the material presented by the applicant is broadly acceptable to allow a full assessment of the proposed development in the context of the area. In addition, I note that the applicant has responded in full to the specific additional information that was required by the Board's opinion.

12.7.2. In my mind the issue of height and scale are the key considerations for this site and its impact upon the architectural heritage of the wider area. I have already outlined my concerns regarding blocks B to E within the site and their lack of suitable site contextualisation. I am minded by the Council's Conservation Officer concerns in terms of the selection of building finishes, and that a long format red brick may not be acceptable at this location. A more careful brick selection may be appropriate in grounding any proposed development on this site. Other matters to do with block A and the new public realm to Botanic Road is not a major concern and can be dealt with by condition if necessary.

12.8. Other Matters

12.8.1. I am satisfied that there are no other aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed and generally accords with the specific information required by the Board's opinion ABP-302698-18. The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. The site is located close to bus services, tram services are located slightly further afield, and there are no extraordinary traffic or transportation issues that cannot be dealt with by condition as necessary. The planning authority have recommended a number of conditions that should be attached in the event of a grant of permission. Except for the conditions that require significant design changes such as floor omission and block removal, the rest are of a technical nature or refer to development contributions. For the most part, I agree with the planning authority's recommended attachment of conditions should the Board be minded to grant permission. However, as I have already outlined throughout my report I broadly agree with the Council's reservations concerning the height and massing of the proposed development and I note their primary recommendation to refuse permission.

13.0 Recommendation

13.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.

- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

13.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is REFUSED for the development, for the reasons and considerations set out below.

14.0 Reasons and Considerations

1. The proposed development is located close to architecturally sensitive areas and close to buildings and streetscape elements associated with the former Players site (RPS reference 855) listed in the Record of Protected Structures of the Dublin City Development Plan 2016-2022. It is considered that the proposed design strategy as it relates to the height, scale and massing of apartment buildings B, C, D and E proposed proximate to the adjacent site to the north does not provide the optimal design solution having regard to the site's locational context.

The applicant has not satisfactorily demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of the area, having regard to the topography of the site and the proximity of domestic scale residential development. Specifically, the proposed apartment development of blocks B, C, D and E positioned on a semi-basement car park, due to their height, scale and massing would not make a positive contribution to place-making and do not respond in a positive way to adjoining developments.

At the scale of the city and given the topographical and architecturally sensitive constraints in and around the site, the proposed development would

not successfully integrate with existing development in the vicinity and would therefore be contrary to the advice given by section 3.2 of the Urban Development and Building Heights – Guidelines for Planning Authorities: issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would therefore be contrary to the above-mentioned plan and Ministerial Guidelines issued to planning authorities under section 28 of the Planning and Development Act, 2000, as amended, and would be contrary to the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Senior Planning Inspector

05 June 2019

15.0 Appendix 1

1. Kate Ryan
2. Tony and Joan Gannon
3. Anne Doherty
4. Sinead and Maurice Healy
5. Thomas Dowling and Patricia Stafford
6. Trevor Hutchinson
7. Una Ni Mhearain and Others
8. Yvonne Boughton
9. Yvonne Cullen and David O'Driscoll
10. Kate Ryan
11. Patricia Murphy
12. Anne Lyons
13. Ann Marie Bennett and Frank Twomey
14. Alan Usher
15. Aine O'Gorman
16. Aine Butler
17. Cormac Browne
18. Columba O'Connor (Aoife O'Connor Massingham)
19. Cllr Aine Clancy
20. Cllr Ciaran Perry
21. Carol Lynch and Padraic McHugh
22. Carmel Sherry
23. Carmel Farrell
24. Business Botanic Centre
25. Brian McLaughlin

26. Brian Flannery and Other
27. Brian Clerkin
28. Bernadette Ryan
29. Anu Meehan
30. Declan and Colette Carew
31. David Perdue
32. David and Catherine Rea
33. Declan Fallon
34. Ethna and Gerry Kernan
35. Elizabeth Henry and Other
36. Eithne Gilchrist
37. Eilis Scott
38. Eileen Aherne
39. Dr M Francis Maguire
40. Declan Sheehy
41. Gregory Sparks
42. Grainne McDonnell
43. Graham and Anne Harding
44. Frank Little
45. Frances Hutchinson
46. Finn and Sonia MacCumhail
47. Ivan Ahern
48. Louise Phelan
49. Louise Coffey
50. Liam Egan
51. Liam Bennett
52. Laura Colgan
53. Justin Moran
54. John Webb
55. John Radburn

56. John and Maria Mangan
57. Joana Murphy
58. Joan Woods
59. Joan Collins
60. Jean Murphy
61. J D Fitzgerald
62. Patricia Mulligan and Other
63. Patricia McKenna and Martin Gillen
64. Pat O'Connor
65. Paddy Lyons and Annette Nugent
66. Orla McGowan
67. Noelle Sweeney
68. Muriel Saidlear
69. Muiris de Buitléir
70. Muireann Kyeyune
71. Monica Cetti
72. Michael Flynn
73. Michael and Collette Fitzpatrick
74. Michael Farrell and Other
75. Michael and Ethna Begley
76. Mel Farrell
77. Mary Lou McDonald TD
78. Mary Fitzpatrick
79. Mark O'Connell
80. Marian Reilly
81. Margaret Quille
82. Margaret D'Arcy
83. Margaret Broderick
84. Sara Gilchrist
85. Ruth Gilchrist

86. Rosemarie McLaughlin
87. Ronan and Claire Gately
88. Rinaldo Paolozzi and Other
89. Rachel Keary
90. Philip Baxter and Others
91. Sarah King
92. Paula Carey
93. Paul O'Farrell
94. Paul Lally
95. Patrick Smyth
96. Patrick Morris
97. Pdraig McLoughlin
98. Patrick and Alice McGlynn