



An
Bord
Pleanála

Inspector's Report ABP306742-20

Development

Change of use from Office to Co-living Shared Accommodation use and to construct an additional 3 setback floors to be part of the overall shared accommodation so as to create a 7-storey building with rooftop plant. The 110 units will incorporate shared kitchen, dining and living communal facilities together with reception, gym residents lounge, laundrette and accessible WC and 160 bicycle parking space and bin storage. The proposal will also provide a small coffee serving kiosk facing onto Rathmines Road Lower for consumption off the premises.

Location

Rathmines House 143-149 Rathmines Road Lower, Rathmines, Dublin 6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4568/19

Applicant

Blondie Issuer Designated Activity Company.

Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party -v- Conditions, Third Party -v- Grant.
Appellant	(i) Blondie Issuer Designated Activity Company. (ii) Rathmines Initiative. (iii) Nicola, Adam and Lucy McMenamin.
Observers	(i) Philip O'Reilly (ii) Marion Masterson, (iii) Cllr. Mary Frehill.
Date of Site Inspection	25 th May, 2020.
Inspector	Paul Caprani.

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1.0 Introduction

- 1.1. ABP306742-20 relates to a multiple third party appeals against the decision of Dublin City Council to issue notification to grant planning permission for a change of use from office use to co-living shared accommodation at the former Rathmines House, Dublin Institute of Technology Building at Rathmines Road Lower and a first party appeal against a number of conditions attached to Dublin City Councils notification to grant planning permission. The proposal involves the construction of an additional three-stories to the building to create a 7-storey structure in order to accommodate 110 co-living shared accommodation units together with a reception area, gym, residents lounge and launderette. Multiple third-party appeals were submitted objecting to the proposed development on the basis of height and density and impact on adjoining amenity. A first party appeal was also lodged against four conditions attached to Dublin City Council's grant of permission, including condition no. 3 which requires the removal the top floor.

2.0 Site Location and Description

- 2.1. The appeal site is located on the western side of the Lower Rathmines Road (R114) approximately 2.5 kilometres south of Dublin City Centre and half a kilometre south of the Grand Canal. The subject site is located at the corner of Rathmines Lower and Williams Park which runs along the southern boundary of the site. The Swan Swimming Pool and Leisure Centre is located on the southern side of Williams Park directly opposite to the south of the site. The leisure centre also incorporates residential units on the upper floors of the building. To the immediate north of the subject site is a row of two-storey buildings accommodating retail units at ground floor level and residential units above. Lands to the rear of the site at Ardee Road, accommodate a mixture of residential and institutional lands. The surrounding area is largely characterised by inner suburban residential, commercial and institutional development varying in height from two to eight storeys.
- 2.2. The subject site has an area of 0.11 hectares (0.27 acres) and accommodates a four-storey red bricked structure with the upper floor setback fronting onto Rathmines Road. The building was formerly used as an office building (Rathmines DIT) with

modest amounts of car parking to the rear. The Lower Rathmines Road is well served by public transport services, particularly buses.

3.0 Proposed Development

3.1. Planning permission is sought for the following on the subject site.

- A change of use from office accommodation to co-living shared accommodation. Containing 110 individual units ranging from 16 to 25 square metres in size.
- The proposal also involves the demolition of the existing top floor in order to incorporate a reconstructed floor in its place. It is also proposed to provide three additional floors which are setback from the front building line. The overall height of the building is to increase from 14.3 metres to 23.4 metres. A small plant area is also provided above the top floor of the building increasing the overall height to just less than 26 metres. The reconstructed floor and the two floors above are to incorporate a brick finish to match the existing. The recessed top floor is to incorporate extensive glazing with proposed insulated metal cladding above.
- In terms of the schedule of accommodation, the ground floor is to accommodate communal areas including kitchen areas, shared lounges, reception desks, a gym area, a shared kitchen and plant and storage room. It is also proposed to provide a small take-away coffee kiosk fronting onto the Rathmines Road in the north-eastern corner of the building. Tiered bicycle racks are also to be provided to the rear of the building.
- Three-bedroom types are proposed,
 - Bedroom Type A – 16 to 19 square metres in size,
 - Bedroom Type B – 20 square metres in size and
 - Bedroom Type C – 21 to 25 square metres in size.
- A total of eight bedrooms are to be provided at ground floor level together with shared kitchen and dining accommodation. A total of 19 units are to be provided at each level on the first, second and third floor. 16 units are to be

provided at the fourth and fifth floor level and 13 units are to be provided at sixth floor level. Each floor also incorporates shared kitchen/dining accommodation.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Dublin City Council in its decision dated 30th January, 2020 granted permission subject to 15 conditions. The decision included the following conditions.

Condition No. 3 states that:

“Prior to the commencement of any works on site revised details shall be submitted to and agreed in writing with the Planning Authority with regard to the following:

- (i) The proposed sixth floor element shall be omitted from the scheme in its entirety resulting in the omission of 13-bedroom units from the development.*
- (ii) Details regarding the proposed external communal area at proposed plant level as a result of the omission of the sixth floor.*
- (iii) All windows on the western elevation serving the landing area shall consist of opaque glazing.*
- (iv) The 60-tiered bicycle rack spaces located at ground floor level adjacent to the bedroom units shall be omitted.*

Reason: *In the interest of the proper planning and sustainable development of the area and to safeguard the visual and residential amenities of the area and future occupants.”*

Condition No. 4 states that *the 110 no. bedspaces hereby permitted shall operate in accordance with the definition of build to rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018). Each bedroom unit shall be single occupancy only.*

Reason: *In the interest of proper planning and sustainable development of the area.*

Condition No. 5 states:

“The development hereby permitted shall operate as shared accommodation development as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018). Each bedroom unit shall be single occupancy only and the development shall be professionally managed, where individual rooms are rented within an overall development that includes access to share or communal facilities and amenity.

Reason: *In the interest of the proper planning and sustainable development of the area.”*

Condition No. 11 states as follows:

“Prior to the commencement of development on site, the developer shall submit for the written agreement of the Planning Authority, details of the management company, established to manage the operation of the development together with a detailed and comprehensive shared accommodation management plan which demonstrates clearly how the proposed shared accommodation will operate. The submitted management plan shall specifically address but not be limited to the following:

- *Details of the hour of operation and the supervision of outdoor communal open spaces at ground and roof level.*
- *Details of the protection of neighbouring residential properties along North Great Georges Street from noise and disturbance associated with the rear access lane.*

Reason: *In the interest of orderly development and the proper planning and sustainable development of the area.*

4.2. Documentation Submitted with the Planning Application

4.2.1. The following documents were submitted with the application.

- Architectural Design Statement. This document sets out details of the site location and context and describes the existing building layout. It states that the proposed development complies with relevant technical guidelines with regard to shared living accommodation. Section 5 of the report sets out more

details in relation to the overall scheme and internal uses as well as details of the proposed external areas. The Schedule of Accommodation is also set out in the document. Animated illustrations of the bedroom and communal areas are contained in the final section of the report.

- A Town Planning Report is also submitted prepared by Manahan Planners. It sets out details of the proposal and argues that the proposal complies with various policy statements and guidelines with regard to national policy development plan policy and various ministerial guidelines. The report goes on to assess the impacts of the proposed development with regard to traffic parking, social infrastructure, building height and residential amenity. It concludes that the proposal is fully consistent with planning policy for the area, it constitutes an appropriate design response and will address the current shortage of housing supply in the Dublin region.
- A separate report by Grayling Properties sets out details of the proposed facilities and how the proposed shared living accommodation is to operate.
- A Operational Waste Management Plan was also submitted and prepared by AWN Consulting. It sets out details of an overview of waste management in Ireland, a description of the project, the estimated waste arising and details of the proposed waste storage and collection. It is stated that the operational waste management plan will ensure a high level of recycling, reuse and recovery of all waste materials.
- An Engineering Assessment Report prepared by Waterman Moylan sets out details of transport, foul water, surface water and water supply arrangements. In terms of traffic and transportation, the report notes that no vehicular parking will be provided as part of the scheme as the subject site is well served by public transport and a total of 110 cycle parking spaces will be provided.
- A separate Flood Risk Assessment was submitted by Waterman Moylan Engineering Consultants. It analyses the risks from tidal flooding, fluvial flooding, pluvial flooding and groundwater and drainage. It states that as the flood risk from all sources can be mitigated. The flood risk is considered to be either low or very low for the proposed development and therefore is considered to be acceptable.

- A Mobility Assessment Management Plan was also submitted. It states that the subject site is ideally suited to facilitate a co-living development with emphasis on more sustainable modes of transport having regard to the site's proximity to high quality public transport and the excellent cycle infrastructure in the wider area. It is stated that the development will be managed by a management company who will make it clear to potential tenants that there is no car parking associated with the development. However, ample bicycle parking will be provided. It is also noted that there are four "Go Car Parking" facilities in the wider vicinity.
- An Outline Construction Management Plan is also submitted with the application.
- A Daylight and Sunlight Analysis Report was submitted. It concludes that should the development be built as proposed, the level of daylight and sunlight received by the dwellinghouses to the rear of the site at Ardee Road would be unaffected. Rathmines Square will experience an imperceptible level of impact and the sunlight in the raised courtyard of Nos. 121 to 125 Rathmines Road Lower will be unaffected.
- Finally, a series of photomontages prepared by 3D Design Bureau was submitted with the application.

4.3. **Planning Authority Assessment of the Application**

- 4.3.1. The application was lodged on the 28th November, 2019.
- 4.3.2. A number of letters of objection were submitted in relation to the application, the contents of which have been read and noted.
- 4.3.3. A report from the Engineering Department Drainage Division stated that there is no objection to this development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works.
- 4.3.4. A report from the Transportation Planning Division recommended further information be requested in relation to the following:

- The applicant is requested to submit an alternative waste collection arrangement as the use of a pick-up area on Ardee Road is not considered acceptable. Any new proposal may require a sweep path analysis.
- The applicant is requested to submit a sweep path analysis for ESB vehicles accessing the internal ESB room and any service vehicles entering the rear laneway and yard.
- The applicant is requested to clarify whether or not a temporary parking space within the electrical charge point is proposed.

4.3.5. The planner's report assesses the proposed development and notes that the proposal constitutes permissible use under the Z4 zoning objective. The report also states that the proposal satisfies the criteria set out in Section 5.18 of the Sustainable Urban Housing: Design Standards for New Apartments.

4.3.6. With regard to design, scale and visual impact it is stated that the Planning Authority has some concerns regarding the visual impact arising from the sixth-floor element. It is considered that the sixth floor is excessive and overbearing on the streetscape and for this reason it is recommended that the sixth floor be omitted.

4.3.7. It is considered that the proposed development complies with criteria set out under the BRE Guidelines in relation to daylight and sunlight. The report also analyses the proposed development in terms of the criteria set out in the Apartment Guidelines for shared accommodation and concludes that the proposed development is in accordance and in compliance with the requirements of the Guidelines.

4.3.8. In terms of landscaping and open space, it is noted that external terraces are proposed at the fourth and sixth floor levels. However, having regard to the concerns outlined earlier in the report about the visual impact of the sixth-floor, revised plans will be required in relation to the external roof terrace.

4.3.9. It is noted that no car parking is provided as part of the development and having regard to the inner-city location of the subject site and public transport options available, the zero provision of car parking is considered acceptable.

4.3.10. It is considered that there is an overprovision of cycle parking at 160 car parking spaces. The level of cycle parking proposed is welcomed. However, there are concerns regarding the location of bicycle racks directly adjacent to five of the

ground floor bedroom windows. It is recommended that these 60 spaces be omitted in the interest of residential amenity. Any concerns raised in the Transportation Planning Department's report with regard to sweep path analysis etc. can be adequately addressed by way of condition in the event that permission is recommended.

4.3.11. The report notes that there is no need for a Stage 2 Appropriate Assessment or the requirement of an Environmental Impact Assessment.

4.3.12. Subject to the removal of the top floor the planner's report recommends that planning permission be granted for the proposed development subject to 16 conditions

5.0 Planning History

No history files are attached, and the planner's report states that there is no relevant planning history for the site in question.

The Board should note that under Reg Ref. 305569, the Board recently overturned the decision of the Dublin City Council and granted planning permission for a 7-storey residential shared accommodation building containing 102 bed spaces at number 3 Ardee Street approximately 250 m the north west of the subject site.

6.0 Environmental and Heritage Designations

6.1. The site is not located within or adjacent to any Natura 2000 sites, National Heritage Areas or proposed National Heritage Areas. The Natura 2000 sites are located in Dublin Bay approximately 4 kilometres from the subject site. The Grand Canal approximately half a kilometre to the north of the subject site is a proposed Natural Heritage Area.

7.0 Grounds of Appeal

7.1. Grounds of Third Party Appeal

Appeal by the McMEnamin Family

7.1.1. This appeal specifically seeks the removal of windows on the western elevation of the development directly abutting the appellants' site. The appellants own a café

(The Two-Fifty Square Café) to the immediate west (rear) of the site which is separated from the subject site by a laneway which ends in a cul-de-sac and serves the rear gardens of dwellings facing onto Ardee Road.

- 7.1.2. The Board are asked to note that currently the rear elevation of the existing building on site incorporates a blank elevation. The proposal seeks to incorporate five windows, one at each floor level on the west elevation to serve the corridor and landing areas on each of the floors. It is stated that that the said windows would significantly limit the development potential of the appellants' site and would be an infringement upon their property rights.
- 7.1.3. Furthermore, An Bord Pleanála should consider attaching a condition requiring that the upper two floors which are being added would be stepped back from the western boundary line.
- 7.1.4. The appellants' site is a valuable asset and is the primary location of their family run business. It is considered that the City Council did not address the appellants' concerns in the observation submitted and provided no rational explanation for retaining the windows. An Bord Pleanála are requested to protect the appellants' property and development rights by ordering the removal of the windows from the scheme.
- 7.1.5. Dublin City Council generally advises that separation distance of 11 metres would be required between windows and in this case the windows in question would be on the boundary. As well as impacting on the future development potential of the appellants' site, such windows are also typically not allowed for reasons of fire spread and overlooking. The appellants support the principle of higher density. However, to allow windows on this blank end elevation runs contrary to the objective of higher density due to harming the development potential of adjoining sites.
- 7.1.6. It should be noted that the windows in question only serve a fire escape stair, which is a secondary staircase and would not be frequently used. The escape stair does not have a daylight requirement.
- 7.1.7. The introduction of five new windows in the façade as well as the additional height arising from the new floors draws more attention to the upper floors and thus increases the overbearing nature of the building particularly in the context of the small housing terrace along Ardee Road. The overbearing nature of the development

will be exacerbated at night-time when the staircase and the windows are illuminated.

- 7.1.8. An Bord Pleanála should also incorporate a condition requiring the upper two floors to be stepped back on the western boundary in order to reduce the overall bulk, height and overbearing nature of the building proposed.

7.2. Appeal by Rathmines Initiative

- 7.2.1. The Rathmines Initiative requested An Bord Pleanála carefully consider the proposed development in its urban context. Recent developments in the area are generally four storeys in height with a setback fifth floor. This is the established urban context. An Bord Pleanála should request the applicant to submit a contiguous elevation of all existing buildings as they address Lower Rathmines Road between Leinster Road and Military Road. Such a drawing would enable An Bord Pleanála to fully assess the proposed development in its urban context. The immediate urban context is characterised by the former Town Hall and Clock Tower and library in Rathmines. Rathmines is unique in Dublin City by virtue of its fine Edwardian architecture. It is suggested that the proposed development does not represent the required design quality which is necessary to positively contribute to the existing urban context.
- 7.2.2. The appellants wonder whether or not there is an actual market for such co-living units in this area. It is questioned if there is sufficient demand for the units in question. Such a concentration of co-living accommodation (in conjunction with the recently permitted development at No. 3 Ardee Road) will damage the urban quality and negatively impact on the established community.
- 7.2.3. It is also suggested that the proposed development does not comply with Technical Guidance Document (Part M) and in particular the requirement for a 300-millimetre space beside a door to permit a wheelchair bound person to use the door. The proposed development is deficient in this regard. An Bord Pleanála are required to ensure that all developments are designed in accordance with universal design principles.
- 7.2.4. Finally, it is suggested that An Bord Pleanála invite the applicant to submit revised proposals incorporating a radically redesigned development as suggested in the original observation to the Planning Authority. The original submission to the

Planning Authority suggested that the height of the existing building is inappropriate for Rathmines. The observation suggests that the height of the proposed development shall be limited to four floors with a further floor setback.

7.3. Grounds of First Party Appeal

- 7.3.1. A first party appeal was submitted by Manahan Planners, Town Planning Consultants on behalf of the applicants. The grounds of the first party appeal specifically relate to four conditions, namely Conditions 3, 4, 5 and 11.
- 7.3.2. Condition No. 3 requires that the proposed sixth floor element shall be omitted from the scheme in its entirety. This condition is challenged by the applicants on the basis that any concerns contained in the planner's report regarding the visual impact arising from the sixth floor are misplaced. The character of this part of Rathmines consist of a number of high buildings with setback upper floors and reference is made to the adjoining building to the immediate south as well as the building across the road from the application site. Both these buildings are of considerable height and the upper floors are set back from the streetscape.
- 7.3.3. A separate submission is submitted by C & W O'Brien Architects which, with the use of contextual drawings, argues that the proposed additional floor will sit comfortably within the existing and proposed context of the site and the streetscape. In this regard reference is made to a recent grant of planning permission (Planning Ref. 4090/18) which allows for a building of a similar height as the proposed building on Ardee Road.
- 7.3.4. It is also submitted that the incorporation of a sixth floor is entirely consist with the criteria set out on the recent guidelines in relation to building height and the fact that the Board has recently granted planning permission for a building of a similar use and height on Ardee Road to the rear of the application site.
- 7.3.5. It is on the above basis that the Board are requested to omit Condition No. 3.
- 7.3.6. Condition No. 4 requires that each bedroom unit shall be single occupancy only. The Board is requested to omit this condition. While it is intended and expected that most of the units will single occupancy giving the large size of many units it is considered that these units are suitable for double occupancy. It is suggested that the applicant should not be penalised for providing larger than normal units.

- 7.3.7. It is stated that all rooms have been designed to comply fully with the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018). It is proposed that bedroom Types A and B (the smaller bedrooms) would be single occupancy rooms with Type C being designated as double/twin rooms within the development. It is suggested that Bedroom Type C range from 3 square metres to 7 square metres in excess of the minimum requirements.
- 7.3.8. Condition No. 5 also has the requirement that each bedroom unit shall be single occupancy only. For the same reasons set out above it is requested that this condition be omitted.
- 7.3.9. In relation to Condition No. 11 reference is made in the condition to neighbouring residential properties along North Great George's Street. It is noted that the wording (highlighted in yellow in the appeal) relates to another development in North Great George's Street and it is requested that this reference be omitted in the condition.

8.0 Observations

8.1 Observation from Philip O'Reilly

- 8.1.1. This observation request that the decision of the Local Authority be fully upheld including Condition No. 3 requiring the proposed sixth floor to be omitted. The predominant building height on this side of Lower Rathmines Road has been established at a maximum height of no more than five floors and this should be maintained. Furthermore, the building is located in a very prominent corner site and such excessive development would be seriously visually disruptive, obtrusive and out of character with the established scale of buildings. It is noted that the adjoining buildings to the north are only two storeys in height. Such a development would be disruptive to the character of the area and would negatively impact on Nos. 159 to 161 which are the oldest buildings in the area and are of unique character.

8.2 Observation from Marian Masterson

- 8.2.1. It is suggested with the new Covid-19 International Pandemic that shared living model of accommodation should no longer be promoted by the Government. It would not be possible for residents to self-isolate in such units. It is suggested that the

Covid-19 is not a once-off situation and will reappear. It is suggested that the communal kitchen facilities are not conducive to facilitate home cooking and that the residents of the development will be reliant on take-away and microwave food which will contribute to the obesity national crisis in Ireland.

- 8.2.2. With regard to the Urban Development and Building Height Guidelines it is acknowledged that certain areas of the city are suitable for high rise buildings but this does not apply everywhere particularly in historic areas where there are large concentrations of protected structures such as Rathmines.
- 8.2.3. It is also suggested that if not properly maintained, with a high level of turnover in vacancies, the shared accommodation model could quickly descend into squalor.
- 8.2.4. Reference is made to various statements contained in the planner's report and it is argued that the current proposal does not respect the existing character context of urban form of the area and does not contribute to a place making as suggested in the planner's report. The communal rooftop outdoor area will in all likelihood lead to noise and disturbance to existing long-term residents in the area. The proposal is contrary to various policy statements contained in the development plan where the protection of residential amenities is a primary concern. The proposal in no way reflects the prevailing character of the area.
- 8.2.5. It is argued that a large number of co-living developments have been proposed for the city centre and has resulted in an excessive concentration of such developments particularly in Rathmines. It is stated that co-living developments are akin to student accommodation and there are already approximately 16 such approved projects within a kilometre radius of the city centre. A standard one bedroomed apartment would be much more appropriate for the supply of long-term residential needs for the area.

8.3. Observation from Mary Frehill

- 8.3.1. Concerns were expressed that if the proposed development, if permitted, would be four floors higher than the existing building. The general height of the adjoining building at the Swan Leisure Centre is an appropriate scale for the centre of Rathmines. Given the apartment building over the Swan Leisure Centre is well setback from the footpath the proposed development being located immediately located along the footpath should be one storey less. The height of the proposed

development should be restricted to four floors. The height and scale of the development could have serious implications for light on the Rathmines Road.

- 8.3.2. The applicant does not have a methodology statement for construction. Concerns are expressed in relation to access arrangements to roads in the vicinity of the site and for residents of the Swan Leisure Complex during the construction period. It is argued that the height and scale of the proposal would seriously distort any future Town Square Plan and would seriously diminish the Rathmines Town Clock Tower as the focal point of this Victorian village.
- 8.3.3. The Rathmines area has changed in nature from “flat land” to more family orientated dwelling units and long-term accommodation for single and older people. There is a great need for accommodation for people who grew up in the area and as such the need for short-term accommodation in the area has greatly diminished. Finally, the observation also raises concerns with regard to the appropriateness of providing shared living accommodation during the Covid-19 Pandemic. The shared kitchen spaces may become a concern for public health in the future.

9.0 First Party’s Response to the Grounds of the Third-Party Appeal

- 9.1. In relation to the appeal submitted on behalf of the McMenemy family it is stated that the third-party appellants’ property does not abut the subject site as there is a laneway separating both sites.
- 9.2. It is also contended that the third-party appellants have no extended rights over the laneway in order to cantilever development over the laneway which may abut the appeal site. It is also suggested that the chances of the Planning Authority granting planning permission for a structure which encroaches onto or above the laneway is extremely slim. In such a context the Board are asked to dismiss the content of the appeal and grant permission to retain the windows as applied for. However, if the Board take the view that it would be preferable that these windows be not inserted into the gable of the building the developers would have no difficulty with the Board granting permission subject to a condition that they be omitted from the development.
- 9.3. In relation to the second aspect of this appeal it is stated that there is no justification submitted in seeking the top two floors be setback from the edge of the gable.

- 9.4. With regard to the Rathmines Initiative appeal it is stated that there is now a general acceptance that the sustainable future development of the city requires greater building heights than was hitherto the case. This is reflected in the Ministerial Guidelines.
- 9.5. Contrary to what is stated in the Rathmines Initiative appeal, drawings were submitted by the applicant showing the existing and proposed building within the urban context and the streetscape of existing adjoining buildings. It is submitted that these drawings support the applicant's contention that a building of the size and scale proposed is appropriate for the subject site. It is not accepted that the proposal by the applicant does not represent the required design quality. It is argued that the additional floors are appropriate in the context of the existing building on site and adequately respond to the immediate environs rather than buildings further away of a different era such as Rathmines Town Hall.
- 9.6. With regard to other wider issues raised in the grounds of appeal, it is suggested that co-living is part of the solution to the current housing crisis and this has both been recognised by the Government and the planning system. If there was a lack of demand for such units, the applicants would not proceed with such a costly development. It is contented that there is adequate demand from international workers who are on contract in Dublin for 3, 6 or 12 months and do not wish to take out a lease on an apartment. Future occupants would have their own individual space with supporting amenities as well as good access to public transport thereby making longer term housing needs for local families more available.
- 9.7. With regard to Part M both the Board and the appellants can rest assured that the applicant will be complying with all aspects of the Technical Guidance Documents required under the Building Regulations.
- 9.8. With regard to the external finishes it is stated that it was a preference of the Planning Authority that any future development with the upper floors would closely align with the existing building in terms of materials and finishes.
- 9.9. By way of conclusion the submission argues that there is an increasing need for different types of residential accommodation that can be integrated into key district city centre areas. It is also submitted that the proposal is consistent with the

provisions of the Dublin City Development Plan and will help address the shortage of housing supply in the Dublin Region.

10.0 Planning Policy Context

10.1. National Policy – Project Ireland 2040 – National Planning Framework

10.1.1. A key strategic consideration set out in the National Planning Framework is to aim for a more compact development approach in urban areas focussing on reusing previously developed brownfield sites. National Policy Objective 3(a) seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements, and Objective 3(b) seeks to ensure that at least half of these new units are targeted in the five largest cities in the country.

10.1.2. National Planning Objective 13 provides that in urban areas, planning and related standards including and in particular height and car parking, will be based on performance criteria that seeks 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.

10.1.3. 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.

10.1.4. National Policy Objective 35 seeks to increase residential density in settlements to a range of measures including restrictions in vacancy, reuse of existing buildings, infill development schemes, area of site based regeneration and increased building heights.

10.2. Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018)

10.2.1. Section 5 of these guidelines specifically set out policies and standards in relation to build to rent and shared accommodation sectors. In relation to shared or co-living accommodation the following is stated.

10.2.2. It states that a new format of residential accommodation described as “shared accommodation” has the potential to emerge as a distinct segment within the overall urban accommodation sector. It comprises of professionally managed rental accommodation where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities. Shared accommodation has characteristics similar to student accommodation, including the appeal to a specific renter cohort with specific needs or requirements from their housing provision. In particular the usefulness of such accommodation type to the dynamics in the urban employment market is important; for example their use by new employees arriving in urban areas and seeking short-term accommodation during the establishment or local employment climatisation period that may be longer than a few weeks.

10.2.3. The minimum floorspace extent of the common shared area for living and kitchen facilities will be calculated on a per bedroom basis as set out in Table 5(a).

- The shared accommodation minimum bedroom size for a single room (including en-suite) 12 square metres.
- For a double room (including en-suite) 18 square metres.
- The minimum common living and kitchen facilities floor areas for Bedrooms 1 to 3 would be 8 square metres per person
- and for Bedrooms 4 to 6 an additional 4 square metres per person.

10.2.4. A key feature of successful shared accommodation schemes internationally is the provision of the wider recreation and leisure amenities as part of the overall development.

10.2.5. Due to the distinct nature and features of shared accommodation it is only appropriate were responding to an identified urban housing need at particular locations. It is not envisaged as an alternative or replacement to the more conventional apartment developments which are provided for elsewhere in the guidelines.

10.2.6. In this regard the obligation will be on the applicant in the case of a shared accommodation scheme to demonstrate to the Planning Authority that the proposal is based on an accommodation need to provide a satisfactory evidential base

accordingly. Where there is a failure to satisfactorily provide such a basis, permission should be refused by the Planning Authority. In assessing proposals for shared accommodation, the Planning Authority shall, therefore, have regard to the need for such a type of accommodation in an area with reference to the need to cater for a particular employee accommodation need. The prevailing context for the proposed site shall also be considered, with city centres being the appropriate location for such developments. Appropriate development monitoring exercises are required to be undertaken by the Planning Authority to avoid an excessive proliferation of shared accommodation developments to the detriment of the supply of quality urban apartment development as advocated in the guidelines.

10.2.7. SPPR 9 shared accommodation may be provided and shall be subject to the requirements of SPPR 7 (as per BTR). In addition:

- (i) No restrictions on dwelling mix shall apply.
- (ii) The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and shall be replaced by Tables 5(a) and 5(b).
- (iii) Flexibility shall be applied in relation to the provision of all storage and amenity spaces set out in Appendix 1 based on the provision of alternative, compensatory community support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity.
- (iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate mobility measures.

In addition to the above, shared accommodation will not normally be the subject of Part V requirements.

11.0 Development Plan Provision

- 11.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The site is located in an area zoned Z4 with the objective to “provide for and improve mixed service facilities”. Residential use will be permitted in principle subject to compliance with provisions in the development plan.
- 11.2. Rathmines is a designated ‘Key District Centre’ (KDC) in the settlement hierarchy of the City Development Plan and KDC’s represent a top tier of urban centres outside the city centre.
- 11.3. Policy QH8 of the Dublin City Development Plan seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.
- 11.4. Policy QH7 seeks to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of surrounding areas.
- 11.5. In relation to density standards, the development plan states that sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.
- 11.6. All proposals for higher densities must demonstrate how the proposal contributes to place making and the identify of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.
- 11.7. In relation to building heights Section 16.7.2 of the development plan include height limits for development including a 16-metre restriction for development in the outer city and a 24-metre restriction for development within 500 metres of rail hubs.
- 11.8. Z4 district centres have an indicative plot ratio of 2 and a site coverage of 80%.

12.0 EIA Screening Determination

- 12.1. On the issue of environmental impact assessment screening I note that the relevant classes for considerations are classed as 10(b)(i) “construction of more than 500 dwelling units” and class 10(b)(iv) “urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of the built up area and 20 hectares elsewhere”.
- 12.2. Having regard to the size of the development at 0.11 hectares and the number of units to be provided at 110 units which is considerably below the 500 dwelling threshold it is considered that, having regard to the nature and scale of the proposed development the location of the development on an urban brownfield site together with the characteristics and likely duration of potential impacts that the proposal is not likely to have significant effects on the environment and that the submission of an environmental impact statement is not required. The need for an environmental impact assessment can therefore be excluded at preliminary examination. An EIA preliminary examination form has been completed and a screening determination is not required.

13.0 Planning Assessment

13.1. Grounds of Third Party Appeal

Principle of Development

- 13.1.1. The Board will be fully cognisant of the need to provide additional residential accommodation nationally and within Dublin City. The provision of additional private accommodation is a major pillar set out in the Rebuilding Ireland document. The provision of additional residential units is therefore fully in accordance with Government policy generally. Furthermore, residential development is a permissible use under the Z4 zoning objective and therefore the proposed development is fully in accordance with the zoning provisions set out in the development plan. The National Planning Framework emphasises the need to develop urban infill/brownfield sites within existing urban areas at more sustainable densities. One of the major strategic aims of the National Planning Framework is to provide more compact development within existing urban footprints. This means encouraging more people in closer

proximity to employment opportunities generally within existing urban areas. The proposal in this instance seeks to utilise an existing building but provide additional accommodation by providing extra floorspace in the form of 3 additional floors in order to maximise the density. This in my view is appropriate having regard to the central location of the subject site and the fact that it is located on a major radial route leading to and from the city centre which accommodates cycling infrastructure and high frequency bus routes.

13.1.2. Specifically, in relation to the proposal to provide shared accommodation developments, New National Design Standards for Apartment Developments prepared by the Department of Housing, Planning and Local Government note that this type of accommodation has the potential to emerge as a distinct segment within the overall urban accommodation sector. It aims to appeal to and address the needs of a specific renter cohort such as new employees arriving in an urban area seeking short-term accommodation during the establishment or local acclimatisation period that may be longer for a few weeks. This type of accommodation may also be particularly suitable for contract workers residing in the city for a period from a couple of months up to a year and therefore may not be interested in obtaining more permanent residential accommodation. It is apparent therefore that the national strategy in relation to apartment development envisages a role in the rental market for shared/co-living accommodation developments.

13.1.3. I consider therefore that the proposed development on the subject site is in accordance with strategic and local policy objectives in terms of providing much needed residential accommodation within the city centre at more sustainable densities. The proposal also fully accords with the land use zoning objectives set out in the Dublin City Development Plan.

13.2. Site and Scale of the Proposed Development

13.2.1. Concerns are expressed in the third-party appeal submitted by Rathmines Initiative and a number of observations submitted that the proposed development is inappropriate in terms of the overall size and scale of the building proposed.

13.2.2. Currently a four-storey building with the upper storey setback is located on the subject site. It is proposed to redevelop the existing top floor (third storey) and to provide three additional storeys on site creating a seven-storey structure. The top

three floors are setback from the building line onto Rathmines Road and Williams Park. The Planning Authority in granting planning permission included a condition which omitted the top floor of the development. This specific omission has been subject of a first party appeal and will be dealt with under a separate heading below. This section of the assessment evaluates the suitability of the subject site to accommodate the additional storeys granted by the Planning Authority in its decision dated 31st January, 2020. I would reiterate to the Board that it is national policy to develop brownfield and infill sites at more sustainable densities particularly those located in the city centre and adjacent to high quality public transport routes. The location of the site in my view meets the criteria for permitting higher densities. While Rathmines possesses fine 19th century/early 20th century streetscapes, the subject site is not located in a particularly sensitive environment in either architectural or historic terms. The built environment in the immediate vicinity of the subject site not particularly sensitive in architectural terms. The buildings directly opposite the site on the eastern side of Rathmines accommodate the Rathmines Town Centre development with retail units at ground floor level and recessed residential units to the rear. This development is relatively recent. The Rathmines Square Apartments and swimming pool are located directly to the south of the site on the opposite side of William's Park. This building incorporates a seven-storey element on its north-eastern corner. Redevelopments have also taken place to the north of the subject site on Rathmines Road Lower where an urban block has been redeveloped as a Lidl supermarket with multiple floors of apartments overhead.

- 13.2.3. The site itself accommodates a red bricked building 30 to 40 years old which is of modest architectural or historic merit. As such I do not consider that the redevelopment of the site in any way diminishes or detracts from the immediate urban architectural environment.
- 13.2.4. In fact, I consider a precedent exists for an increase in height having regard to the seven-storey element of the Rathmines Square Apartments and swimming pool to the immediate south.
- 13.2.5. The Board will also note that planning permission was granted by it for a similar type shared/co-living accommodation development approximately 150 metres to the north-west of the site on Ardee Road under Reg. Ref. 305659. The proposed site coverage and plot ratio in the case of the current development before the Board is

very similar to that granted by the Board under Reg. Ref. 305659. Thus, a precedent for the quantum of development proposed for a shared/co-living accommodation development has already been established in the immediate area.

- 13.2.6. In terms of design the additional floors proposed mimic and reflect the external finishes and fenestration associated with the existing development and in this regard the proposed extension compliments the existing structure in terms of form and finish. Thus the proposed additional floors cannot be considered incongruous in design terms. The fact that the two additional floors are stepped back from the building line in my view appropriately reduces the bulk and scale of the proposed extension.
- 13.2.7. On the basis of the arguments set out above, I consider the additional two floors, granted by the Planning Authority, to be acceptable in this instance having particular regard to the strategic considerations to develop urban sites at higher density and also I consider that the increase in height is acceptable in urban design terms as many sites in the vicinity have been redeveloped higher densities.
- 13.2.8. Finally, in relation to this issue I do not consider that the proposed development will give rise to significant levels of increased overlooking as there is generally adequate separation distances between the subject site and the Rathmines Square Apartment development to the south and likewise there is adequate separation distance between the subject site and to the rear of the houses to the west on Ardee Road. The Board will also be aware that there are no windows serving residential units on the western elevation of the building. The separation distance between the proposal and the apartment developments on the upper floors of Rathmines Town Centre directly opposite the site are in the region of 30 metres and are therefore acceptable. The shadow casting analysis submitted with the application also indicates that there will be a negligible increase in terms of overshadowing over and above that associated with the existing building on site.

13.3. Suitability of the Subject Site for Shared Living or Co-living Accommodation

- 13.3.1. It is a specific requirement under Paragraph 5.28 of the Apartment Guidelines that the developer demonstrate to the Planning Authority that the proposal is based on accommodation need and that a satisfactory evidential case for providing such shared accommodation is made.

13.3.2. The planning report submitted with the planning application notes that the proposed development is located within 2 kilometres of the city centre and that there is currently a shortage of housing units in this area. The subject site is in an area where there is a diverse range of uses including centres of significant employment particularly to the south-east of the city centre and along the Grand Canal. These employment centres include corporate headquarters for high-tech companies such as LinkedIn, Google and Amazon etc all of which are located in the south-eastern segment of the City close to the Grand Canal. This area also hosts a significant number of corporate financial headquarters. In this regard I would agree with the conclusions set out in the local authority planner's report that there is a requirement and a demand for the type of shared co-living accommodation associated with employees on 3 to 6 month or one year contracts which can be catered for in the accommodation proposed. I also note the Planning Report submitted with the application sets out details of a social infrastructure audit which indicates the range of sports recreation, open space, retail, health care and education services available to the occupants of the development in the wider area. The availability of such services together with the proximity of employment opportunities supports the principle of providing shared accommodation at this location. The Board have already granted planning permission for a shared accommodation facility on Ardee Street in the vicinity, this suggests that the Board is satisfied that the Rathmines Area is a suitable location for Shared Living Accommodation.

13.3.3. With regard to the overconcentration of shared accommodation facilities in the Rathmines area, I note that the Board overturned the decision of Dublin City Council and granted planning permission for a similarly sized shared living accommodation proposal on Ardee Street. If the Board consider it appropriate to grant planning permission for the proposed development, it will result in two such shared accommodation facilities located in the Rathmines area. I do not consider that the provision of two such residential developments comprising of just over 200 units would constitute an overconcentration of such residential accommodation in the Rathmines area.

13.3.4. Concerns are also expressed that the proposal will result in Rathmines becoming a "flatland" neighbourhood similar to that associated with the area in the 1970s and 1980s. The provision of two shared living accommodation developments within the

wider Rathmines area will not result in the area becoming or being perceived as an area dominated by flats and bedsit accommodation. Rathmines is an area suitable for a higher density residential development having regard to its proximity to the city centre and the fact that it enjoys a high level of social infrastructure facilities and good public transport connections. The Rathmines Area will continue to provide a mixture of transient short-term accommodation and longer-term family type permanent accommodation side by side.

- 13.3.5. With regard to the concern that the proposed development would constitute substandard accommodation, the recently adopted Design Standards for New Apartments make it clear that there is a niche and a requirement in the rental market for a shared/co-living accommodation. Furthermore, the Guidelines set out minimum standards for the size of such units. The proposed development complies with these minimum standards and indeed comfortably exceed the standards set out in the Guidelines. In this regard I do not consider that the proposed development constitutes substandard accommodation.
- 13.3.6. An observation submitted argues that the proposed development will impact on the setting of Rathmines Town Hall and will take away from their iconic clock tower within Rathmines Village Centre. The subject site is located on the opposite side of Rathmines Road Lower and in excess of 100 metres from the Rathmines Clock Tower and as such, would not in my view detract from the context or setting of the Town Hall.
- 13.3.7. An observation submitted also argues that the proposed development will detract from the proposed Rathmines Town Square which it was argued would form a focal point of the village. I do not consider that the size and scale of the proposed development would seriously distort any town square plan. The urban environment surrounding the square comprises of a variety of buildings of different heights and sizes. There is no requirement in my view to ensure that all buildings are symmetrical in terms of scale, size and height in the vicinity of any proposed square.
- 13.3.8. Concerns are also expressed that the lack of kitchen facilities in each of the units will result in an overreliance of take-away food and this could affect the occupiers of the units in terms of inadequate nutrition leading perhaps to obesity. The proposed development incorporates adequate kitchen facilities both within the units (with the

provision of a small kitchen hob) and more extensive kitchen facilities in the form of communal kitchens. There is no evidence to suggest that the provision of such shared living accommodation will have adverse impacts on the diet of occupants of the development.

13.3.9. Concern is also expressed that communal living accommodation could have adverse impacts in relation to Covid-19 spread. It is inappropriate in my opinion that future strategic land use policy would be dictated by the occurrence of a pandemic which is likely to have relatively short-term public health ramifications.

13.4. Impact on Development Potential of Adjoining Sites

13.4.1. The grounds of appeal submitted by the McMenamings who are the owners of “Café 250 Square” which is located on the laneway to the rear (west) of the subject site argues that the windows incorporated into the western elevation of the proposal could potentially impact on the development potential of the appellants’ lands. The Board will note that a laneway separates the subject site from the appellants’ premises and therefore some separation distance is afforded between the two buildings. The laneway is approximately 5 metres in width. More important the windows proposed along the western elevation provide natural light to a secondary stairwell which is a fire escape to the rear of the building. The windows do not serve any habitable rooms and therefore in my opinion will not impact on any redevelopment potential associated with the appellants’ lands. Furthermore, it is premature to assume that planning permission would be granted on the appellants’ site of a size and scale envisaged in the grounds of appeal. Any such application would be adjudicated on its merits and in accordance with the proper planning and sustainable development of the area. Furthermore, it is possible that any future development on the subject site could be configured in a manner which ensures that no overlooking would result between the two developments. The applicant in his response to the grounds of appeal, has indicated a willingness to accept a condition omitting the windows in question should the Board consider it appropriate. I do not consider it necessary that the windows in question should be omitted as it is my considered opinion that the windows in question would have little impact on the development potential of the adjoining site to the west having regard to the fact that the windows in question do not serve residential units. Furthermore, the incorporation of a seven-storey blank gable wall might be considered less suitable

from an aesthetic point of view. On this basis I do not consider that the Board should incorporate a condition requiring the omission of the windows in question.

13.4.2. The grounds of appeal also suggest that the top two storeys of the proposed development should be setback on the western elevation of the building. This is again primarily predicated on the view that the stepping back of the upper two floors would give rise to greater development potential on the third-party appellants' site. I have argued previously in my evaluation that it is appropriate and in accordance with strategic considerations that the subject site should be developed at more sustainable densities. The stepping back of two storeys in question would undermine the overall strategy to develop at higher densities. Again, I would reiterate that the stepping back of the top two floors purely on the basis that it could potentially adversely impact on the development potential of the adjoining site to the west is somewhat premature in the absence of any planning application on the appellants' lands. For the above reasons I don't to consider it appropriate to step back the upper floors along the western elevation of the building as suggested in the grounds of appeal.

13.5. **Grounds of First Party Appeal**

13.5.1. The first party appeal specifically related to four separate conditions which are dealt with in turn below.

13.6. Condition 3(i)

13.6.1. The Board are requested to omit Condition No. 3(i) which requires the omission of the sixth-floor element of the proposed development. The grounds of appeal argued that the sixth floor should be reinserted as it is fully in compliance with the new Planning Guidelines in relation to Building Height and it is also stated that there is precedent for developments of a similar size and height in the surrounding area including the Board's grant of planning permission for a seven storey shared accommodation building to the north-west of the subject site. Again, national policy in the form of "Urban Development and Building Heights – Guidelines for Planning Authorities (December 2018)" prepared by the Department of Housing, Planning and Local Government seek under SPPR 1 to support increased building height and density in locations with good public transport, accessibility particularly in town/city cores. I consider that the subject site would meet the criteria set out under SPPR 1 in

that the subject site is located proximate to the city centre and is served by good public transport. The provision of a seven storey in this instance would not be excessive and as pointed out in paragraph 2.5 of the above guidelines “taller buildings would bring much needed additional housing and economic development to well located urban areas”. Provision of a seven-storey building at this location would not be contrary or incompatible with the general strategy of providing higher buildings at appropriate locations. The grounds of appeal also argue that the contiguous site to the immediate north which currently accommodates two-storey structures will be redeveloped in the future at a higher density. As in the case of the third party appeal referred to above, it would in my view be premature to use any future development of an adjoining site as justification for allowing an additional storey on the appeal site. Such a justification would in my view be premature in the absence of any firm development proposals for the adjoining site.

13.6.2. Notwithstanding this, it is apparent that many sites which have been the subject of redevelopment proposals in the immediate area range from five to seven storeys in height. The Rathmines Leisure Centre to the immediate south of the subject site incorporates a seven-storey high tower and the Lidl development to the north of the site incorporates six storeys. Shared living accommodation development to the north-east of the site on Ardee Street is also seven storeys in height. In this regard I consider that there is precedence for structures which are six and seven storeys in height in the vicinity of the subject site. Furthermore, as already pointed out on numerous occasions in this assessment the provision of development in urban areas at higher densities is a key strategic objective of the National Planning Framework. The provision of an additional floor as argued in the grounds of the first party appeal would sit comfortably with these wider strategic objectives. The reinsertion of the top floor would provide an additional 13 residential units and therefore would contribute additional much needed residential accommodation in the inner city.

13.6.3. In terms of urban design, I do not consider that the reinsertion of the sixth floor would be inappropriate aesthetically. The floor in question is stepped back and this assists in reducing the overall bulkiness of the building. The incorporation of metal cladding the extensive glazing will create a lighter contemporary element which will cap the building in a more aesthetically pleasing manner. Furthermore, the sixth floor as proposed reflects the top floor of the existing building in being setback from the front

building line and also in terms of the materials used. Furthermore, it is my view (albeit somewhat subjective) that the proposal would reduce the visual clutter associated with the roofscape along the series of buildings located on the western side of this section of Rathmines Road. In this regard I would refer the Board to the photomontages submitted and in particular V5. This viewpoint in my view illustrates the fact that the additional floor, while increasing the overall scale and size of the building creates a cleaner less cluttered roof profile than that which currently exists on site particularly in the context of the existing roof profile together with the roof profile of the seven storey tower element associated with the Rathmines Square apartments and swimming pool in the background.

13.6.4. Finally, in relation to this matter I note that the Rathmines Road is a relatively wide road and important distributor and radial route leading to and from the city centre. Having regard to the width of the road which is c.20 metres in width from building line to building line, it is considered that the road is of a sufficient width to accommodate a seven-storey building.

13.6.5. While the urban design arguments set out above are somewhat subjective as to whether or not it is appropriate to reinstate the top floor and it is accepted that the Board may come to a different conclusion as to whether or not the additional storey is acceptable in visual terms. There can however be no doubt that the provision of additional residential units as provided for by the reinstatement of the top floor would be generally compatible with wider strategic objectives in terms of providing a greater number of residential units in an urban area close to centres of employment.

13.7. Conditions 4 & 5

13.7.1. Conditions Nos. 4 and 5. Both these conditions are appealed on the basis that both require that each bedroom unit provided within the development shall be single occupancy only. The grounds of appeal argue that while it is intended and expected that most of the units will be single occupancy, given the large size of many units, a number of units should be permitted to be dual occupancy.

13.7.2. Table 5(a) of the Apartment Guidelines indicate that for shared accommodation the minimum bedroom size for a single room (including en-suite) shall be 12 square metres while the minimum size for a double/twin room (including en-suite) shall be 18 square metres. Many of the units proposed in the scheme before the Board

comfortably exceed the minimum bedroom size. In fact 99 of the 110 bedrooms proposed are a minimum of 20 square metres in size. In accordance with the provisions set out in Table 5(a) therefore Bedrooms Type B (20 square metres) and Bedrooms Type C (20-25 square metres) are suitable to be used as double/twin accommodation. Furthermore, specific planning policy requirement 9 under subsection 2 states that in the case of shared accommodation, the overall unit floor area and bedroom floorspace requirements set out in Appendix 1 of Guidelines shall not apply to shared accommodation and shall be replaced by the minimum standards set out in Tables 5(a) and 5(b). Having regard to this provision it is entirely appropriate in my opinion that Bedrooms Type B and C could be used as a double/twin room. I therefore consider that the conditions in question should be reworded so that in the case of Bedroom Type A that these bedrooms would be used for single occupancy only.

13.8. Condition No. 11

- 13.8.1. Condition No. 11 appears to be a typographical error in making reference to North Great George's Street. This issue can be readily rectified by the rewording of any condition by An Bord Pleanála.

14.0 **Appropriate Assessment**

The nearest designated Natura 2000 sites are located c.4 kilometres from the appeal site. I note the urban location of the site, the lack of direct connections with regard to the source pathway receptor model and the modest scale of the development. On this basis it is reasonable to conclude based on the information available, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans and projects would not be likely to have a significant effect on any European sites in the wider area in view of those sites' conservation objectives and therefore a Stage 2 Appropriate Assessment (and the submission of an NIS) is therefore not required.

15.0 **Conclusions and Recommendation**

Arising from my assessment above I consider that the proposed development is in accordance with the proper planning and sustainable development of the area and I

therefore recommend that planning permission be granted for the proposed development. Furthermore, I consider that the Board in considering the grounds of the first party appeal should (a) reinstate the proposed sixth floor omitted by way of Condition 3(i) of the Planning Authority's decision and that the Board should (b) omit references in Conditions Nos. 4 and 5 requiring that all units shall be single occupancy only. Instead the Board should incorporate a provision whereby Bedroom Type A should be single occupancy only.

16.0 Decision

Grant planning permission for the proposed development in accordance with the said plans and particulars submitted with the application based on the reasons and considerations and subject to conditions set out below.

17.0 Reasons and Considerations

In coming to its decision the Board had regard to the following:

- (a) the location of the site in Rathmines which is designated as a Key District Centre (KDC) in the hierarchy of Dublin City Development Plan 2016 – 2022 where Key District Centres represent the top tier of urban centres outside the city centre,
- (b) the provisions of the Dublin City Development Plan 2016 – 2022 including the Z4 zoning where residential development is a permitted use and the policy objectives applicable to the site,
- (c) the objectives of the National Planning Framework,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (e) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018,
- (f) the Sustainable Urban Housing Design Standards for New Apartments and Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018,

- (g) the nature, scale and design of the proposed development,
- (h) the availability in the area of a wide range of social and transport infrastructure,
- (i) the submission and observations received, and
- (j) the report of the Inspector,

it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of pedestrian and traffic safety and convenience and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

18.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of any works on site revised details shall be submitted to and agreed with the planning authority with regard to the following:
 - (i) All windows on the western elevation serving the landing area shall consist of opaque glazing.
 - (ii) The 60-no. tiered bicycle rack spaces located at ground floor adjacent to the bedroom units shall be omitted.

Reason: To safeguard the residential amenities of the area and of future occupants.

3. The shared accommodation units hereby permitted shall operate in accordance with the definition of built to rent developments as set out in the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018.

Reason: In the interest of proper planning and sustainable development of the area.

4. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, details of the proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first shared living units within the scheme.

Reason: In the interest of proper planning and sustainable development of the area.

5. Prior to the expiration of the 15-year period referred to in Condition No. 4 above, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a shared accommodation scheme. Any proposed amendment or

deviation from the shared accommodation model as authorised in this permission shall be the subject of a separate planning application.

Reason: In the interest of orderly development and clarity.

6. Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

Reason: In the interest of public health and to ensure a proper standard of development.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts and other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

9. Bedroom Type A indicated on the drawings submitted shall be single occupancy only.

Reason: In the interest of residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. A plan containing details for the management of waste within the development including the provision of facilities for storage, separation and collection of waste and in particular recyclable materials shall be submitted to and agreed with the planning authority prior to the commencement of development. Thereafter the waste shall be managed in accordance with an agreed plan.

Reason: To provide for the appropriate management of waste and in particular recycle materials in the interest of protecting the environment.

14. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them no advertisement signs (including any signs installed to be visible through the window), advertisement structures, banners, canopies, flags or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to permit the planning authority to assess all signage on site through the statutory planning process.

15. The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council.
 - (a) Prior to the commencement of development or on the appointment of a contractor a construction management plan should be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development including traffic management, hours of working, noise management, measures and off-site disposal of construction and demolition waste.

- (b) The applicant/developer shall submit a mobility management plan and ensure that future tenants of the proposed development comply with this strategy. A mobility manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
- (c) Details of secure sheltered cycle parking shall be agreed in writing with the planning authority prior to the commencement of development.
- (d) All costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.
- (e) The developer shall be obliged to comply with the requirements set out in Code of Practice.

Reason: To ensure a satisfactory standard of development.

16. The developer shall pay to the planning authority a financial contribution of €114,480 (one hundred and fourteen thousand four hundred and eighty euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

17. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until take in charge by the planning authority or roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or party thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer, or in default of an agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Paul Caprani,
Senior Planning Inspector.

22nd June, 2020.