



An
Bord
Pleanála

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

Inspector's Report ABP-307608-20

Strategic Housing Development

201 no. bedspace Build to Rent
Shared Living Units and associated
site works.

Location

348 Harold's Cross Road, Dublin 6W.
(www.kenilworthhallshd.com)

Planning Authority

Dublin City Council South

Applicant

AAI Kenilworth Limited

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland

Observers

Colette O'Hagan
Mary McCoubrey
John and Marie Roche

Robert Clear
Imelda Byrne
Ciaran Kelly and Pilar Valencia
Tara Deeny
Sheila and Richard O'Brien
Bernard Broderick
Pat Broderick
Patrick Jordan and Noelle Tracey
Kieran Keane and Others
Josephine Keane
Mary Chambers
Paul Duignan and Lisa Queen
Harold's Cross Village Community
Centre
Patricia Thornton
Paul A. Wynne
Peter Coghlan
Brian Foley
Susan Bergin
Genevieve Coonan
Ciaran O'Meachair & other
Gregory Devlin
Seamus Moynihan
Mary Maher
Catherine Murphy
Kathleen Grassick
Robin Hillis and Geraldine Yendole
Barry Broderick
Peter Dooley

James Sheils
David Broderick
Robert and Elaine Brittin
Valerie Hatunic
Cllr. Caroline Moore and others
Dr. Carol Coulter

Date of Site Inspection

25/09/2020

Inspector

Conor McGrath

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1.0 Introduction

- 1.1. 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 application site is located at no. 348 Harold's Cross Road, Dublin 6W, formerly the site of Kenilworth Motors. The substantive site area is 0.2155ha and includes a two-storey showroom building facing Harold's Cross Road, set back behind a forecourt area, and single and double height structures to the rear. The rear of the site comprises a yard / car park. There is a slight fall across the site from west to east.
- 2.2. The site is bounded to the north by Laundry Lane. This lane, approx. 5m wide, serves a two-storey apartment building, *Kenilworth Lodge* and a detached dwelling further west along the lane. It also provides rear access to properties on Clareville Road to the west. Lands further to the north of these properties are in residential use. This lane was used in association with the previous car sales use on the site and an existing yard on the northwestern side of the lane then used for car storage, is excluded from the application.
- 2.3. The irregular southern boundary is bordered by the access road serving Kenilworth Manor, a development of terraced duplex dwellings to the south of the site and 2 no. two-storey semi-detached houses to the southwest. This road also provides access to Rosary Park football grounds to the west and southwest of the site. The boundary is formed by a high wall and existing structures on the application site directly abut this wall.
- 2.4. The red line application site boundary includes lands with the public realm required to facilitate the development and a letter of consent from Dublin City Council has been submitted in this regard.

3.0 Proposed Strategic Housing Development

- 3.1. The development comprises the following:

- demolition existing buildings (1,164-sq.m.) and certain boundary walls;
- construction of a build-to-rent shared living residential development in a block ranging from two to five storey over partial basement, with top floor set-back. The development provides 201 no. bedspaces, in 174 no. bedrooms.
- the provision of shared kitchen/living/dining areas at each floor level,
- the provision of communal residential amenities at ground and basement levels including lounges, gym, activity area, function room, ancillary café, reception, laundry room; as well as plant, waste management areas, circulation space; ESB substation and switch room;
- communal amenity open spaces at ground level (366 sq m);
- 210 no. basement bicycle parking spaces (187 no. resident and 5 no. staff spaces); and 18 no. visitor spaces at surface level;
- 2 no. car club parking spaces accessed from Harold's Cross Road;
- alterations to Laundry Lane including the provision of a 2m wide footpath, vehicular layby, and recessed service and emergency vehicle access at the rear of the site (northwest);
- Sustainable Urban Drainage systems (including green roof, rainwater harvesting and attenuation tanks); roof plant, including PV panels; associated hard and soft landscaping;

The main development parameters are:

Parameter	Site Proposal
Application Site	0.2155 ha
No. of Units	174 no. bedrooms providing 201 no. bedspaces
Residential Density	932 bedspaces per hectare
Cumulative gross floor area	6,687-sqm.
Site Coverage	61%

Plot Ratio	3.1:1
Building Height	5 Storey over basement – 15.6m tall at its highest point – reducing to 2-storeys to the west.
Other Uses	Gym, communal lounges and ancillary spaces, bookable dining / function room, laundry, café, concierge/management space, plant, waste, office and circulation space
Communal open space	329-sq.m. to the rear 37-sq.m to front.
Car Parking	2 shared / car club spaces
Bicycle Parking	210 spaces (187 resident, 5 staff, 18 visitor)
Access	Primary access from Harold's Cross Road. Secondary and service access from Laundry Lane

Shared Living Suites		
Unit Type	No. of Units	Gross floor space
Single Occupancy Suites	142 no. units (16 – 24.1-sq.m.)	2,339.3-sq.m.
Single Occupancy Accessible Suites	5 no. units (24.4 - 34.6-sq.m.)	152.6-sq.m.
Double Occupancy Suites	27 no. units (18.3 - 22.5 sq.m.)	506.3-sq.m.
Total	174 suites (201 bedspaces)	2,998.2-sq.m.

4.0 Planning History

- 4.1. There is no recent relevant planning history associated with the application site. Permitted development in the vicinity of the subject site includes schemes at St. Pancras to the south and the site of the Classic Cinema to the north of the site.

- PA ref. 3026/19 ABP ref. ABP-305695-19: Permission granted on appeal on the Classic Cinema Site, for a mixed-use development of retail, offices and 91 dwelling units in 3 no. five-storey blocks above the underground car park.
- PA ref. 2710/14 ABP ref. PL.29S.244337: Permission originally granted at St Pancras Works, Mount Tallant Avenue for 63 No. dwellings, (36 no. houses and 27 no. apartments). There have been numerous amending applications including an increase in the number of apartments and an additional floor to the permitted 4-storey apartment block fronting Harold's Cross Road.

5.0 Section 5 Pre-Application Consultation – ABP-305781-19

5.1. A pre-application consultation meeting was held with An Bord Pleanála on 12th December 2019 in respect of the development of 204 no. Build to Rent, Shared Living units and associated works on the subject site. The subsequent Opinion of the Board stated that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. Specifically, matters to be addressed in the documentation that could result in them constituting a reasonable basis for an application for strategic housing development included the following:

1. Principle of the Development

Further justification with regard to the proposed shared living accommodation at this location, addressing the location with respect to distance to city centre and areas of employment, available accommodation in the area, and public transport options. The documentation should respond to concerns raised by the planning authority and have regard to the locational requirements referred to in paragraphs 5.18 and 5.19 of the Design Standards for New Apartments – Guidelines for Planning Authorities.

2. Development Strategy

(i) Further consideration and or justification for the urban design rationale such as the scale, height, bulk and mass of the block, in particular the scale and length (79m) along Laundry Lane and its architectural treatment.

- (ii) Justification for treatment of Laundry Lane having regard to the planning authority's comments regarding a 2m wide footpath and a setback along.
 - (iii) Further consideration and or justification for proximity to, and interface with, the public street and third-party property to the south.
3. Residential Amenity
- (i) Further consideration and / or justification relating to future residential amenity, having regard to the bedroom sizes proposed.
 - (ii) Further consideration and / or justification relating to the proportion of single aspect and north facing clusters and daylight and sunlight access.
4. Transportation Strategy
- (i) Further consideration and / or justification relating to a car parking strategy. Justification for the one car club space proposed to facilitate travel demands of future occupants / residents.
 - (ii) Further consideration and / or justification of the documents relating to the quantum, location, security and accessibility of cycle parking.
 - (iii) Assessment of the potential impact on the existing QBC along Harold's Cross road and other future upgrades to this corridor.
5. Surface Water Management
- (i) Clarification regarding drainage infrastructure.

Furthermore, the prospective applicants were notified that the following additional specific information should be submitted with any application for permission:

1. A report specifically addressing proposed materials and finishes including specific detailing of finishes and boundary treatments.
2. A report addressing issues of residential amenity (both existing adjoining residents and future occupants). Full and complete drawings including levels and cross sections showing the relationship between the development and adjacent buildings should be submitted.
3. A Shadow Impact Assessment.

4. Views / photomontages from along Harold's Cross Road, particularly during winter months.
5. A report on surface water drainage and management strategy.

The following authorities were to be notified of the making of an application:

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland

5.2. Applicant's Statement

In accordance with Section 6(7) of the Act of 2016, the applicant's statement of proposals to address the issues set out in Board Opinion makes the following points:

1. Principle of development

The application states that the following documents are submitted:

- The Justification Report, which is stated to address compliance with the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities.
- Estate Management Plan.
- Market Demand Report.
- Co-Living Accommodation Brief.
- Socio Economic Potential for Shared Living.

In summary, it is argued that the subject site is an appropriate location for a shared living development. It's location, proximity to employment centres, current demographics and rental market in the city and this local area, indicate that there is strong demand for the development which is not met by the existing housing provision in the area.

2. Development Strategy

(i) Urban Design

The applicants statement states that the scale, height, bulk and mass of the block and architectural treatment were modified following the Tripartite meeting. The floorarea was reduced from 7,645-sq.m. to 6,687-sq.m. and building height at the rear (west) reduced from five to two storeys. It is indicated that the elevation to Laundry Lane provides scaled down shoulder heights and the northern facade is set back to accommodate a new footpath.

(ii) Footpath on Laundry Lane

The scheme now provides a 2m footpath on the southern side of Laundry Lane. The primary pedestrian and cycle entrances to the proposed scheme are from Harold's Cross Road. It is stated that the proposed development will provide passive surveillance and an active frontage onto Laundry Lane.

(iii) Interface with Public Street to the South

It is stated that the building lines have been set back along the southern and western facades along Kenilworth Manor, that the massing and materials have been amended and the height is reduced.

The building is set back from the boundary and there is a landscaped strip between the proposed building and the street. It is now possible to maintain the building from inside the structure or from the public domain.

3. Residential Amenity

The statement indicates that the revised internal layout no longer provides for clusters but rather larger shared living/kitchen/dining areas for residents on each floor.

(i) Residential Amenity

The proposed bedrooms are now larger than the minimum requirement - single (16.2-sq.m.), deluxe single (18.9-sq.m.), accessible (30.5-sq.m.) and double rooms (18.8-sq.m.). Each is provided with an en-suite and kitchenette. Each floor is served by a shared living/kitchen/dining area.

(ii) Clusters and Sunlight and Daylight Access

The kitchen/living/dining spaces are provided on the southern facade on each floor to ensure good sunlight access. A selection of bedroom units, living/kitchen/dining rooms and the communal spaces have been assessed for Average Daylight Factor and all the spaces are stated to meet and generally exceed the relevant criteria.

4 Transportation Strategy

(i) Car Parking Strategy: It is stated that the Travel Plan justifies the lack of car parking having regard to the site's location, existing public transport provision proximity to surrounding amenities and is supported by the provisions of the apartment design guidelines. Two shared car parking spaces will be controlled by the management company.

(ii) Cycle Parking: The statement notes that cycle parking is increased to 210 no. spaces, including secure cycle parking at basement Level and short-term visitor spaces at grade by the main entrance to the building. The scheme provides a space for 93% of residents and 5 no. staff at Basement Level.

(iii) Potential Impact on Harold's Cross Road: It is stated that the development has been revised in order to minimise potential impacts on the QBC. The servicing bay/set down area has been relocated to Laundry Lane. The two car club spaces are located off street and within the forecourt of the building. The current Bus Connects scheme does not identify any changes to the street outside the subject site. It notes that there will be a significant reduction in vehicle movements compared to the previous use of the site.

5. Surface Water Management

The application is stated to be accompanied by an Engineering Services Report, Flood Risk Assessment and Basement Impact Assessment and associated drawings, address the site's drainage infrastructure.

Additional Items

1. Materials and Finishes

The Architectural Report provides an overview of materials, comprising two natural clay brick types, which break up the massing of the building, along with zinc cladding at the upper level. The materials require minimal maintenance, will perform well over time, and reflect the surrounding area.

The northern facade onto Laundry Lane is set back to provide a 2m footpath. The ground floor windows from communal spaces face the public domain. Ground floor bedroom windows are separated from the public domain by landscaping and planting to preserve privacy of the occupants.

The Facade & Roof Access Strategy details how the building facade, including windows, can be maintained from inside the structure or from areas that have been taken in charge.

2. Residential Amenities

It is stated that the Adjacent Amenity Report provides an overview of the relationship between with adjoining buildings, including separation, heights, a summary of the daylighting assessment and an extract of the drawings. Section drawings of the proposed development are also enclosed with the Application. The amenity of the future residents is detailed in the Architectural Report, the Tri-Party Changes Report and the Statement of Consistency.

3. Shadow Impact Assessment

The application is accompanied by the following reports to assess sunlight and daylight impacts and compliance with the BRE Guidelines:

- Sunlight/Shadow Analysis Report – Existing Neighbouring Amenity Spaces.
- Daylight Reception Analysis Report – Habitable Rooms Within the New Proposed Development.
- Effect on Daylight Reception Analysis Report – Habitable Rooms in Existing Neighbouring Buildings.

4. Views / Photomontages

Photomontages are provided from five viewpoints, including Harold's Cross Road, showing the scheme in context in the absence of trees being in leaf. It is

argued that these demonstrate that the scheme provides a contemporary development reflecting current building standards in terms of height and design whilst complementing the wider area using a restrained palette of materials.

5. Surface Water Drainage and Management Strategy

The accompanying Engineering Services Report addresses the proposed surface water drainage and surface water management strategy

The applicants confirm that the following authorities were notified, as required:

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland

5.3. I note that the application is accompanied by the following documentation:

- Cover Letter /Planning Report
- SHD Application Form and planning fee
- Cover Letter to Prescribed Bodies.
- Copies of Site Notice and Newspaper Notice.
- Letter of Consent, from Dublin City Council.
- Statement of Consistency.
- Justification Report.
- Response to An Bord Pleanála Opinion.
- EIAR Screening Report.
- Architectural Report (includes Schedule of Areas and Housing Quality Assessment).
- Architectural Drawings and A3 Drawings Pack.
- Adjacent Amenity Report.
- Swept Path Analysis Report and drawings.
- Post Tri-Party Changes Report.
- Kenilworth Hall – Photomontages.
- Appropriate Assessment Screening Report.
- Ecological Impact Assessment.

- Engineering Services Report.
- Engineering Services Drawings
- Flood Risk Assessment.
- Basement Impact Assessment.
- Outline Construction and Demolition Management Plan.
- Travel Plan.
- Energy Statement Report.
- Sunlight/Shadow Analysis Report – Existing Neighbouring Amenity Spaces.
- Daylight Reception Analysis Report – Habitable Rooms Within the New Proposed Development.
- Effect on Daylight Reception Analysis Report – Habitable Rooms in Existing Neighbouring Buildings.
- Facade & Roof Access Strategy and drawings.
- Operational Waste Management Plan.
- Estate Management Plan.
- Market Demand Report.
- Co-Living Accommodation Brief.
- Socio Economic Potential for Shared Living.

6.0 Relevant Planning Policy

6.1. National and Regional Policy

6.1.1. National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

6.1.2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

Pillar 4: Improve the Rental Sector. The key objective is addressing obstacles to greater private rented sector delivery and improving the supply of units at affordable rents.

Key actions include encouraging “build to rent”. Build-to-rent developments are designed with the occupants in mind – this might be equal sized bedrooms clustered around a central shared space, or the inclusion of amenities such as gyms and crèches and shared entertainment facilities.

6.1.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region

RPO 4.3 seeks to support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

Section 5.3 identifies guiding principles for the development of the metropolitan area, which include:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

Section 9.2 Diverse and Inclusive Region, notes that changing household formation trends will require a range of housing typologies including student housing, smaller

units, shared living schemes and flexible designs that are adaptive for people's full life cycle to meet their housing needs today and into the future.

6.2. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission from the planning authority, I consider that the following Section 28 Ministerial Guidelines are relevant:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual').
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.
- Design Manual for Urban Roads and Streets (2019).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- The Planning System and Flood Risk Management - (including Technical Appendices).

6.3. **Local Planning Policy – Dublin City Development Plan 2016-2022**

The application site and adjoining lands are zoned 'Z1' (Sustainable Residential Neighbourhoods), 'To protect, provide and improve residential amenities.' Residential is a permissible use under this zoning objective.

The vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

Section 4.5.3 Making a more Compact Sustainable City promotes the consolidation of the city. Higher densities will be promoted in the city centre, within KDCs, SDRAs and within the catchment of high capacity public transport.

Policy SC13 promotes sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure.

Policy SC14 promotes variety of housing and apartment types which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces.

Chapter 5 deals with Quality Housing and policies include:

QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

QH7: 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 the surrounding area.

QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

Section 16.4 promotes sustainable residential densities. 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.

An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within

neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

Section 16.5 notes that the indicative plot ratio for outer city Z1 lands is 0.5 – 2.

In accordance with section 16.7.2, the site is considered to be ‘outer city’, wherein a maximum building height of 16m is specified for commercial and residential development.

6.4. **Statement of Consistency**

In accordance with Section 8(1)(iv) of the Act, the applicant has provided a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan.

The statement refers to the following policy documents:

- Dublin City Development Plan 2016-2022
- Eastern and Midlands Regional Spatial Economic Strategy, 2019.
- Project Ireland 2040 - National Planning Framework, 2018.
- Sustainable Urban housing: Design Standards for New Apartment’s Guidelines for Planning Authorities (2018).
- Urban Development and Building Heights Guidelines for Planning Authorities, December 2018).
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016).
- Strategy for the Rental Sector, 2016 – Emphasis on Boosting Supply.
- Design Manual for Urban Roads and Streets (DMURS) (2013).
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009).
- Urban Design Manual: A Best Practice Guide (2009).
- The Planning System and Flood Risk Management (2009).
- Quality Housing for Sustainable Communities (2007).
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009).
- Part V of the Planning and Development Act 2000.

Dublin City Development Plan 2016-2022: The development is described as being consistent with the plan in the following respects.

Vision and Core Strategy: The redevelopment of a vacant site for a high-density residential development on zoned lands is aligned with the Core Strategy, promoting intensification and consolidation of the city.

Zoning: Shared living accommodation is a form of built-to-rent residential development and complies with the land use objectives of the Development Plan.

Settlement and Housing Policy: High-quality residential development at increased density supports consolidation within the built footprint of the city. The development is aligned with policies QH8, QH11, QH12, QH17 and QH19. The development which is aimed at young professionals can support the retention of talent necessary to bolster the Employment and Enterprise Strategy.

Local Economic and Community Plan: The development meets high level goals by supporting the provision of a range of mixed tenure, affordable, adaptable housing and work spaces in mixed and sustainable neighbourhoods, making the city a place to live, work, visit and invest in, catering for a growing population.

Movement and Transport: The subject has excellent connectivity via sustainable modes of transport to the City Centre and other parts of Dublin and aligns with the Core Strategic goal to reduce car congestion and promote modal shift.

Water, Drainage and Environment Services: Irish Water has confirmed that there is sufficient water and wastewater capacity in the area.

Energy and Communications: The development will maximise energy efficiency through layout, materials and maximising solar gain and is NZEB compliant.

Shared Accommodation: The scheme is compliant with the requirements and standards of the Sustainable Urban Housing: Design Standards for New Apartments.

Development Management Standards:

- **Height:** Building height accords with Development Plan standards.

- Density: The density accords with development plan provisions promoting sustainable densities, in particular SC13, SC14 and SC15 and Section 16.4.
- Site Coverage: The Indicative Site Coverage standard is 45-60%. The proposed site coverage of 61% complies with Development Plan standards in the context of the need to deliver compact high-density development.
- Plot Ratio: The Indicative Plot Ratio is 0.5-2.0:1 with provision for higher plot ratios in certain circumstances, including:
 - Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed.
 - To facilitate comprehensive redevelopment in areas in need of urban renewal.

It is argued that whilst the area is not in need of urban renewal, this vacant site is in need of redevelopment and is located close to key transport corridors. The development can contribute to alleviating the housing shortage. It is therefore argued that a plot ratio in excess of the indicative standard should be permissible

- Car parking: The absence of car parking provision and the level of cycle parking, along with the promotion of sustainable transport, accords with plan policy.
- Public / Communal Open Space: A financial contribution in lieu of public open space provision is proposed as provided for in the development plan. Communal open space provision accords with the Apartment Design Guidelines.

In addition to compliance with the City Development Plan, the statement considers compliance with the following documents:

Regional Spatial & Economic Strategy for the Eastern & Midland Regional:

Redevelopment of this urban brownfield site accords with Objective 4.3 in particular. The strategy recognises the need for the delivery of specialised housing typologies.

2040 National Planning Framework: The development is consistent with the objectives of the NPF in seeking to consolidate and densify an urban area proximate to primary transport routes. The proposal will provide an alternative residential format and offer improved housing choice.

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’, 2018: This accessible site is most appropriately defined as a ‘Central and/or Accessible Urban location. The design requirements of the guidelines are met, particularly in terms of bedroom size, provision of communal Kitchen/Living/Dining and indoor and outdoor communal areas. The proposal contributes to the provision of a range of household types and tenures. An appropriate legal covenant will be entered into.

Urban Development and Building Heights Guidelines for Planning Authorities: The five-storey block is similar to recently permitted development in the area, and has been designed to preserve the existing residential amenity.

Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016: The development contributes to supply of private-rented housing in accordance with the objectives of Pillar Four ‘Improve the Rental Sector’.

Strategy for the Rental Sector, 2016 – Emphasis on Boosting Supply: The development will contribute the quantum and range of rental accommodation.

Design Manual for Urban Roads and Streets (DMURS): The proposal will provide active 24-hour use and an improved relationship to adjoining streets and will support sustainable transport options. Facilities along Laundry lane will be improved, and traffic volumes will be reduced from the previous use on the site.

Sustainable Residential Development in Urban Areas Guidelines, 2009 & the Urban Design Manual: A Best Practice Guide (2009): It is argued that the redevelopment of this inner suburban brownfield site for high quality residential development complies with the Guidelines. The Architectural Design Statement sets out the design rationale for the scheme, which is designed in accordance with the twelve design criteria set out in the Guidelines. Compliance with NZEB standards demonstrates energy efficiency.

The Planning System and Flood Risk Management (2009): The site is located within Flood Zone C and is acceptable in principle.

Quality Housing for Sustainable Communities (2007): The Qualitative Assessment confirms compliance with the Apartment Guidelines standards.

Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009): AA screening concludes that Stage II Appropriate Assessment is not required.

Part V of the Planning and Development Act 2000: No Part V units are required as part of this scheme.

Greater Dublin Area Transport Strategy, 2016 - 2035: The non-provision of parking spaces on lands proximate to public transport connecting with Dublin City Centre is compatible with the ethos of the Transport Strategy.

7.0 Observations

Observations were received from the following parties

- Colette O'Hagan
- Mary McCoubrey
- John and Marie Roche
- Robert Clear
- Imelda Byrne
- Irish Water
- Ciaran Kelly and Pilar Valencia
- Tara Deeny
- Sheila and Richard O'Brien
- Bernard Broderick
- Pat Broderick
- Patrick Jordan and Noelle Tracey
- Kieran Keane and Others
- Josephine Keane
- Mary Chambers

- Paul Duignan and Lisa Queen
- Harold's Cross Village Community Centre
- Patricia Thornton
- Paul A. Wynne
- Peter Coghlan
- Brian Foley
- Transport Infrastructure Ireland (TII)
- Susan Bergin
- Genevieve Coonan
- Ciaran O'Meachair & other
- Gregory Devlin
- Seamus Moynihan
- Mary Maher
- Catherine Murphy
- Kathleen Grassick
- Robin Hillis and Geraldine Yendole
- Barry Broderick
- Peter Dooley
- James Sheils
- David Broderick
- Robert and Elaine Brittin
- Valerie Hatunic
- Cllr. Caroline Moore and others
- Dr. Carol Coulter

There is significant overlap in the issues raised in the submissions received from observers. These issues are therefore summarised under broad themes below.

Location and form of development

- Shared living development should not be regarded as strategic housing as defined in the 2016 Act.
- The development exceeds the SHD threshold by 1 no. unit in order to avoid the local planning process.

- National policy should not over-ride local development plan policy.
- Shared living is not identified as a permissible use or open for consideration in the Z1 zone. It does not comply with the objective to protect or improve residential amenity.
- The development should therefore be assessed against the wider policies and objectives of the plan.
- The development will not integrate into the surrounding area does not contribute to the development of a sustainable local community.
- A ban on such shared living development has been considered in the Dáil.
- A review of the shared living model is to be undertaken and permission should not be granted in the interim.
- Despite initial forecasts, shared living schemes constitute a significant proportion of planning proposals in the suburbs.
- Further shared living development should not be permitted until its viability has been demonstrated.
- This is not an appropriate location for shared living development as described in the Sustainable Urban housing: Design Standards for New Apartments Guidelines and would be out of character with the surrounding area.
- No specific locational need or demand for shared living development at this location has been demonstrated as required by the guidelines.
- The suggested profile of occupants does not accord with concept of shared living.
- Other cited shared living schemes in Dublin are located in key urban centres or the city centre, proximate to infrastructure, services and connectivity.
- Poor standards of accommodation will be detrimental to the regeneration of the area, which has a requirement for quality long-term housing.
- In the absence of a Housing Need Demand Assessment, there is no evidence of a need for such housing type in the area.
- Such model of housing will not address the housing crisis in the city and offers nothing in terms of social housing.
- Demand for such development will be significantly reduced due to the effects of the pandemic and regard should be had to the experience with student accommodation in the city which is empty.

- Such high-density shared living development is inappropriate in the context of Covid-19 and the application is silent in relation to risk in this regard.
- Expert opinion on the health risk of such housing model should be sought.
- This form of housing provision does not warrant an increase in building heights.
- Despite development in the surrounding area, Harold's Cross neighbourhood centre is not subject to any infrastructure, amenity or transport improvements.
- Retail and public amenities are limited to serve the significant amount of development underway.
- A LAP is required for this area to promote development of a sustainable community and regeneration of local services and businesses.

Internal Residential Amenity

- The development does not meet the minimum standards for communal Living / Kitchen / Dining space set out in the guidelines and does not adhere to SPPR9.
- The ratio of shared kitchen / living areas per bedspace is too low, with up to 41 no. rooms per shared kitchen, dining area.
- This ratio otherwise exceeds developments which were previously refused on this basis and exacerbates the potential public health risk.
- This shortfall in shared provision is justified on the basis of increased room sizes and in-room facilities, which is contrary to the shared living concept.
- Shared living areas receive poor daylighting and will provide a poor residential environment.
- Internal residential amenity is poor due to orientation of bedrooms, lack of privacy of certain units and long internal corridors.
- The room layouts require the use of sofa beds which is inappropriate for long term use and provides bathroom off living spaces, resulting in a poor standard of development.
- Rooms will effectively comprise substandard studio units.
- The distance from Core A to shared living spaces is excessive, requiring excessive footfall past rooms in Core B.
- The development is deficient in communal facilities.
- The level and quality of open space is deficient and the development plan requirement of 10% open space is not met.

- The rear amenity space is compromised by service vehicle access, restricted ground floor access and overlooking.
- Additional tree planting should be undertaken.

Adjoining Residential Amenity

- The proposal constitutes overdevelopment of the site with overbearing impacts on adjoining properties.
- The development will give rise to overlooking of adjoining residential properties and impacts on light and sunlight to such properties.
- Separation from windows in the dwelling to the south is only 12.2-13.5m.
- The extent of overlooking and required mitigation measures demonstrate that this comprises overdevelopment of the site.
- The development will have overbearing impacts on the narrow road to the south.
- External communal spaces and location of the proposed function room will give rise to light, noise and disturbance impacts to adjoining residents.
- The suggested masterplan for lands to the north relates to third-party properties and separation from those properties compromises their development potential.
- Construction activity would impact on residential amenity and the structural integrity of adjoining properties.

Roads and Transport

- The lack of on-site parking will exacerbate existing parking problems in the area.
- Laundry Lane is too narrow to serve the development and will be further reduced by the proposed footpath. Access should be provided off Harold's Cross Road.
- Pedestrian and vehicular movements along Laundry Lane will impact on the residential amenities and access to properties on the lane and the rear of properties on Clareville Road.
- Footpaths should be provided along both sides of the laneway.
- The location of car share parking compromises the amenity of adjoining bedrooms and the forecourt space.
- Access to these car share spaces across a bus lane should not be permitted.
- The building line will inhibit future transport improvements, e.g. Bus Connects.
- Additional street level bicycle parking is required due to difficulties with access to basement parking.

- Capacity of public transport in the area to serve the development is limited and has not been demonstrated.
- The scheme makes no provision for persons who are disabled.
- Development in the surrounding area will increase traffic congestion.
- The development would reduce sightlines at the adjoining junction to the south.

Design and Layout

- The height and scale of development will negatively impact on the character and visual amenities of the area, and protected structures along the road.
- The height is in excess of that permissible in an inner urban village.
- Height and density are excessive and out of character with the surrounding area.
- The development breaks the established building line and will be obtrusive in views along the road and from surrounding properties.
- The proposal seeks to establish a new building line to facilitate further development on adjoining lands to the north.
- The Board should not have regard to possible future alignment of development on adjoining lands as illustrated in the submitted Masterplan.
- The mass, scale, siting and materials detract from the character of the area.
- The development is contrary to development plan policies relating to the Shape and Structure of the City.
- The development should follow the precedent of ABP-305695-19 (Classic Cinema) in terms of the transition in scale.

EIA Screening

- The EIA screening report fails to consider the likely significant effects on human health and public health requirements arising from the Covid-19 pandemic.
- Any screening determination must make a finding on public health.
- The EIA Screening report fails to consider the cumulative effect of surrounding permitted development on public transport capacity.

Other

- Public notices did not identify the planning reference numbers.
- The basement area may be subject to flooding.

8.0 Planning Authority Submission

8.1. Section 8(5)(a) of the Act requires the planning authority or authorities in whose area or areas the proposed strategic housing development is situated to submit to ABP a report of its Chief Executive. A submission from Dublin City Council in accordance with S.8(5) was received by An Bord Pleanála on 8th September 2020.

The Chief Executive's Report notes that pre-application meetings were held on 30/05/2019, 09/04/2019 and 08/08/2019, with additional meetings with the Traffic & Transport and Water & Drainage departments. The issues raised in the third-party submissions are noted in the report and the report identifies relevant policy provisions relating to the development.

8.2. The planning assessment notes the following points:

- Shared living accommodation is defined as 'residential' development under the Act of 2016 and is considered is permissible on Objective Z1 lands.
- The Justification Report does not provide a satisfactory evidential base or make the case for this type of accommodation in the Harold's Cross area with reference to the need to cater for particular employee accommodation needs.
- Identified zoned employment areas include much of the south city centre, parts of the South Docklands, Ballsbridge and UCD.
- Cited precedents for shared living development in the city are located in areas with significant employment concentrations.
- To facilitate shared living development, a location should be within walking distance to the city centre / employment centre or increased public transport services.
- Limited information is provided in this regard.
- The key determinant is location and proximity to work, amenities and public transport. The site is too far removed from the city centre or core urban location.
- The site would be better suited to more conventional apartment development to assist the sustainable and balanced development of the area.
- The modifications since the tri-partite meeting significantly improve the urban design along Laundry Lane.

- Previous concerns regarding overbearing, proximity and loss of light have been satisfactorily addressed.
- The proposed height is acceptable in this outer city area.
- There is no objection in principle to the design of the development, including materials and finishes proposed.
- The plot ratio and site coverage proposed exceed the indicative standards set out in the development plan.
- The report notes the findings of the daylight and sunlight analysis submitted but does not comment thereon.
- The planning authority is satisfied that the development complies with the shared accommodation standards set out in the Sustainable Urban Housing Guidelines.
- The Planning Authority is satisfied that the application is consistent with the relevant National, Regional and Local Policies.
- The Statement of Material Contravention (sic) refers to the Urban Development and Building Heights – Guidelines for Planning Authorities which has been adopted since the date of lodgement of the pre-application documents with An Bord Pleanála under Circular FPS 08 – 2018 as of the 7th of December 2018.
- Concerns raised in relation to deficiencies in cycle parking, impacts on the QBC, car share provision and service access arrangements are largely addressed.
- The Travel Plan does not set out a mode split and does not clearly set out the measures proposed to actively encourage and promote sustainable travel and discourage car ownership.
- It has not been demonstrated that the proposed location is highly accessible or located at a confluence of public transport systems which can accommodate a ‘car free’ residential development of the proposed scale.
- It has not been demonstrated that the development would not result in a negative impact on traffic safety and the amenity of surrounding properties by increased overspill on-street car parking on local roads.
- The proposal is located within Flood Zone C and is acceptable in principle.

Conclusion

- The Planning Authority has serious reservations regarding the appropriateness and location of this site for a shared accommodation development given the lack

of any major employer within the area, limited public transport provisions and its location away from the city centre.

- City centre and town centre locations are identified in the guidelines as the most appropriate locations for such development.
- Harold's Cross Village, a Level 4 Neighbourhood Centre/Local Centre, does not offer the range of facilities required for such a development.
- A more conventional apartment scheme is the appropriate use on this site.

8.3. Planning Authority Recommendation:

The planning authority recommend that the application be refused on the basis of the appropriateness of the location of the site for shared living development.

Notwithstanding this recommendation, the Chief Executives report identifies 13 no. conditions recommended for attachment in the event of a Board decision to grant permission in this case. These mainly standard conditions include the following:

4. Prior to the commencement of development, the developer shall agree in writing the following requirements of the Transportation planning Division:

- (a) A Mobility Management Plan and Residential Travel Plan to address the mobility requirements of the residents and detail how it intends to discourage car ownership and promote the use of public transport, cycling and walking.
- (b) A Construction Management Plan. A Traffic Management Plan provided as part of the Construction Traffic Management Plan shall outline measures to manage the interface with the bus corridor, cycle lane and pedestrians. A construction phase mobility strategy shall be submitted.
- (c) Works to the public carriageway and footpath on Harold's Cross Road and Laundry Lane, including works to areas to be Taken in Charge.

Treatment of the public footpath at the vehicular access/exit point to the development on Harold's Cross Road.

Details of the materials proposed in public areas.

(d) The 2 no. car parking spaces within the development shall be permanently allocated to Car Club use and provided with electric charging points.

5 (c) Development shall not commence until a landscape scheme has been agreed in writing by the Planning Authority

6. The developer shall comply with the requirements of the Drainage Division, including:

- All surface water discharge must be attenuated to 2ltr / sec / ha
- Drainage shall be designed on a completely separate system with a combined final connection discharging into Irish Water's combined sewer system.
- The development shall incorporate SUDS measures, full details to be agreed.
- The flood mitigation measures as outlined in the Flood Risk Assessment Report, Rev 04, shall be implemented as part of this development.

13. The development shall comply with the requirements of the Archaeology Section of Dublin City Council.

8.4. **Appendix A** includes internal planning authority reports. Key points raised in these reports include:

- Transportation Planning: It has not been demonstrated that:
 - the proposed location is highly accessible or located at a confluence of public transport systems which can accommodate a 'car free' residential development of the proposed scale.
 - the development would not result in a negative impact on traffic safety and the amenity of surrounding properties by overspill car parking on local streets.
- Drainage: No objection subject to conditions
- Parks and Landscaping: Object to the development due to the lack of provision of 10% of the site area as public open space. The provision of public open space fronting Harold's Cross Road will contribute positively to the Z1 zoning objective, city greening and biodiversity.
- Biodiversity: Condition recommended.

8.5. **Appendix B** summarises the views of the elected members in relation to the proposed development. The members raised the following issues:

- Excessive height and density and impact on the character of the area.
- Impact on the existing building line.
- Consistency with the residential zoning objective.
- Lack of a LAP for the area.
- Appropriateness of this location for shared living development, remote from employment centres.
- Appropriateness of the shared living model in the context of the Covid pandemic.
- The lack of public open space.
- The capacity of, and impact on, public transport services.
- Lack of contribution to long-term housing or facilities for the community.
- Requirement for sustainable housing to take advantage of investment in social infrastructure in the area.

9.0 **Prescribed Bodies**

Submissions were received from the following prescribed bodies:

- Irish Water: A confirmation of feasibility for connection to Irish Water networks and a Statement of Design Acceptance has been issued. In the event of a grant of permission, the developer should be required to sign a connection agreement and adhere to the standards and conditions set out therein.
- Transport Infrastructure Ireland: No observation to make.

10.0 **Screening**

10.1. **EIA Screening**

10.1.1. The application is accompanied by an EIA Screening report which has regard to Schedule 7A of the regulations. I have completed a screening assessment as set out in Appendix A, and recommend to the Board that the proposed development

would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. The conclusion of this assessment is as follows:

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to protect, provide and improve residential amenity in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the plan,
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Basement Impact Assessment, Construction and Demolition Management Plan and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

10.2. Appropriate Assessment Screening

10.2.1. The application site is located within the existing built-up area and is served by mains water and sewerage services. The proposed development is described in section 3.0 and also in subsequent sections of this report. It broadly comprises the demolition of existing structures and construction of a 5-storey block accommodating a 201-no. bedspace shared living development. The application is accompanied by a Screening Report for Appropriate Assessment.

10.2.2. The application site is not located within any European site and there are no such sites within the immediate vicinity of the site. The closest sites and those within the zone of influence of the proposed development are:

- South Dublin Bay SAC (000210) – approx. 4.6km to the east.
- North Dublin Bay SAC (000206) – approx. 8km to the northeast.
- North Bull Island SPA (004006) – approx. 7.5km northeast.
- South Dublin Bay & River Tolka Estuary SPA (004024) - approx. 4.6km east.
- Rockabill to Dalkey Island SAC (003000) – approx. 12.5km east of the site.

There is an indirect hydrological connection between the application site and these European sites in terms of surface water and wastewater. There are other sites within a wider radius of the application site, however, having regard to the separation distances arising and the lack of pathway between these sites and the application site they are screened out.

South Dublin Bay SAC (000210)	
Qualifying Habitats	Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Embryonic shifting dunes
Conservation Objective	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide, defined by Habitat area, Community extent, Community structure and Community distribution.
North Dublin Bay SAC (000206)	

Qualifying Habitats/Species	Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Embryonic shifting dunes, Shifting dunes along the shoreline with white dunes, Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks, Petalwort
Conservation Objectives	<ul style="list-style-type: none"> • To maintain the favourable conservation condition of the following interests: <ul style="list-style-type: none"> – Mudflats and sandflats not covered at low tide – Petalwort – Atlantic salt meadows – Mediterranean salt • To restore the favourable conservation condition of the following interests <ul style="list-style-type: none"> – Embryonic shifting dunes – Annual vegetation of drift lines – Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') – Salicornia and other annuals colonizing mud and sand – Fixed coastal dunes with herbaceous vegetation ('grey dunes') – Humid dune slacks
North Bull Island SPA (004006)	
Qualifying Species:	Brent Goose Branta, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Wetlands & waterbirds
Conservation Objectives	<ul style="list-style-type: none"> • To maintain the favourable conservation condition of the qualifying species as defined by attributes and targets, including population trend and Distribution. • To maintain the favourable conservation condition of the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it, defined by habitat area.
South Dublin Bay & River Tolka Estuary SPA (004024)	
Qualifying Species	Brent Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank,

	Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern, Wetlands & waterbirds
Conservation Objective	To maintain the favourable conservation condition of the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it, defined by Habitat area To maintain the favourable conservation condition of the qualifying interest as defined by attributes and targets, including Population trend Distribution. In respect of the Rosette Tern, Common Tern and Arctic Tern, additional attributes include: <ul style="list-style-type: none"> ○ Passage population, ○ Distribution: roosting areas ○ Prey biomass available ○ Barriers to connectivity ○ Disturbance at roosting site ○ Breeding population abundance: apparently occupied nests ○ Productivity rate: fledged young per breeding pair ○ Distribution: breeding colonies ○ Disturbance at breeding site
Rockabill to Dalkey Island SAC (003000)	
Qualifying Interests	Reefs, Harbour Porpoise
Conservation Objective	To maintain habitats and species at favourable conservation condition.

10.2.3. The proposed development is not directly connected with or necessary to the management of any European Site. The application site does not contain any features of conservation interest and the development will not result in the direct loss of any habitat identified above or the loss of any ex-situ foraging, breeding or roosting site for species of conservation interest. Having regard to separation distances arising, disturbance impacts during construction or operation of the development are not considered likely. Any emissions to air during construction will be short-term in nature and having regard to separation from European sites, no effects on the integrity of the sites are considered likely.

10.2.4. The site is at some remove from local watercourses and from downstream European Sites, and sub-soils have been identified as being of low permeability. Surface water from the site will be discharged to the adjoining combined sewer at attenuated greenfield rates. Disturbance and removal of small pockets of residual historic

contaminated materials are not considered likely to give rise to impacts on groundwater having regard to the shallow depth of such materials and the poor permeability characteristics of subsoils underlying the site. It is not considered therefore that significant effects from the discharge of silt or other polluting matter at construction or operational stages are likely. Significant direct effects on these European sites are not therefore considered likely.

10.2.5. Irish Water have confirmed that there is capacity in the sewerage network to accommodate the proposed development, which will discharge to the Ringsend Wastewater Treatment Plant. The 2019 AER for the plant published by the EPA in 2020 notes that it was non-compliant with its discharge licence in respect of a number of parameters. The primary cause of non-compliance was overloading. The AER notes that upgrade works to the plant are to be complete by 2022 and that the current discharge license will be subject to review as a result. Consent for these upgrade works was itself subject to Appropriate Assessment. I note that the development will result in an overall reduction in surface water discharge from the site to the adjoining combined sewer, reducing peak wet weather flows to the plant.

10.2.6. The scale of development is not considered to be significant in the context of the overall capacity of the treatment plant. Having regard to the negligible contribution of the proposed development to wastewater discharge within the wider city area, I consider that potential in-combination effects on water quality in Dublin Bay and the European Sites arising therein can be excluded. The Conservation Objectives Supporting Documents identify other activities that may impact on habitats or species of conservation interest within the sites. Having regard to such activities, the nature of the proposed development and the separation distance arising, it is not considered likely that the development will act in combination with other projects to give rise to significant disturbance effects on these European Sites.

10.2.7. Conclusion

It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on

- South Dublin Bay SAC (000210)

- North Dublin Bay SAC (000206)
- North Bull Island SPA (004006)
- South Dublin Bay & River Tolka Estuary SPA (004024)

Rockabill to Dalkey Island SAC (003000),

or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

In reaching this conclusion, no mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites were taken into account.

11.0 Assessment

It is proposed to consider the proposed Strategic Housing Development under the following broad headings:

- Land use and development principle
- Design and layout
- Proposed residential amenity
- Impacts on adjoining residential amenity
- Transport and access
- Other matters arising.

11.1. Land use and development principle

11.1.1. The application site is located within an inner urban location, approx. 2.5km from the city centre. The previous use for motor sales and servicing vacated the site some time ago. The site is zoned for residential use in the current city development plan and having regard to its location and surrounding pattern of development, is considered to be highly suitable for residential redevelopment.

11.1.2. Observers have queried the status of the proposed development as Strategic Housing, as defined. In this regard, I note the definition of Strategic Housing contained in S.3 of the Planning and Development (Housing) and Residential

Tenancies Act, 2016, as amended, which provides specifically for shared accommodation development of more than 200 no. bedspaces. I note that the lands are zoned for Z1 for residential purposes and accordingly, it is considered that shared living accommodation is permissible on Objective Z1 lands. I would concur with the applicant's description of the site as a central and / or accessible urban location, described in the Apartment Guidelines as being suitable for higher density development that may wholly comprise apartments.

- 11.1.3. While permissible in principle, the appropriateness of shared living accommodation at this location is raised in observers' submissions on the application. While shared living is a relatively new form of residential development in Ireland, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, do provide guidance in respect of such development.
- 11.1.4. The guidelines state that shared accommodation is only appropriate where responding to an identified urban housing need at particular locations. It is not envisaged as an alternative or replacement to more conventional long-term housing / apartment development. In assessing proposals for Shared Accommodation, the planning authority are required to have regard to the need for such a type of accommodation in an area with reference to the need to cater for particular employee accommodation needs. The context of the proposed site shall also be considered, with city centres identified as the appropriate location for such development.
- 11.1.5. The guidelines primarily describe a clustered model of shared living accommodation, although they do note that other formats may be proposed. This may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities. The acceptance of such alternative formats will be at the discretion of the planning authority. Notwithstanding the format of accommodation proposed, common minimum standards of provision in terms of room sizes and shared living and kitchen facilities are identified. The guidelines also indicate that the scale of the development should be appropriate to the location / buildings involved and to the specific role that the shared accommodation sector should play in the wider urban apartment market.

11.1.6. In response to these provisions of the guidelines and the Opinion issued by the Board at pre-application consultation stage, the applicants have submitted a number of documents, including the following:

- Estate Management Plan.
- Market Demand Report.
- Co-Living Accommodation Brief.
- Socio Economic Potential for Shared Living, and
- A Justification Report.

These reports generally make the following points:

- The target demographic are employees of the world's largest companies based in Dublin. Major employers in the city are identified, primarily in the south city area and docklands.
- Other employers include healthcare facilities and hospitals up to 3.5km from the site. The development is described as being well suited to healthcare workers.
- The development may also cater for relatives and friends of patients of medical facilities in the locality and other hospitals in the city centre.
- This is an appropriate location for a shared living development, catering to people employed in significant employment zones in the area.
- There are 17,000 people at work within 1.5km of the site. Zoned employment areas within 10- 20-minutes cycle from the subject site include much of the south city centre, parts of the South Docklands, Ballsbridge and UCD.
- Housing demand nationally is growing but particularly in central Dublin, and the current housing shortage is damaging competitiveness.
- The site is most appropriately classified as an 'Central and/or Accessible Urban Locations', as defined within the Apartment Guidelines.
- The NPF (**sic**) describes shared accommodation and communal living as new and exciting ways to meet the housing needs of key sectors of our society.
- Lack of supply is partly down to viability of apartment building and innovative housing solutions are therefore required.
- Shared accommodation can be part of this solution to cater specifically to smaller household types and the working population.

- The development would cater for the demographics in the area by providing an affordable purpose-built scheme targeted at younger adults, individuals or childless couples, with a greater degree of flexibility than traditional tenancies.
- Patterns of increased urbanisation, societal change along with increasing life expectancy and deferral of property ownership is generating demand for such development.
- This demand is highlighted by the spread of permitted schemes highlights across the city, while the range of student accommodation schemes in the city demonstrate demand for the shared living concept.
- A number of European examples of such development are cited.
- The trend towards communal spaces such as co-working and co-living is likely to continue as an important option in housing supply notwithstanding changes in economic trends arising from Covid-19. Shared living combats social isolation.
- Post Covid-19, sustainability and liveability will feature ever more prominently in place design, and co-living provides a natural progression in housing solutions.
- Residents of the scheme will benefit from proximity to employment areas and the city centre, as well as existing community facilities and amenities in the area.
- There will be economic benefits to the surrounding area
- The site is well served by public transport on Harold's Cross Road (R137 Regional Road) which is a Quality Bus Corridor (QBC), and to the north on Kenilworth Park.
- The development will provide an alternative form of rental accommodation, which is appropriate for this location as it is sufficiently supported by the existing demographic profile, public transport infrastructure and employment opportunities available within the local area.

Comment

11.1.7. The documents submitted make a compelling case for increased housing provision in the central areas of the city to meet current demand and identify a role for shared accommodation in this context. I conclude that there can be said to be a demand for alternative housing options in the city of which Shared Living represents one, although it is not in itself the solution to the housing crisis in the city. I am not

satisfied however, that the documentation identifies a specific need for shared living accommodation at this location.

- 11.1.8. The Design Standards for New Apartment Guidelines for Planning Authorities note that this model of housing is only appropriate in responding to an identified urban housing need at particular locations. The documentation has identified the shortage of housing in the surrounding area and the city and has identified the spread of employment areas in the wider south city area, however, I do not consider that a particular employee accommodation need has been established in this case.
- 11.1.9. The site is located approx. 1.35km from the canal ring and 2.5km from St. Stephens Green. The south docklands (Grand Canal Dock) are approx. 4.5km northeast of the site. The location is at a remove from the large international companies which it identifies as the likely demand source for such accommodation, and from the identified concentrations of employment. This is illustrated in the map of employment zones in The Market Demand Report. The area can be said to be reasonably well served by public transport however, direct linkages to the identified employment zones for the target multinational employees are limited. The site is within cycle commuting distance to a range of locations. Notwithstanding such linkages, however, the development cannot be said to be meeting an identified employee need at this location.
- 11.1.10. Local employment in the area is considered in the reports and employee numbers within a 1.5km radius are identified. While the reports identify employment centres within the surrounding area, including a number of industrial estates, there is no analysis of the nature of such employment vis the profile of residents / target residents of such shared living schemes. With regard to health care facilities / hospitals, the site would not be located in such location as to specifically serve such employees, rather it might be said that there is a wider body of health care staff in the city which might be accommodated.
- 11.1.11. I note that the other co-living developments in Dublin cited in application documentation are located centrally within the city centre or in town centre locations and well served by public transport, including Dart. I note also that permission was granted on appeal for a shared living development in Rathmines under reference ABP-305659-19. In respect of that case, I note the greater

proximity of the site to the city centre and the designation of Rathmines as a Key District Centre, the top tier of urban centres outside of the city centre. In respect of the European examples referenced in the application, I note that these are generally either centrally located and / or have access to quality public transport including underground services. It is also the case that some of the referenced schemes operate as serviced apartments / aparthotel developments, rather than as shared living developments.

11.1.12. In conclusion, I regard the site as suitable for residential development which would contribute positively to the identified housing supply issues prevailing in the city. I do not consider that a particular employee need has been demonstrated for this location, and having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments and paragraphs 5.18 and 5.19 thereof in particular, I do not regard this as an appropriate location for shared living accommodation. The planning authority have recommended that permission be refused on this basis, as outlined in Section 8.0 above, and I concur with the conclusion and recommendation of the planning authority in this regard.

11.1.13. Observer's submissions query the viability and appropriateness of shared living accommodation in the context of the Covid-19 pandemic. While there has clearly been disruption to established patterns of activity during the past year, it is not yet clear what the long-term impact of such changes will be. Demand in the wider housing market continues to be strong reflecting a longer-term mismatch between supply and demand. An Bord Pleanála is not a public health authority and will therefore have regard to guidance from the relevant bodies. There is currently no policy restriction on the development or operation of such residential schemes. The operator / provider will have responsibility to ensure that appropriate measures are put into place in this regard, although I note that in this case no specific measures are identified in the application documentation. I am not satisfied that there are sufficient grounds for the Board to consider a refusal of permission for shared living development on the basis of public health risk.

11.2. Design and Layout

- 11.2.1. Observers have raised concerns with regard to the proposed height, scale and building line, and its impact on the character of the surrounding area. Concerns are expressed that the development comprises over-development of the site. Observers also note that the submitted Masterplan relates to third party lands to the north of the application site.
- 11.2.2. Existing low-rise structures on the site are set-back from the Harold's Cross Road behind a hard-paved forecourt area. To the south of the site Kenilworth Manor is set-back from the road and generally follows the building line of Mount Tallant Terrace to the south, a terrace of 6 no. two-storey protected structures. There is a line of mature trees along the roadside boundary of Kenilworth Manor which provides a soft edge to this street at this location. Beyond these properties, the building line is carried through to the south to the recently constructed 4-storey plus penthouse apartment block at St. Pancras. To the north of the site, the building line is varied leading to the terrace of no.'s 332 – 340 Harold's Cross Road which steps out toward the road to enclose this busy junction.
- 11.2.3. The proposed building is generally 5-storeys where the top floor is set-back slightly. At its rear / western end, the block steps down to 2-storeys. The structure is set-back slightly from the northern and southern site boundaries but generally present a hard edge to the surrounding public spaces. The proposed plot ratio of 3.1 reflects the high-density nature of the development. While this is in excess of the indicative standards set out in the development plan for this zoning objective, this is not regarded as unacceptable in principle for this location subject to satisfactory design and the protection of adjoining residential amenities. Having regard to the indicative nature of this standard, I do not consider this to be a material contravention of the development plan.
- 11.2.4. The building steps forward to within approx. 8.5-9m of the edge of the carriageway of Harold's Cross Road, or to within approx. 6m of the inside edge of the public footpath. This will project significantly forward of existing low-level buildings on the site and adjoining properties to the north and south. The block, rising to 15.65m in height, will also be higher than the surrounding pattern of development and this height is carried through the eastern end of the block. Apartments at St. Pancras to the south, which is the nearest example of a similar scale of development, is set-back from the public road. In relation to the building line, the Architectural Design

Report argues that the building presents a strong urban edge to Harold's Cross Road, provided with a brick finished rhythmic façade. The building layout is stated to provide active frontage to all 3 sides with the addition of a forecourt and seating area off Harold's Cross road providing interaction with the public.

- 11.2.5. The report describes the approach to building alignment and streetscape in some detail. It is argued that building alignment at the junction to the north, described as the *Village*, presents a well-proportioned streetscape and is the basis of the proposed alignment in this scheme. It refers to the current arrangement of building heights along this section of road as awkward and seeks to resolve this by the creation of a bookend to development to the south and by alignment with development at the northern junction.
- 11.2.6. The architectural report includes a masterplan for the development of the lands to the north of the site. I understand, however, that these lands are in private, third party ownership. This is acknowledged in the masterplan which notes that such masterplan is contingent on land assembly across a number of property portfolios. In this regard, I do not consider that the Board can take such indicative masterplan proposals into consideration in assessing the merits of the proposed development.
- 11.2.7. I consider that rather than comprising an extension of the northern crossroads building line southwards, as suggested, the proposed block projects forward into the streetscape. The referenced, well-proportioned streetscape at the crossroads is also a function of building scale, which is not reflected in the proposed development. Travelling south along Harold's Cross Road, the development will project into the streetscape and having regard to the scale and mass of the proposal will constitute an intrusive feature on the street. While the treatment of the façade seeks to break-up the scale of the building, it is not considered that such treatment is effective in longer views having particular regard to the consistent parapet heights across the block, and the heights relative to the surrounding pattern of development.
- 11.2.8. Travelling north along Harold's Cross Road, the western side of the road is dominated by the row of mature trees to the front of Kenilworth Manor, which occupy an area of zoned open space. The Proposal is argued to bookend development at Kenilworth Manor with scaled enclosure of the urban space. Having regard to the existing pattern of development on the western side of Harold's Cross Road I do not

consider that strict adherence to the building line of Kenilworth Manor is required, however, the extent of projection and the mass of the block is at odds with, and will negatively impact on the surrounding streetscape. The current poor quality of development on the site should not justify compromising the overall streetscape at this location and I consider that the objective of achieving a bookend function and creating a positive relationship with Kenilworth Manor could still be achieved within a revised development. While the development has the potential to create active frontage to Harold’s Cross Road, I do not consider that this positive aspect of the development over-rides the greater issues identified above with regard to massing and building line. I note the report of the Chief Executive on this application but do not concur with the conclusions of the assessment in relation to the design and layout of the proposed development.

11.3. Proposed Residential Amenity

11.3.1. The quality of residential accommodation is raised in observations. In particular, the level and quality of shared facilities and non-compliance with standards set out in the guidelines, and the adequacy of open space provision is raised. Queries on universal access have also been raised.

11.3.2. The Sustainable Urban Housing: Design Standards for New Apartments guidelines, provide guidance for shared living developments. Section 5.16 identifies specific standards for bedroom sizes and the provision of communal amenities. In respect of the subject development, I note that all bedrooms exceed the minimum standards and that each bedroom is provided with a kitchenette. The application states that 81% of rooms are 4-sq.m. or more over the minimum requirements, allowing residents the option of more private living. Smaller rooms are to be reserved for shorter stay clientele. I note that a statement of intent with regard to Universal Access is provided with the application and that a number of accessible rooms are provided within the development. The breakdown of room types is set out below.

Room Type	No. Of Rooms	%	Unit Description	Min Area	Unit Area Achieved	Area Over Minimum
T-1	94	54%	Single Bed	12.0	16	4.2

T-2	19	11%	Single Bed	12.0	16.9	4.9
T-3	24	14%	Double Bed	18.0	18.3	0.3
T-4	1	1%	Double Bed	18.0	22.5	4.5
T-5	4	2%	Single Bed	12.0	18.8	6.8
T-6	6	3%	Single Bed	12.0	18.0	6.0
T-7	2	1%	Accessible Room	24.0	24.4	0.4
T-8	3	2%	Accessible Room	24.0	34.6	10.6
T-9	7	4%	Single Bed	12.0	16.0	4.0
T-10	2	1%	Double Bed	18.0	22.3	4.3
T-11	1	1%	Single Bed	12.0	24.1	12.1
T-12	6	3%	Single Bed	12.0	14.7	2.7
T-13	1	0.6%	Single Bed	12.0	12.3	0.3
T-14	4	2%	Single Bed	12.0	18.9	6.9
Total	174	100%	Rooms 4-sqm or more over the min requirement			141 / 174 81%

11.3.3. The application indicates that revisions made to the scheme following tripartite meetings included improvements to the orientation of certain bedrooms from north to northeast. I do not consider that the dual aspect provisions of the apartment design guideline would apply to such accommodation and do not consider that this is a fundamental issue in respect of the proposed scheme. The submitted daylight analysis indicates that acceptable levels of daylighting will be achieved by proposed bedroom and shared living accommodation.

11.3.4. In terms of common shared areas for living and kitchen facilities, the guidelines identify minimum floor space requirements on a per capita basis.

Bedrooms 1 – 3 8-sq.m. per person

Bedrooms 4 – 8 additional 4-sq.m. per person.

In addition to such space, the guidelines identify the need for alternative communal support facilities and amenities, which are dedicated for use by residents and provide the opportunity to experience a shared community environment.

11.3.5. The subject development provides 174 no. bedrooms, to accommodate 201 no. residents. The application indicates that the design has been substantially revised since the pre-application consultation stage. In particular, the cluster model of accommodation previously proposed and as described in 5.15 of the Guidelines, has not been adopted due to market influences. In lieu of the cluster approach the scheme proposes one shared Kitchen/Living/Dining area on each floor toward the western end of the floorplan, to meet the needs of all residents of that floor. Larger communal space and outdoor spaces are provided at ground floor to serve all residents of the scheme.

11.3.6. The provision of shared kitchen/living/dining spaces is as follows.

Floor	No. Bedrooms served	No of Bedspaces	K/L/D floorarea	Bedroom per K/L/D	K/L/D floorarea per bedspace
Gr	10	10	110-sq.m.*	10:1	11m ²
1	47	60	123-sq.m.	47:1	2m ²
2	41	48	143-sq.m.	41:1	3m ²
3	41	48	143-sq.m.	41:1	3m ²
4	35	35	106-sq.m.	35:1	3m ²

* Of this space, the 34-sq.m. study is remote from these ground floor bedrooms.

11.3.7. This level of provision does not meet the minimum quantitative standards of section 5.16 of the guidelines. Notwithstanding the overall floor areas provided, and while there may be an argument to be made for larger *clusters* than described in section 5.15 of the Guidelines, I would regard the number of units served by each Kitchen/Living/Dining space to be excessive. There may be overlap in this regard with public health concerns raised in paragraph 11.1.13 above. In addition, I note the relative remoteness of the shared Kitchen/Living/Dining spaces from many of the

bedrooms. I am not satisfied therefore that adequate standards of shared and communal living accommodation are provided in the development.

- 11.3.8. While rooms are to be provided with kitchenette, these should not replace the requirement for adequate shared facilities, which are at the essence of the Co-Living / Shared Living concept. I do not consider that the intent of guidelines is that the provision of larger individual rooms and private kitchenettes could provide an off-set against the provision of shared communal spaces. In this regard, and notwithstanding the description in the application of bedrooms as *studios*, care must be taken to ensure that such development does not result in the creation of sub-standard Studio apartments, which are otherwise subject to separate and higher standards.
- 11.3.9. The Co-Living Accommodation Brief document accompanying the application states that large communal lounges / spaces on every floor can take away from a residential feel and can be unappealing to residents who don't want to feel they are living on the same floor as potentially loud and disturbing communal lounge facilities. The brief does, however, identify easy access to kitchen and dining provision on each floor as an important consideration. The document further notes that while residents may be happy to move around the building to access well-located communal spaces, the exception to this is communal kitchens as these are an important extension of the private units. In this regard, the design approach in this instance would appear to be at odds with these design principles
- 11.3.10. The development provides 5.57sq.m. of ground floor communal internal and external amenity space per person. Communal areas at the ground floor provide a stated area of 734-sq.m. of uses including Café, games area, lounges, function rooms / private dining room, gym and TV areas. At basement level, a laundry facility (20-sq.m.) is provided. It is not clear whether basement storage space is intended for resident use. This would equate to a ratio of 3.8-sq.m. of space per bedspace. The nature and quality of the space is also very important and the proposals in this regard would appear to be generally satisfactory. I note that the ten ground floor bedrooms are stated to be provided with Kitchen/Living/Dining space of 110-sq.m. Of this space a study area of 34-sq.m. is located at the western end of the communal space and appears remote from those bedroom units. It would appear to offer more potential as a communal study / workspace.

11.3.11. External space is stated to comprise 329-sq.m. of landscaped courtyard to the rear / west and southwest of the buildings. Having regard to its orientation, this would achieve adequate levels of daylighting and sunlighting and could provide an attractive recreational space, although limited in extent. Access to this space is restricted however, and it is considered that a revised ground floor layout could provide improved accessibility and connectivity with this space. A high-quality landscaping solution would be required to obviate the potential for this space to function as a mere rear yard. Part of the external courtyard also serves as the turning area for refuse and delivery lorries, and more exceptionally, fire tenders. These movements require the opening of gates across the courtyard space, reducing the usability of the space. The application indicates that movable seating allows management to open the gates at designated delivery times to facilitate vehicle turning. As indicated in the application, the management of this space will be important to obviate potential noise and disturbance impacts for adjoining residents arising from night-time use. In the event of a decision to grant permission in this case, a condition regulating the use of the space would be appropriate. I note that no access to the second floor, rooftop plant area is to be provide for residents.

11.4. Impact on Adjoining Residential Amenity

11.4.1. Observations on this application raise issues relating to overlooking of adjoining properties and overbearing impacts of the proposed development. Concerns are expressed regarding disturbance of adjoining residents from use of function rooms and outdoor amenity spaces. Impacts on adjoining residents during construction are also raised.

11.4.2. The application site is bounded by residential properties to the north and south, while there are recreational lands to the west. Properties across Harold's Cross Road comprise single and two-storey housing. Kenilworth Manor comprises a terrace of duplex dwellings to the immediate south of the application site. The terrace wraps around its northern end such that two, back-to-back duplex units have side windows facing north to the proposed development, approx. 13m from the southern elevation thereof. I note however, that these are not the primary windows serving these dwellings. Other units in the terrace have an east-west orientation. The proposed

development may impact on light and privacy of these dwellings, however, having regard to their location to the south of the proposed development, significant impacts on daylighting are not likely. The daylighting analysis submitted indicates that adequate levels of daylighting will still be achieved in these north facing windows. One window will have a VSC of less than the 27% BRE reference value, however, the overall change will not be significant adverse. In this regard, it is relevant that existing 7m high industrial structures on the application site directly abutt the existing 4.5m high boundary wall.

- 11.4.3. At the rear of Kenilworth Manor there is a pair of semi-detached houses. At the western and southwestern end of the application site, bedroom accommodation is provided in a reduced two-storey height, while shared Kitchen/Living/Dining spaces is provided over four-storeys. Fenestration to shared living spaces are either high-level windows or larger windows oriented away from these houses to avoid overlooking impacts. The plans indicate that access to the rear communal open space area will be managed to avoid late night noise impacts on neighbouring properties, as noted above. Having regard to the southwestern location of these houses relative to the proposed development, significant impacts on daylight are not anticipated. The daylight analysis submitted indicates that such impacts are not significant adverse. While these houses are provided with limited private amenity space the impacts of the proposed development in terms of slighting / shadow on such space, identified as Area C in the assessment, is not significant.
- 11.4.4. To the north of the proposed development on Laundry Lane, Kenilworth Lodge comprises a two-storey property of eight apartments with surface car parking and some limited landscaped areas to front and rear. Four of the apartments have secondary windows facing onto the lane. The rear parking / amenity space is currently overlooked to an extent by first floor accommodation / flats in Clareville House to the north. Separation from the proposed development, across Laundry Lane, will be 6.8m, increasing slightly to the west. Windows on the northern elevation of the proposed development will face this property and will result in a significant change in the character and aspect of the lane and of this property.
- 11.4.5. The daylight analysis concludes that the development will result in a reduction in a VSC to ground floor units in Kenilworth Lodge to slightly below BRE reference values but constituting a reduction to 0.84 of current values. Further analysis indicates that

the actual change to daylight reception / illuminance is minimal, with a change factor of 0.94. The analysis provided is relatively detailed, however, for completeness I consider that the analysis should have included ground floor bedsit no. 4, on the northwestern side of the block.

- 11.4.6. With regard to sunlighting, I note that the analysis in respect of Kenilworth Lodge, considers only the grassed / planted strip on the western boundary, referenced as area B in the Sunlight / Shadow Analysis Report. Amenity space for this multi-unit building is limited in extent and external space is largely taken with carparking. It is evident, however, that residents do use the areas immediately outside the ground floor flats for sitting / amenity purposes. I consider that restricting the overshadowing analysis to the limited western planted strip understates the impact on the overall residential amenities of this property. The extent of overshadowing of the front and rear external spaces of Kenilworth Lodge is indicated in the Sunlight / Shadow Illustration Data.
- 11.4.7. To the west of Kenilworth Lodge, is a detached two-storey property, dating from the 1800's, which has a westerly aspect, facing onto a yard and outbuildings. This house will be approx. 7m from the proposed development at the closest point. The proposed block steps down to two-storeys at the western end of the laneway and there are no windows at upper floor levels facing onto this detached property. Having regard to the orientation of the house and the height of the proposed development, significant impacts on daylight to this property should not arise and the analysis provided indicates that exceedance of the BRE reference values is achieved. Clareville House to the north of Kenilworth Lodge includes a rear return which provides south-facing windows serving ground and first floor residential units. There will be minor daylighting impacts on this property however, levels will achieve compliance with the BRE guideline values.
- 11.4.8. The redevelopment of this brownfield inner urban site is regarded as acceptable in principle and any such redevelopment of the site would give rise to some impacts on its surroundings. In terms of daylight and sunlight, I note the analysis submitted and the provisions of the BRE reference document. I consider, however, that further analysis of the impact on the residential amenity of dwelling units in Kenilworth Lodge in terms of daylight and sunlight would be appropriate. Overshadowing impacts are not otherwise considered significant adverse, notwithstanding that there

will be a change to the outlook of adjoining properties. In terms of disturbance during construction, I note that such impacts are short-term, temporary in nature and that such impacts could be adequately addressed through the mechanism of the construction and demolition management plan. It is also considered that potential disturbance at operational stage could be adequately addressed through the management of the development.

11.5. Transport and Access

- 11.5.1. Observers submissions raise concerns regarding the lack of car parking provision on the site and potential over-spill impact on surrounding roads. Impacts on Laundry Lane are also raised by adjoining residents as well as restrictions on sightlines at the junction of Kenilworth Manor to the south. The capacity of public transport in this area is raised along with concerns regarding impacts on the adjoining bus lane.
- 11.5.2. The application site was previously in use for motor sales and servicing, with access to the forecourt area from Harold's Cross Road and to rear storage and service areas via Laundry Lane. Harold's Cross Road (R137) is a busy arterial route and is provided with an in-bound bus lane and bus stops in the vicinity of the application site and cycle lanes are also delineated along this road. The proposed development does not provide any resident car parking on-site. 210 no. bicycle parking spaces are provided comprising 187 no. resident and 5 no. staff spaces at basement level and 18 no. visitor spaces adjoining the entrance from Harold's Cross Road. In addition, 2 no. car club parking spaces are provided on the frontage of the site accessed from Harold's Cross Road and a letter of intent from the car-share provider accompanies the application.
- 11.5.3. Having regard to the nature of the proposed use and its location, I do not consider the lack of car parking provision to be inappropriate in this case and I note the provisions of the apartment design guidelines and SPPR8 in this regard. The location of the site presents options for sustainable travel, while there is choice of retail and services provision within less than 1km of the site. The layout of the shared car parking spaces is acceptable and is not considered likely to give rise to impacts on the adjoining bus lane. While I note that a Travel Plan document is

submitted, this is generally aspirational and does not contain specific measures or modal targets for implementation at the site.

- 11.5.4. Service vehicles and deliveries are to be facilitated along Laundry Lane. The lane will be widened and a new footpath will be provided along the site boundary, along with a new set-down area mid-way along the site frontage. Turning movements of vehicles using this set-down area will be facilitate at the western end of the lane. Turning by larger vehicles will require access to the rear open space area in order to complete this turning movement. Having regard to the lack of on-site parking provision, use of this lane will be intermittent and the overall number and frequency of vehicle movements will be lower than the previous use on the site. The lane width and proposed footpath will address potential for obstruction of existing residents or other users of the lane. I do not consider that the proposed development would give rise to unacceptable impacts, or any greater impacts than previous use on the site in terms of traffic movements.
- 11.5.5. Third parties have raised potential impacts on sightlines at the junction of Kenilworth Manor and Harold's Cross Road. I note the existing splayed boundary wall at this junction, outside the application boundary. The proposed development will not give rise to any additional obstruction to vehicles using this junction.

11.6. **Drainage and Services**

- 11.6.1. The site is located within the urban area and submissions from Irish Water confirm that there is capacity in water supply and foul and surface water sewer services to accommodate the proposed development. I note that the area is served by a combined sewer.
- 11.6.2. I note that the application site is currently entirely hard paved and does not provide for any attenuation of surface water flows. It is proposed that surface water runoff from the proposed development will be collected and attenuated on-site via a basement level storage facility. This is sized for 1:100 year event including an allowance for climate change, with discharge to the adjoining combined sewer restricted to greenfield rates. As part of the development, it is also proposed to install green roofs and provide for rainwater harvesting. The engineering services report notes that there will be a significant reduction in the peak surface water run-off

rate from the site arising from the development. While an observer has raised potential flooding issues in respect of the basement, I consider that the drainage implications of the development, including the basement, have been adequately addressed in application documentation and no significant issues arise in this regard.

11.7. Other matters:

- 11.7.1. I note that site investigations were undertaken having regard to the previous uses on the site. The results of such investigations indicate that while no significant contamination was identified, small pockets of residual historic contamination are reported. These occur at a shallow level in made ground. It is indicated that the site is underlain by a thick layer of low permeability soils which inhibits migration of contaminants to the bedrock aquifer. Application documentation notes that the excavated materials will require removal and disposal of off-site at appropriately licensed facilities. In the event of a decision to grant permission in this case, it is recommended that conditions appropriately addressing this issue be attached.
- 11.7.2. Surveys of the site also identified also asbestos materials within existing structures thereon. I note that the handling and removal of such materials is subject to separate regulatory requirements which are enforced by the Health and Safety Authority. These requirements include notification of works and submission of a Removal Method Statement to the HSA. I consider that these matters can be adequately dealt with through the mechanism of the construction and demolition waste management plan.

12.0 Conclusion and Recommendation

- 12.1. The proposed use is regarded as acceptable in principle having regard to the definition of strategic housing development in the 2016 Act as amended and to zoning objectives for the site. I am not satisfied, however, that an identified urban housing need for this model of development has been demonstrated at this particular location, in accordance with the provisions of the Sustainable Urban Housing: Design Standards for New Apartment, Guidelines for Planning Authorities. This is

the basis of the planning authority recommendation to refuse permission and I concur with this recommendation.

- 12.2. In addition, I conclude that the development will have unacceptable impacts on the character and streetscape of this area having regard to the scale and positioning of the block on the site. The internal layout of development and quality of amenity provided for future residents is considered to be unsatisfactory and does not meet the minimum standards set out in the apartment design guidelines, particularly in respect of the shared living/kitchen/dining spaces. I consider also that additional analysis would be required in order to be satisfied that the development would not negatively impact on the residential amenities of Kenilworth Lodge, to the immediate north of the site in terms of the impact on sunlight and daylight received by that property.
- 12.3. Having regard to the foregoing, I recommend that section 9(4)(d) of the Act of 2016 be applied and that permission be refused for the proposed development for the reasons and considerations set out below.

13.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th Day of July 2020 by AAI Kenilworth Limited, care of Tom Phillips & Associates, 80 Harcourt Street, Dublin 2.

Proposed Development:

- The demolition of all one storey, with part mezzanine, buildings (1,164 sq m) and certain boundary walls;
- The construction of a part-two, part-five storey building, with setback Fourth Floor Level, all over partial Basement Level, build-to-rent shared living residential development (total gross floor area of c. 6,687 sq m); (comprising 201 No. bedspaces (147 No. single occupancy bedrooms including 5 No. accessible bedrooms, and 27 No. double occupancy bedrooms).

- The development will also consist of:
 - Shared kitchen/living/dining areas at each floor level to serve residents of each floor; communal residential amenities including lounges, tv areas, hot desks, gym, activity area, function room, ancillary café, reception, laundry room; plant, waste management areas, circulation space; ESB substation and switch room;
 - 210 No. cycle parking spaces (187 No. resident and 5 No. staff spaces at Basement Level; and 18 No. visitor spaces at surface level);
 - Communal amenity open spaces at Ground Level (366 sq m);
 - 2 No. car club parking spaces accessed from Harold's Cross Road; alterations to the layout of Laundry Lane including the provision of a pedestrian footpath, vehicular layby, and recessed service and emergency vehicle access at the rear of the site (northwest);
 - Sustainable Urban Drainage systems (including green roof, rainwater harvesting and attenuation tanks); roof plant, including PV panels;
 - associated hard and soft landscaping; and all other associated site excavation, infrastructural and site development works above and below ground including changes in level, boundary treatments and associated site servicing (foul and surface water drainage and water supply). Access to the scheme will be via Harold's Cross Road and Laundry Lane.

at No. 348 Harold's Cross Road, Dublin 6W, D6W VW99, (formerly known as 'Kenilworth Motors')

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provision

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the location of the site and the surrounding pattern of development, and the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018, and particularly paragraphs 5.18, 5.19 and 5.22 of these Guidelines, the Board is not satisfied that the proposed shared living development is justified in terms of meeting an identified urban housing need at this particular location and the requirement to cater for particular employee accommodation needs. In this regard, and having regard to the land use zoning objective of the site to protect, provide and improve residential amenities, it is considered that the proposed development would compromise the overall objective to provide quality urban apartment development as a viable long-term housing option. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is considered that the format proposed for the shared accommodation development, with significant numbers of individual units sharing a single common living/kitchen area on each floor, and with a notable shortfall in the provision of sufficient communal facilities, and the location of such shared spaces would fail to provide an acceptable living environment for future residents of the development, contrary to 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, and particularly Special Planning Policy Requirement 9. The proposed shared accommodation development would, therefore, be contrary to these Ministerial Guidelines and would seriously injure the residential amenities of future occupants/residents, and accordingly would be contrary to the proper planning and sustainable development of the area.

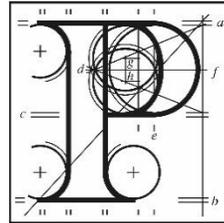
3. It is policy of the Dublin City Development Plan 2016-2022 to promote residential development at sustainable urban densities, having regard to the need for high standards of urban design and architecture and to successfully integrate with and respect the character of the surrounding area. Such policies are considered to be reasonable. The proposed development, by reason of the mass and scale of the proposed building and its positioning on the site forward of the adjacent buildings, would constitute an obtrusive feature in views along Harold's Cross Road and would fail to integrate with the surrounding streetscape and the surrounding pattern of development. The proposed development would therefore not be in accordance the above policies of the development in this regard and would be contrary to the proper planning and sustainable development of the area.

Conor McGrath

Senior Planning Inspector

15/10/2020

Appendix A: EIA Screening



**An
Bord
Pleanála**

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-307608-20
Development Summary		201 no. bedspace Build to Rent Shared Living Units and associated site works. 348 Harold's Cross Road, Dublin 6W. (www.kenilworthhallshd.com)
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application

<p>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>No</p>	
<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>SEA undertaken in respect of the Dublin City Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan.</p>

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the demolition of existing structures and construction of a development of 174 no. shared living units and associated facilities. Residential use is in character with the zoning of the site and the surrounding pattern of land use Existing structures on the site are out of character with the surrounding area and the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding city area.	No

<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No significant operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Implementation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters.</p> <p>Basement excavation will involve the removal for treatment and disposal off-site residual historic contaminated material. Site investigations indicate that this relates to only limited amounts of historic material. Existing sub-soil permeability mitigates risk of pollutants reaching ground waters.</p> <p>The operational development will connect to mains services. No significant emissions during operation are anticipated.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p> <p>No significant emissions during operation are anticipated.</p>	<p>No</p>

<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>Basement excavation will involve the removal for treatment and disposal off-site residual historic contaminated material. Site investigations indicate that this relates to only small amounts of material.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the inner urban location of the site and surrounding pattern of land uses.</p>	<p>No</p>

<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development, comprising renewal of a site and is not part of a wider large scale change. There are no permitted / proposed development on immediately adjoining lands. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>	<p>There are no conservation sites located in the vicinity of the site and there are no direct connections between the site and downstream conservation sites.</p> <p>The closest sites are approx. 4.6km from the site at South Dublin Bay SAC.</p> <p>This brownfield site does not host any species of conservation interest and the site does not contain any features of archaeological or architectural interest identified for protection in the development plan.</p>	<p>No</p>

<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no features in the vicinity of the site likely to be affected by the proposed development. The closest protected structures are located approx. 75m south of the site. The development does not impact on any view identified for protection.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this urban location.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>The site is not traversed by any watercourses or drains and there are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	<p>No</p>

<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>Site investigations identified no risks in this regard.</p> <p>Construction methodologies in respect of the proposed basement can adequately mitigate any risks arising in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (eg. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents. No car parking is proposed on the site and no significant contribution to such congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There are no such adjoining landuses. The development would not be likely to generate additional demands on educational facilities in the area.</p>	<p>No</p>

<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No transboundary considerations arise</p>	<p>No</p>

3.3 Are there any other relevant considerations?	No		No
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C. CONCLUSION

No real likelihood of significant effects on the environment.	✓	EIAR Not Required	
Real likelihood of significant effects on the environment.		Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to protect, provide and improve residential amenities in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the plan,
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Basement Impact Assessment, Construction and Demolition Management Plan and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ **Conor McGrath** _____

Date: _____ **14/10/2020** _____