

An
Bord
Pleanála

Inspector's Report PL.29N.248638

Development	Demolish Leech Paper Factory and construct scheme of 48 no. one bedroom and 12 no. 2 bedroom apartments over 6 storeys of commercial facility area.
Location	Leech paper Ltd., 1A-1C Shamrock Place, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2467/17
Applicant(s)	Remcoll Capital Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Remcoll Capital Ltd.
Observer(s)	Tracy Grouse
Date of Site Inspection	18 August 2017
Inspector	Joanna Kelly

1.0 Site Location and Description

- 1.1. The appeal site is located off North Strand Road behind James Larkin House (four storey apartment block). The site bounds Guilford Place to the east, Shamrock Cottages to the south and Iarnród Eireann lands to the north. The Royal Canal is approximately 40m north of the appeal site. The stated site area is 1691sq.m. and the site is an irregular rectangular shape.
- 1.2. There is an existing commercial use on the site. The existing large industrial like structures 'Leech Papers' are proposed for demolition as part of this application. The existing use, as witnessed at time of inspection, involves the movement of large articulated lorries which require some manoeuvring to access the site.
- 1.3. Shamrock cottages, two-storey terraced brick houses, a designated residential conservation area, are located to the south of the appeal site. These dwellings have small rear gardens and there is no parking within the curtilages of these dwellings. Parking is on-street, notwithstanding the narrow lane. Parking generally in the immediate area is very restricted mainly due to the narrow laneways and extent of double yellow lines to ensure appropriate access is maintained.
- 1.4. The immediate area is characterised by apartment blocks of similar scale and mass to that proposed and low rise traditional urban housing with some dispersed commercial uses.
- 1.5. The appeal site, whilst located at a lower level than North Strand Road is a highly visible site on approach from North Strand Road travelling towards Amiens Street. The site is also visible from Ossary Road on the opposite side of the Royal Canal. The rail line is a dominant feature on the skyline at this location.

2.0 Proposed Development

- 2.1. The applicant is seeking permission to demolish existing 'Leech Papers' factory and site clearance and construction of "build-to-let" scheme of 48 no. one bedroom and 12 no. two bedroom apartments with private balconies over 6 stories with 320sq.m. of communal facility (bulk storage area, meeting rooms, laundry room, &

management suites) located on ground floor with basement parking provision underneath for 26 cars and 40 bicycles. The development also include internal landscaped courtyard with communal bin storage, EBS sub-station, new boundary walls throughout and associated site development works.

2.2. The stated floor area of the proposed development is 4,455sq.m. it is proposed to demolish 1095sq.m. of existing floor space.

2.3. For ease of reference by the Board, the following Table outlines the unit types, uses proposed:

Table 1: Total Number of Unit Types and Uses

Residential Use	No. of Units
1 bed units	48
2 bed units	12
Total	60
Communal Floor area located at ground floor	Total Floor space
Meeting rooms, laundry room, management suites	320sq.m.

Table 2: Unit Type per Floor

Floor	Unit type	Number
Ground	1 bed unit	3
	2 bed unit	2
1st- 5th (each floor contains 11. No units)	1 bed unit	9
	2 bed unit	2
Total		60

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for four reasons summarised as follows:

1. The proposal...does not provide the **appropriate unit mix** and does not satisfy the Specific Planning Policy Requirement as set out in Circular PL11/2016; the relevant section 2.8(a) of the Sustainable Urban Housing **Design standards** for new apartments, Guidelines 2015 and **does not comply with section 16.10.1. of the Dublin City Development Plan.**

2. The proposed development would provide apartment units which are **substandard with regard to minimum floor areas** by reason of only 23 of the 60 units exceeding the minimum floor area by 10%...the proposed development...does not comply with section 16.10.1 of the Dublin City Development Plan 2016-2022.

3. Having regard to **the design and form** of the proposed development, visual prominence and impact on the streetscape, ...the proposal would be **visually incongruous** and would **have a negative impact** on the character of the adjoining properties, the streetscape and visual amenities of the area.

4. Having regard to the close proximity of the proposed development to Shamrock Cottages directly abutting the site which is a dedicated Residential Conservation Area, it is considered that the proposed development would **fail to avoid an abrupt transition in scale** by reason of the **overall height and scale** and would have a **significant overbearing impact** on the residential amenities....

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Site is zoned Z1 “to protect, provide and improve residential amenities”.
- Report notes a number of third party submissions received which raised concerns about, *inter alia*, unit mix, management and maintenance of scheme, traffic, plot ratio, storage, overshadowing, overlooking, height, asbestos, flooding.
- The proposal would result in a total of 80% of units within the scheme being one bed and would not be in compliance with the standard as set out in the development plan.
- In order to comply with the standards a total of 31 units or more would need to have floor areas greater than the required minimum.
- The storage provision is considered acceptable and in compliance with standards.
- All units are dual aspect and provide in excess of the minimum area required for private amenity space.
- No public open space has been provided. Section 16.10.3 requires 10% of site area to be reserved as public open space.
- The Planning Authority has serious concerns regarding the overall massing and scale of the building and its relationship to the existing context and its highly visible location on approach from North Strand and from the wider context to the east from Docklands having regard to the open nature of the Irish Rail lands.
- The proposed design of the structure results in a relentless and monolithic structure with little variation of its extensive external frontages which would be highly visible given the overall height of the building.

- Concerns are raised about the design approach chosen and the relationship to the existing context in particular to the residential enclave of Shamrock cottages to the south which is a residential conservation area.
- It is set out that the proposal would not give rise to undue levels of overlooking or overshadowing.
- The proposed six storey structure would be detrimental to the residential amenities of the 'Z2' zoned conservation area by reason of visual intrusion and being visually overbearing.
- Bicycle spaces should be increased to 60 to comply with development plan standards.
- The Planner recommended a refusal for four no. reasons.

3.2.2. Other Technical Reports

Waste Management Division

Conditions are attached regarding waste management requirements in respect of the scheme.

Drainage Division

Further information is recommended. Due to the lack of adequate proposals for storm water management it is not possible to state that satisfactory drainage can be provided for this development. This structure must be protected from flooding to 4m OD Malin.

Archaeologist's report

The development is outside the Zone of Archaeological Constraint for the recorded monument DU018-020 however the development is large in scale. A condition requiring archaeological assessment should be attached in the event of a grant of permission.

Roads, Streets and Traffic Department

No objection subject to conditions

Irish Water

No objection

3.3. Prescribed Bodies

Iarnród Éireann

This submission sets out that no permission is given to enter onto railway property or remove existing boundary treatments. As the structure is located within 4.5m of the railway, the adjacent building along the railway boundary must be designed for collision with a train weighing 1100 tonnes. It is set out that they don't believe that the buildings can be built without endangering the adjacent railway lines.

Transport Infrastructure Ireland

The proposed development falls within the area set out in the Luas Red Line Docklands Extension section 49 Levy Scheme.

3.4. Third Party Observations

A number of third party submissions were received by the Planning Authority and raised issues including, *inter alia*, height, scale and mass, overlooking and overshadowing, public services and drainage, noise, flooding, design, traffic, tenure mix, excessive plot ratio.

4.0 Planning History

None noted.

5.0 Policy Context

5.1 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (Cities, Towns & Villages) 2009

These guidelines should be read in conjunction with the Department's planning guidelines on design standards for new apartments, published in 2007. The objective of these guidelines is to promote high quality developments. These guidelines have a companion design manual showing how design principles can be applied in the

design and layout of new residential developments at a variety of scales of development and in various settings. The design manual sets out a series of 12 criteria which encapsulate the range of design considerations for residential development.

5.2 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2015

These guidelines seek to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types and sizes – including households with a child or children, students, older people and an increasingly mobile workforce and secondly to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

These guidelines specify planning policy requirements for:

- Internal space standards for different types of apartments, including studio apartments;
- Dual aspect ratios;
- Floor to ceiling height;
- Apartments to stair/lift core ratios;
- Storage spaces;
- Amenity spaces including balconies/patios;
- Room dimensions for certain rooms.

The focus of this guidance is on the apartment building itself and on the individual units within it.

5.3 Design Manual for Urban Roads and Streets

This manual seeks to achieve better street design in urban areas by facilitating the implementation of policy on sustainable living by achieving a better balance between all modes of transport and road users. The Guidelines set out that street networks should be designed to maximise connectivity between destinations to promote higher levels of permeability and legibility for all users, in particular more sustainable forms of transport.

5.4 The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009

Flood risk assessments require identification and assessment of all three components:

- The probability and magnitude of the source(s) (e.g. high river levels, sea levels and wave heights);
- The performance and response of pathways and barriers to pathways such as floodplain areas and flood defence systems; and
- The consequences to receptors such as people, properties and the environment.

The ultimate aim of a flood risk assessment is to combine these components and map or describe the risks on a spatial scale, so that the consequences can then be analysed. FRAs need to consider the situation both as it is now and also how it might change in the future.

Circular PL 11/2016

This Circular was issued to provide policy clarity around the role that the Government believes emerging Build-to-Let/Rent projects must play in implementing

Rebuilding Ireland: the Action Plan for Housing and Homelessness (and particularly as set out under Pillar 4 of that Action Plan on page 72) and to facilitate such projects coming forward from housing providers for consideration by planning authorities, including An Bord Pleanála.

Taking account of the specific role that build-to-rent projects can play in addressing critical shortages of rental accommodation in areas of higher demand, the Minister specifically requests that planning authorities and An Bord Pleanála **prioritise all necessary actions to deliver build-to-rent housing.**

A build-to-rent project consistent with relevant statutory development plan policies should therefore be able to secure planning permission (**subject to the general requirements of the relevant development plan in terms of other qualitative housing objectives and development plan standards, any applicable Ministerial Guidelines (my emphasis)** and by reference to the achievement of proper planning and sustainable development) on suitably zoned housing and/or mixed use lands, at any location.

5.5 Dublin City Development Plan 2016-2022

Chapter 2 of the plan deals with vision and core strategy. Section 2.2.8 deals specifically with delivering the core strategy. The plan identifies a need for 29,500 housing units to meet population growth envisaged in the Regional Planning Guidelines.

Chapter 5 deals with quality housing. Relevant policies include:

QH1: To have regard to the DECLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007); ‘Delivering Homes Sustaining Communities – Statement on Housing Policy (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009).

QH4: To support proposals from the Housing Authority and other approved housing bodies and voluntary housing bodies in appropriate locations subject to the provisions of the development plan.

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 5.5.6 of the development plan deals specifically with apartment living.

QH18: To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

QH19: To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.

QH20: To ensure that apartment developments on City Council sites are models of international best practice and deliver the highest quality energy efficient apartments with all the necessary infrastructure where a need is identified, to include community hubs, sports and recreational green open spaces and public parks and

suitable shops contributing to the creation of attractive, sustainable, mixed-use and mixed-income neighbourhoods.

Section 9.5.3 deals with flood management.

SI12: to implement and comply fully with the recommendations of the Strategic Flood Risk Assessment prepared as part of the Dublin City Development Plan.

SI13: That development of basements or any above-ground buildings for residential use below the estimated flood levels for Zone A or Zone B will not be permitted.

Chapter 10 deals with Green Infrastructure, Open Space, and recreation.

GI13: To ensure that in new residential developments, public open space is provided which is sufficient in quantity and distribution to meet the requirements of the projected population, including play facilities for children.

Volume 7 Strategic Flood Risk Assessment also provides policies and objectives in respect of flooding.

5.2 **Natural Heritage Designations**

There are no natural heritage designations within the site.

The Royal Canal is located approx. 40m south of the site. This is a proposed Natural Heritage Area.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The development proposal has been designed following consultation with an approved voluntary housing body, who are the proposed end user of this

“build-to-rent” development. Circular PL11/2016 is therefore applicable which provides that planning authorities and An Bord Pleanála prioritise all necessary actions to deliver build-to-rent housing.

- Remcoll Capital Ltd. has been commissioned by Respond Housing Association to construct this development for them based on ascertained housing needs of families in the local area.
- The development has been designed following the Sustainable Urban Housing: Design Standards for Apartments (2015) and the Dublin City development plan. The only area where variation occurs is in the number of one bed units. The Housing Association advised the applicant of the significant demand in Dublin City for one-bedroom social housing units and this request was incorporated into the design brief.
- The issues raised by Iarnród Éireann were all raised in the planning agents report which formed part of the application, as items that would have to be addressed as “pre-commencement measures”. However, noting that compliance could involve changes to the design, the applicant sought to address them before a decision would issue.
- The appeal should be read in conjunction with the planning and design statement prepared by the planning agent which outlines in detail how the proposal complies with policies of the development plan and section 28 Guidelines.
- The preliminary construction management plan prepared and lodged with the application is also relevant as it outlines general pre-commencement measures and site management.
- The proposed development aims to provide a viable alternative to home ownership and as part of the solution to the housing supply shortage and spiralling rent costs.
- In response to reason no. 1 for refusal, reference is made to Circular PL11/2016 which guides local authorities not to be over specific with regard to breakdown of unit types. The provisions of the Guidelines take precedence over the development plan.

- It is a planning policy that mix ranges that generally apply to housing should not apply to purpose built and managed student housing or to certain social housing schemes, such as sheltered housing or to managed “built-to-let” housing for mobile workers.
- The Sustainable Urban Housing: Design Guidelines for new apartments recommends that in managed, “build-to-let” schemes a higher proportion of studio or one bedroom apartments (subject to a maximum of 50% studio type units) can be acceptable. There are no studio units proposed in this development.
- Respond are currently in discussion with Dublin City Council Housing Section for the construction of 360 units on their behalf of which these proposed 60 units are part of.
- In response to reason no. 2 the planner has treated this part of the planning application as if it was for 100 plus units instead of 60. Section 3.3 of the Design Guidelines is very clear in what it wants and why the 10% is needed for schemes of 100 units upwards. There is provision in the Guidelines that this provision may be varied to allow flexibility whilst ensuring that all apartments in such schemes are not built to minimum standards. It is submitted that the proposed scheme, as presented meets the terms and conditions visualised by those who framed the rules, to allow for variance and flexibility as set out in section 3.7.
- There are no substandard apartments in this proposed development. Of the 60 units proposed, 5 of the one bedroom units are 45sq.m. and 10 of the two bedroom units are 73sq.m. i.e. minimum size. The remaining 45 units are all above the minimum size, with at least 23 of them having additional 10% + and some of them considerably more.
- It is set out that there are no studio apartments. 80% of the units are one bed. All apartments are dual aspect.
- Reasons no. 3 and 4 relate to the scale and massing of the proposed building which is U shaped and six floors in height with open aspect of the landscaped courtyard facing south.

- This proposed development lies to the north east of Shamrock cottages thus it will have little impact on either the daylight or sunlight currently enjoyed by these properties and so will not impact on the residential amenities enjoyed by the occupants of these cottages.
- The materials proposed for the apartment block and in particular the use of brickwork at street level and for the vertical cores, together with the banding delineating the storeys, are aimed at integrating the development into the existing streetscape.
- The height of the proposed development rises above the level of James Larkin House because the ground floor of the proposed development is set at the 1 in 200 -tidal event. A smoother transition in scale between Shamrock Cottages and the proposed apartments along Shamrock Place might well be achieved by the removal of the top floors of the western block which fronts Shamrock Place. The submission makes reference to the open land adjacent to the site probably being developed to a greater height. The existing elevated sidings and railway lines on the adjoining Iarnród Éireann lands actually run at roof level of the two storey Shamrock Cottages.
- With regard to the impact of the development when viewed from Ossory Road and Newcomen Bridge on the North Strand, the building will not be seen as an entity on the completion of the proposed high level linear/cycle path currently under construction, as this will appear more than halfway up the building.
- With regard to the Iarnród Éireann submission it is set out that the requirement for a 20m exclusion zone beyond the end of the adjacent elevated sidings would result in the necessary elimination of 2 no. units per floor on the eastern block. Iarnród Éireann has developed its infrastructure right to the boundary of its own lands, with the current railway siding running at roof level of Shamrock Cottages, within 1m of no. 19 Shamrock Cottages.
- A new 2.4m boundary wall is proposed along the boundaries with Shamrock Cottages and the Iarnród Éireann lands in the interest of protecting their amenities.

- The submissions sets out details in respect of the number of people on waiting lists in Dublin City Council.
- The applicant hopes that An Bord Pleanála grants permission so development on the site can proceed immediately.

6.2. Planning Authority Response

- The reasoning on which the Planning Authority's decision on this application was based is set out in the planning report.
- This planner's report also deals fully with all the issues raised in the grounds of appeal.

6.3. Observations

Tracy Grouse

- Objects to the proposed apartment complex.
- It does not respect the street pattern, the scale and proportion of the surrounding houses.
- The proposal would significantly alter the fabric of the area and cramming on the site.
- It would also impact on public services, drainage, water supply, road safety and represents overdevelopment for the availability of infrastructure.
- Shamrock cottages are prone to flooding.
- Concerns raised about overlooking, vents, planning, lighting and night light and reflection including noise.
- Car parking spaces is limited.

7.0 Assessment

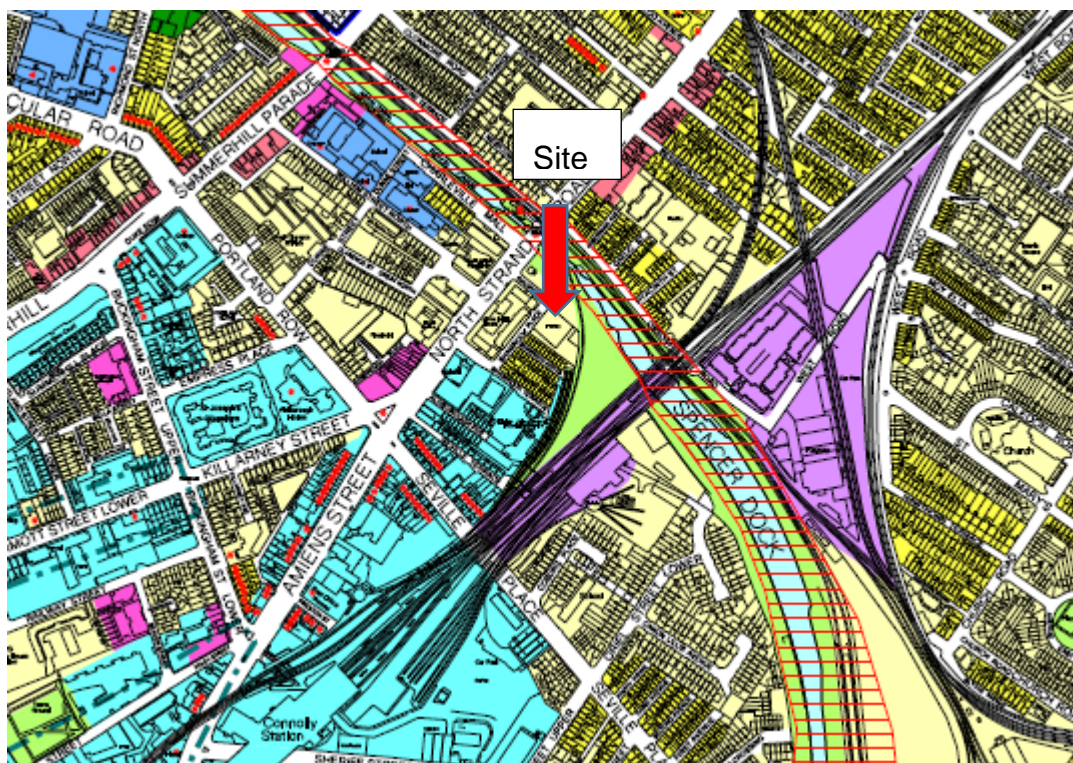
Having regard to national, regional and local policies, having inspected the site and immediate environs, and following examination and consideration of all the submissions and documentation on the file, I consider that the substantive planning issues pertaining to this *de novo* assessment can be encapsulated under the following headings:

- Zoning and principle of development
- Design and Layout
- Impact on adjoining residential amenities
- Flooding
- Impact on rail network
- Appropriate Assessment

7.1. Zoning and principle of development

There is a commercial 'paper' use on the site which is to be demolished. It would appear that the paper use i.e. shredding services is still in operation as there were lorries indicating such services entering the site during inspection. Notwithstanding the extant commercial use, the appeal site has a land use zoning objective Z1 – "to protect, provide and improve residential amenities". The principle of a residential development is therefore acceptable. The lands north and east of the site are zoned Z9 – "to preserve, provide and improve recreational amenity and open space and green networks". The lands immediately south of the appeal site are zoned 'Z2' 'to protect and/or improve the amenities of residential conservation areas'. This zoning pertains to an area which is characterised by two storey terraced brick dwellings which have particular distinct architectural character and merit.

Figure 1: Land use zoning objective for the appeal site



Source: Map E Dublin City Development Plan 2016-2022

It was evident during inspection that this is a location subject to anti-social behaviour. Therefore, the demolition and introduction of a residential development that helps prevent anti-social behaviour is to be welcomed. Any proposed development should ensure maximum surveillance of public rights of way, open spaces etc. and should protect the existing character of the residential conservation area immediately abutting the site.

7.2. Design and layout

The four reasons for refusal in respect of this development primarily pertain to issues associated with design and layout. It is proposed to examine the issue of design and layout under the following subheadings:

- Urban design
- Apartment design and mix

7.2.1 Urban Design

There are section 28 guidelines which should be considered in conjunction with the provisions of the Dublin City Development Plan with regard to the overall design and layout of the proposed scheme. The most relevant of these are 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2015' and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009'. Both of these Ministerial Guidelines advocate high quality sustainable development that are well designed and built so as to integrate with the existing or new communities. The principle of universal design is also advocated so as to ensure that the environment can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. The design manual which accompanies the Sustainable Residential Development Guidelines provide best practice design manual criteria such as context, connections, inclusivity, variety, efficiency, layout etc.

This site, in the inner city, presents an opportunity for a high quality and high density residential scheme located approx. 400m north of Connolly station. National and local planning policies promote high quality design. The site is highly visible and as such the design of any proposed development should enhance and provide a positive influence on the built environment. I do not concur with the applicant who sets out that the building should not be seen as an entity on the completion of the proposed high level linear/cycle path as it will appear more than halfway up the building. The presence of this cycle path does not negate the responsibility for delivering high quality design solutions.

The proposed apartment block was refused permission on the basis that it would be visually prominent and would be visually incongruous and would have a negative impact on the character of the adjoining properties, streetscape and visual amenities of the area. It is also set out in reason no. four that the proposal would result in an abrupt transition in scale by reason of its overall height and scale.

The proposed overall height of the apartment block is approx. 20m The north-eastern elevation (fronting onto the railway lands/Ossary Road) is the longest at

approx. 57m. The planner describes the design as “relentless and monolithic”. Having regard to the mass and scale of proposed structure on the site in question, I agree that the development would appear visually dominant. The uniformity in terms of design and overall height gives rise to a monotonous and repetitive design that does little to enhance the visual amenities of the area. The ground floor treatment is poor and does little to enhance or create a sense of streetscape at this location.

The Urban Design Manual, the companion document to the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ identifies 12 criteria that encapsulates the range of design considerations for residential development. The first criterion is “context”. The planning documentation submitted with the application indicates that the design brief was to make a positive contribution to the character and identity of the area. Notwithstanding a brief outline of how the scheme evolved, no description has been provided by the applicant as to the existing character and identity of the area and how this proposed design responds to the site’s context. I accept that there are similar type residential apartment blocks in the area, however they are considered to be representative of their time. Any proposed new developments should strive to make a positive contribution to the neighbourhood, creating a sense of place. In particular, the proximity of Shamrock Cottages, a residential conservation area with particular architectural merit should inform and influence the design solution. The proposed scale, mass, bulk and design approach is such that would have a detrimental impact on the character and setting of this residential enclave.

7.2.2 Apartment Design and Mix

As indicated in Table 2 the applicant is seeking to construct an apartment block consisting of 48 no. 1 bed units and 12 no. 2 bed units. Reason no. 1 for refusal cites that the proposal does not contain an appropriate mix of units and does not satisfy the specific planning policy requirement as set out in Circular PL 11/2016. I am unsure as to specifically what part of this Circular the applicant is not complying with. This Circular pertains to ‘Build-to-Rent’ schemes and sets out how they should be dealt with. Build-to-Rent schemes are a different model type of delivering housing units and generally there is no significant difference in planning assessment terms of

how such schemes are to be dealt with. There is specific reference to provisions of studios however the applicant is not providing any studios in this development. The Circular advocates that these schemes should comply with normal qualitative standards provided for in other Section 28 Guidelines for residential developments, a point which appears to be somewhat overlooked in the grounds of appeal. There are some quantitative variations in rooms sizes etc. pertaining to shared living arrangements etc. however these are not of relevance to this application. In conclusion, I do not consider that the proposal before the Board is such that is at variance with the policy requirements of this Circular other than complying with normal qualitative standards provided in other relevant section 28 guidelines which are to be addressed in more detail hereunder.

With regard to the mix of units, I accept that there is a significant proportion of 1 bed units to 2 beds (ratio 4:1). However, this build-to-rent scheme, as set out in the grounds of appeal is to provide units on behalf of a housing agency who have identified the need for this mix of unit type in the general area. Whilst it would be better to have some three bed units, providing a greater range of unit types, I consider that it is appropriate to relax the requirement for greater unit mix where a housing agency is involved on the basis that they generally seek to acquire units which are in short supply to meet demand. I, therefore, consider that the unit mix is appropriate in this instance.

The proposed density is 355 units per hectare which the applicant states is similar to the Docklands at 247 uph, Charlotte Quay at 388uph and Herbert Park Lane at 245 uph. The plot ratio is 2.6. The indicative plot ratio for inner city sites is 0.5-2.0 for sites zoned Z1 in the Inner City. The site coverage is calculated by the applicant at 57%. The plot ratio exceeds the development plan standards. Whilst this in itself may not be problematic, I consider that such exceedances should be considered in the round.

In this instance, the provision of public/communal open space is considered poor both in terms of quantitative and qualitative terms. Whilst a relaxation of public open space could be considered on city centres site there should be a commensurate qualitative trade-off in the residential amenity afforded by the individual units themselves, which is not the case.

I consider that the apartments are generally of poor design with regard to functionality. Notwithstanding that the apartments meet the minimum floorspaces prescribed, the internal layout, size and configurations do not lend to high quality functional internal space. The kitchen/main living areas whilst compact are considered awkward in configuration and it is difficult to see how residents could locate furniture in a way that lends itself to functional and optimal use of the overall floorspace. Maximisation of daylight to some bedrooms has not been achieved due to the configuration of bedrooms vis-à-vis the window location. Storage space within the units is generally considered poor. Whilst minimum standards have been met in most (but not all units, a point the applicant accepts), the awkward configuration of living areas exacerbates this issue. The applicant has set out that there is adequate storage space (communal) at ground floor level to offset the shortage of storage space in some of the ground floor apartments. This is considered inappropriate. Adequate storage space must be provided within the units themselves.

Overall, I consider the units would offer poor residential amenity to future residents. This is a new build presenting a huge opportunity to ensure that proposed residential development is of the highest standard. Whilst significant increases over and beyond minimum floor areas maybe unrealistic for a requirement for development for developments undertaken housing agencies, at a minimum a reasonable level of residential amenity needs to be provided for future residents, ensuring the sustainability of the development in the longer term.

7.3. Impact on adjoining residential amenities

Shamrock Cottages, a residential conservation area, are located immediately south of the appeal site. These cottages are terraced two storey brick cottages with minimum rear amenity spaces constructed up to the rail-line. The proposed development, 6 stories would be located directly north of these cottages. The nearest point that the proposed structure would be to the party boundary is 6.5m. The apartment units overlooking the small courtyard are 19m approx. from the party boundary. The Planning Authority considered that the proposed height and scale of the development would have an overbearing impact on Shamrock Cottages, and it is difficult to disagree. The cottages have a distinctive character and more notably they

have very small rear amenity spaces and as such I consider that the proposal will have a significant negative impact on the character and setting of these cottages. I consider that a 6-storey structure in such close proximity to these cottages particularly of the mass and scale proposed is inappropriate giving rise to an oppressive and cramped setting immediately adjacent to this residential conservation area.

7.4. Flooding

The observer has raised concerns about flooding. It is noted that there is a history of flooding on the lands to the north of the site immediately adjacent to the Canal which resulted in flooding to Shamrock Cottages, a point raised by the Observer. The Drainage Division of Dublin City Council set out that due to the lack of adequate proposals for storm water management it was not possible to state that satisfactory drainage can be provided for the development. It is also set out that the structure must be protected from flooding to 4m OD Malin head.

The City Development Plan, specifically objective SI13 sets out that “development of basements or any above-ground buildings for residential use below the estimated flood levels for Zone A or Zone B will not be permitted.”

A site specific flood risk assessment report was submitted and identifies the site being within flood zones A and B. The proposal for a residential development is a highly vulnerable development requiring a justification test as identified in the national Flood Guidelines for Planning Authorities. No such test is contained within the flood risk assessment that was submitted.

The site is located within the tidal flood zone and is defended in the 1 in 200year event due to restoration works at Spencer Dock. The proposed FFL is 3.11mOD which is below the 4m recommended in the Drainage Division report. A barrier system to prevent access to the basement car park is proposed during times of flooding. Documentation on file suggests that the proposal would not give rise to an increased risk of flooding on the site and to Shamrock Cottages in particular to the south. It is noted that the report also sets out that in event that defences are breached it will not be possible to evacuate residents from the property. In the absence of conclusive evidence that the site itself does not pose a risk to future

occupants or an increased risk to Shamrock Cottages, the proposal is considered to be prejudicial to public health and safety.

7.5. Impact on rail network

Iarnród Éireann (IE) has made a submission in respect of the application which states that the proposed structure must be designed having regard to the proximity of the structure to the railway. The details on file do not indicate whether the proposed structure is such that will be designed for collision with a train weighing 1100 tonnes. In the grounds of appeal, the applicant has responded to these concerns, by setting out that in order to comply with Iarnród Éireann's concerns units would have to be lost. I consider that the proximity of the rail-line is an issue and any proposed development on this site would be required to address the concerns of IE in a reasonable manner. Having regard to the substantive issue pertaining to the proposal, it is not considered appropriate to refuse on these grounds. However, any future application should clearly set out how the design has or will address the concerns of Iarnród Éireann.

7.6. Appropriate assessment

- 7.6.1. A screening report for appropriate assessment was submitted with the application. A brief description of the project is set out. It is noted that the report indicates that a site inspection was not carried out due to the site being built upon and that it is not within or adjacent to any Natura 2000 site. The report concludes that it has been found that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to any Natura 2000 area.
- 7.6.2. Having regard to nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives.

8.0 Recommendation

- 8.1. I recommend that permission for the proposed development is **refused** for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site is zoned 'residential' where it is the policy of the Planning Authority as expressed in the current Dublin City Development Plan 2016 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 the character of the surrounding area. This policy is considered reasonable. Having regard to the prominent city centre location of the site that forms part of the visual setting for the city on approach from North Strand Road towards Amiens Street, it is considered that the proposed development represents a poor design solution that fails to have regard to in particular to the proximity of Shamrock Cottages, a residential conservation area, immediately south of the site. The proposed development also fails to provide high quality residential development in accordance with section 28 Guidelines and most notably Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), 2009. The architectural expression of the proposed apartment block by reason of excessive mass, scale, design, and use of materials would be of poor architectural quality on this prominent site and would detract from the visual amenities of the area. The proposed units would offer poor residential amenity for future occupants by reason of compact awkward internal configurations. The proposed development would, therefore, conflict with the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site in an area which is prone to flooding and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

Joanna Kelly
Senior Planning Inspector

11 September 2017