



An  
Bord  
Pleanála

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

## Inspector's Report ABP-303436-19

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<b>Strategic Housing Development</b>	253 no. student bedspaces and 37 no Build to Rent apartments and associated site works.
<b>Location</b>	Site bounded by Mill Street, Sweeney's Terrace and Clarence Mangan Road, Dublin 8.
<b>Planning Authority</b>	Dublin City Council
<b>Applicant</b>	Creedon Group Ltd. and GSA Developments (Ireland) Ltd.
<b>Prescribed Bodies</b>	Dept. of Culture, Heritage and the Gaeltacht Irish Water Inland Fisheries Ireland

**Observers**

33 no. Observers, see Appendix I

**Date of Site Inspection**

28<sup>th</sup> March 2019

**Inspector**

Sarah Moran

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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 site is located at the junction of Mill Street and Sweeney's Terrace in The Liberties, Dublin 8. The area is centred on Newmarket Square, a wide street that runs on an east / west axis. Mill Street parallels this street to the south. The area is traditionally industrial in character to the north and east, low rise residential to the west and institutional to the south. It is currently undergoing transformation with the modern widening and extension of Cork Street and the rolling implementation of regeneration plans with the redevelopment of several large sites. There are recent student accommodation facilities including nearby on Blackpitts Street, on Mill street to the immediate east of the development site and at the 'Aloft' Hotel further along Mill Street. Other uses in the area include a distillery, retail fruit and vegetable market, tourism, warehousing / light industrial, community facilities and residential. Surrounding streets are predominantly residential in character with older 2 storey semi-detached and terraced houses and newer 3 / 4 storey apartment buildings. Examples of higher mixed use buildings occur at the junction between Cork Street and on Ardee Street to the north west of the site. The site is located in the Zone of Archaeological Potential for Dublin City (DU018-020).
- 2.2. The site has a stated area of 0.4134 ha. It has an irregular shape and comprises brownfield / yard areas. The River Poddle runs in an east / west direction at the southern end of the site and enters a culvert at the eastern site boundary. A topographical survey of the site shows a slight slope across the site from north to south, with a relatively flat courtyard area to the north which slopes upwards towards the River Poddle. There are several existing mature trees in this part of the site. The red line site boundary includes an historic archway that adjoins the protected structure No. 10 Mill Street. The immediate surroundings are as follows:

- No. 10 Mill Street, a protected structure, to the immediate east. There is a former Mission Hall further to the east of No. 10 Mill Street. These have recently been renovated and converted into office use, overlooking the development site.
- Recently constructed student accommodation, 'New Mill', to the east of No. 10 Mill Street and the former Mission Hall. The permitted accommodation is 4-7 storeys in height and fronts onto an internal courtyard, which has access to an open area to the rear of No. 10 Mill Street. The 'Aloft' hotel further along Mill Street has a façade of 8 storeys to the street.
- Teeling Distillery immediately opposite on Mill Street. Also an area currently under construction, see planning history below.
- An area of traditional 2 storey housing to the west at Sweeney's Terrace and Clarence Mangan Road. The western site boundary has a frontage to Sweeney's Terrace and abuts a terrace of 3 no. 2 storey houses with rear gardens. There is another detached 2 storey house to the rear of one of these properties, which is stated to be unoccupied. The 'blue line' site boundary indicates that the applicant controls the area where this house is located. The site plan also indicates a wayleave to the immediate south of these houses, which currently accesses the detached 2 storey house.
- The remainder of the western boundary is shared with warehousing / light industrial units and associated yards.
- Warrenmount Convent and Presentation Secondary School with associated grounds to the immediate south of the development site.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development, to be known as 'Sweeney's Corner', comprises:

<b>Student Accommodation</b>	
Studio units	54
3 bed	2
4 bed	12
6 bed	2
8 bed	14
<b>Total No. of Student Units (bedspaces)</b>	<b>57 (235 bedspaces)</b>
<b>Build to Rent (BTR)</b>	
Studio units	8
1 bed	24
2 bed	5
<b>Total No. of BTR Units</b>	<b>37 units</b>

The student accommodation units are provided in a series of 4 no. connected blocks (Blocks A, B, C, D) ranging in height from 3-7 storeys. The BTR units are provided in a separate, adjoining 3 – 7 storey block fronting onto Sweeney’s Terrace.

3.2. The development also includes:

- Ancillary student accommodation uses including reception / management suite, internal social and recreational spaces.
- Amenity facilities and landscaped roof garden in the BTR block, to serve those units only.
- 1 no. ground floor commercial / retail unit (351.5 sq.m.) fronting onto Mill Street.
- 1 no. café (49.5 sq.m.) at the eastern boundary addressing the urban space to the rear of No. 10 Mill Street.
- Public access to the scheme through the existing arch adjoining No. 10 Mill Street. Emergency access via the existing right-of-way from Sweeney’s Terrace at the western side of the site, to also serve the 2 storey house to the rear of Sweeney’s Terrace.

- New central amenity courtyard for residents, accessed via an east / west street to the side of No. 10 Mill Street. Also new landscaped area adjacent to the River Poddle including remedial works to existing retaining walls on either side of the river and recladding of the existing flood defence wall.
- No car parking provision. Total of 166 no. cycle parking spaces including 146 no. long stay (sheltered) spaces and 20 no. visitor spaces. Formalisation of car parking spaces at Sweeney's Terrace and a set down area on Mill Street.
- Demolition of a decommissioned ESB substation on site.
- Connection to public water supply. Surface water drainage, connection to foul sewer.
- Part V proposal comprising transfer of 3 no. ground floor BTR units.

## 4.0 Planning History

4.1. There is extensive planning history associated with the landholding and adjoining lands to the east incorporating No. 10 Mill Street and the former Mission Hall.

### 4.2. **Reg. Ref. 3389/05 PL29S.217613 Development Site and Adjoining Lands to East**

4.2.1. Permission granted for a mixed use residential, retail and commercial development including 211 no. residential units, 16 no. live work units, 10 no. retail / commercial units and a crèche in 5 blocks and 2 terraces ranging in height between 1 - 7 storeys over basement + 2 eight storey feature towers. Also works to No. 10 Mill Street protected structure, then proposed for conversion and use as part of a micro-brewery and restaurant / café / bar.

### 4.3. **Reg. Ref. 4313/09 PL29S.23675 Northern Part of Development Site**

4.3.1. Permission granted to Creedon Property Services for a nursing home (124 bedrooms / 149 bedspaces) in 4 – 7 storey building with ground floor 4 retail units and 2 own door commercial units, surface car park with 80 spaces and ancillary development.

#### 4.4. **PL29S.244805 Reg. Ref. 3475/14 Mill St. Student Accommodation**

- 4.4.1. Relating to the student accommodation on Mill Street to the immediate east of the development site on a 1.0403 ha site including No. 10 Mill Street protected structure and the former Mission Hall. The red line site boundary included the development site.
- 4.4.2. Permission granted in 2015 to Creedon Development Ltd and GSA UK Ltd., i.e. the above named applicants, for the demolition of all existing structures on site, with the exception of No. 10 Mill Street and the adjoining former Mission Hall and sections of historic walls at the southern site boundary and the construction of a mixed use student accommodation, office, retail and restaurant / event space development totalling 18,796 sq.m GFA and including the restoration of No. 10 Mill Street and the former Mission Hall. The development comprised a total of 96 no. student accommodation units (406 bedspaces) together with ancillary student accommodation facilities including social space, gym, laundry facilities, management office (15,093 sq.m.) and a single-storey pavilion building for student and community uses. Also 4 no. retail / commercial units; new office space (2,137 sq.m.); the restoration, adaptation and reuse of number 10 Mill Street as a restaurant / café / multi-purpose event space and the restoration of the former Mission Hall for office use. The development is arranged in 5 blocks (A, B, C, D, E) ranging in height from 4 - 7 storeys with setbacks at various levels and a basement plant area under Block C. Blocks A, B, C and E are grouped around an internal courtyard to the west of the development site. Also Block D, a standalone 4 storey block in the southern part of the development site. The northern part of the development site is indicated as 'previously approved permission ref. 4313/09', as above. Condition no. 2(a) of the ABP permission omitted the 4<sup>th</sup> floor of Block C in its entirety.

#### 4.5. **Amendments to Permitted Student Accommodation PL29S.244805**

##### 4.5.1. Reg. Ref. No. 2440/16

Permission granted for amendments to PL29S.244805 resulting in an increase in the total no. of permitted student accommodation units to 112 (406 bedspaces) together with associated modifications to ancillary student accommodation facilities and ground floor retail / commercial units. No changes were made to maximum height of Blocks A, B, C and E. The principal modifications involved the insertion of a



mezzanine level between ground and 1<sup>st</sup> floor level of Block C and part of Blocks B and E, modifications to all elevations and reconfiguration of entrance to retail / commercial units of the northern elevation of Block A onto Mill Street.

4.5.2. Reg. Ref. 3518/16 Former Mission Hall

Permission granted for an amendment to the Mission Hall including minor alterations to the façade and internal alterations and a change of use:

- (a) Block A ground floor retail unit to commercial offices, with proposed additional accommodation at new mezzanine level of 340sq.m. and the rear of the ground floor of Block A (20sq.m) and
- (b) Block B retail unit to restaurant with proposed additional accommodation at mezzanine floor level of 88 sq.m.

4.5.3. Reg. Ref. 2772/17 No. 10 Mill Street

Permission to grant a change of use from restaurant / café and multi-purpose use as granted under PL29S.244805 to offices on basement, ground and 1<sup>st</sup> floors at No. 10 Mill Street.

4.5.4. Reg. Ref. 3816/17

4.5.5. Permission granted for the use of the permitted student accommodation for tourist or visitor accommodation outside of academic term time only.

4.5.6. Reg. Ref. 3325/17

Permission granted for new signage at the north and east elevations.

4.5.7. Reg. Ref. 3984/18

Permission granted on 28<sup>th</sup> February 2019 for omission of condition 20(b) of PL29S.244805 to restrict the use of the internal courtyard to the residents only by controlling access through the permitted gates at all times. Condition no. 2 specifies:

*Alterations / modifications to access through the gate within the brick arch adjacent to no. 10 Mill Street shall be excluded from this permission. In the event that the café proposed under SHD0003/19, ABP ref no 303436-19 is approved by planning permission, the gate shall be opened to allow pedestrian access, during the hours of operation of the café.*

*Reason: In the interest of the clarification of this permission.*

#### **4.6. Northern Side of Mill Street Opposite Development Site**

##### **4.6.1. Reg. Ref. 3322/17 Teelings Distillery**

Permission granted for development on a site comprising 10 - 12 Newmarket and 32 Mill Street, immediately opposite the development site, comprising the demolition of all existing buildings and the construction of a new 2 - 6 storey building on Mill Street, 4 - 5 storeys onto Newmarket Square with a total GFA of 3,995 sq.m to include 843 sq.m of micro-brewery floorspace (including ancillary bar and cafe/restaurant use) and 2,857 sq.m of office floorspace. Construction is currently underway at this location.

##### **4.6.2. Reg. Ref. 3321/17 Newmarket / Mill Street**

Permission granted for development on a site comprising No. 8 Newmarket and No. 18 Mill Street, comprising the demolition of all existing buildings on site and the construction of a new part 4 / 5 / 6 storey building above basement with a total GFA of 9,401.05 sq.m, to include 264.97 sq.m GFA of Indoor Market Hall / Retail floorspace and 1,251.07 sq.m of office floorspace at ground floor level with a further 7,885.01 sq.m of office floorspace on the upper levels (1<sup>st</sup> to 5<sup>th</sup> floors).

## **5.0 Section 5 Pre Application Consultation**

### **5.1. Pre-Application Consultation**

5.1.1. The pre-application consultation related to the following proposal at the development site:

232 no. student bedspaces, and 32 BTR apartments, 2 no. commercial units.

5.1.2. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 17<sup>th</sup> September 2018. Representatives of the prospective applicant, the planning

authority and ABP were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The issues raised were as follows:

1. Development Standards to include design, layout and access to amenities

Further consideration / clarification of the documents as they relate to the site's context in particular, the relationship of the site with the adjoining student accommodation development to the east. Further consideration of the elevational treatments and how the proposed design contributes and enhances the overall streetscape of Mill Street and Sweeney's Terrace having regard to the guiding principles contained in Chapter 15 of the Dublin City Development Plan 2016-2022 and the overarching objectives of the Liberties LAP. Consideration should also be given to the provision of facilities and amenities to serve both the student accommodation and the BTR accommodation having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 including the specific planning policy requirements in respect of BTR development and the provisions of the Dublin City Development Plan in respect of student accommodation. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

2. Water infrastructure constraints

Consideration / clarification of the documents as they relate to the requirement for the upgrade works to the water network as outlined in the letter from Irish Water.

3. Impact on existing Residential Amenity

Further consideration of documents as they relate to the potential for overlooking and / or overshadowing of existing residential properties along Sweeney's Terrace. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

The applicants were advised in all instances that further consideration of the issues may require an amendment to the documents and / or design proposals submitted.

5.1.3. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

1. Photomontage images and cross-sections at appropriate intervals to illustrate the visual impact on the protected structure at No. 10 Mill Street and the adjoining arch, changes in levels on site, the creation of new public realm areas and the relationship of the proposed development with the existing adjoining student development.
2. A site-specific flood risk assessment (SSFRA) that adequately addresses the potential for displaced waters as a result of the proposed development. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). The prospective applicant is advised to liaise with the planning authority regarding surface / storm water proposals prior to making an application.
3. A site layout plan indicating the full extent of any existing and / or proposed way leaves within the site.
4. A site layout plan indicating how access is currently provided and will be provided, if relevant, to the existing structure to the rear of the terraced residential units on Sweeney's Terrace.
5. Landscaping proposals including an overall landscaping masterplan for the development site. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including boundary treatments should be submitted. A cross section to the Poddle River indicating any changes to levels at this location should be submitted.
6. Details in respect of the proposed commercial units including inter alia, the access arrangements for servicing units.
7. Relevant consents to carry out works on lands which are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.

## 5.2. Applicant's Statement of Response to Pre-Application Opinion

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- The submitted Urban Design Report addresses the relationship of the development with its surrounding context, along with details of compliance with the guidance for SRDA 16 and development plan standards for student accommodation.
- The development has been designed to address the existing scale and massing of the area and to acknowledge the movement of the sun and avoid effects on residential amenities. A daylight and sunlight analysis was carried out, details of same are submitted. Also a visual appraisal of the development. The new façade onto Sweeney's Terrace is stepped down to 3 storeys adjacent to the terrace of 2 storey houses with a massing to match the height of the terrace to reduce overshadowing. There are no windows facing this boundary. The design and materials at the Sweeney's Terrace façade are carefully considered and own door units are provided at ground floor level. There is over 20m between the façade of the BTR block at Sweeney's Terrace and the house facades on the opposite side of the road, precluding overlooking.
- The arch adjoining No. 10 Mill Street is to be retained as a pedestrian access. The space to the side of No. 10 Mill street is to be addressed by an active frontage with a café, corner retail units and amenity space looking onto a publicly accessible landscaped courtyard with a sculptural feature.
- The development addresses the change in site levels at Mill Street. There is a retail unit at the corner of Mill Street that is accessible from the street. The floor level of the adjoining unit on Mill Street is dropped to ensure level access at that point. Pedestrian access through the arch to the side of No. 10 Mill Street is at street level.
- A new public realm is provided facing the Poddle at the southern end of the site with a wild landscape area and the existing mature trees retained. Detailed cross sections are submitted to indicate levels at this part of the site.

- The Civil Engineering Infrastructure Report provides details of upgrade works to the water network as required by Irish Water. A SSFRA is submitted.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

6.1.1. The following is a list of relevant section 28 Ministerial Guidelines:

- 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 as updated March 2018.
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’)
- Urban Development and Building Heights – Guidelines for Planning Authorities

6.1.2. The following policy documents are also relevant:

- Dept. of Education and Science ‘Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999’ (1999).
- Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999.’ (July 2005)
- National Student Accommodation Strategy, Dept. of Education and Skills, 2018.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

### 6.2. Dublin City Development Plan 2016-2022

#### 6.2.1. Zoning Objective

The site has the land use zoning objective Z10: Inner City Sustainable Mixed Use:

*“Z10 - To consolidate and facilitate the development of inner city and inner suburban sites for mixed uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant uses in inner city areas.”*

The Plan provides that:

*“The primary uses in this zone are residential, office and retail. An appropriate mix of uses for any given site will be influenced by site location and other planning policies applicable to the associated area. A range of smaller uses will also be facilitated. The concept of mixed-use is central to the development or re-development of these sites and mono uses, either all residential or all employment/office use shall not generally be permitted.”*

The proposed uses ‘office’, ‘open space’, ‘residential’, ‘restaurant’ and ‘shop (neighbourhood)’ are permissible in principle under the Z10 zoning objective.

#### 6.2.2. SDRA 16 Liberties and Newmarket Square

Development plan section 15.1.1.19 refers to Strategic Development and Regeneration Area (SDRA) 16 Liberties and Newmarket Square and includes the following statement in relation to the development site and the Liberties LAP:

*“It is noted that part of the lands zoned Z10 around Newmarket Square, south of Mill Street, are not included within the LAP boundary. It is considered that the guiding principles of the LAP shall extend to include this area.”*

#### 6.2.3. Student Accommodation

Chapter 5 Quality Housing. Policy 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 5.5.12 on student accommodation states:

*“To plan for future expansion of third-level institutions and to accommodate growth in the international education sector, there is a need for appropriately located high quality, purpose-built and professionally managed student housing schemes, which can make the city’s educational institutions more attractive to students from Ireland and abroad, and can also become a revitalising force for regeneration areas.”*

Policy QH31:

*“To support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the ‘Guidelines for Student Accommodation’ contained in the development standards.”*

Chapter 6 City Economy and Enterprise. Section 6.4 Strategic Approach recognises the need to enhance the role of Dublin as an education city and a destination of choice for international students. Policy CEE12(ii):

*“To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors.”*

Policy CEE19:

*“(i) To promote Dublin as an International Education Centre / Student City, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges (including English Language Colleges) and high quality custom-built and professionally-managed student housing.*

*(ii) To recognise that there is a need for significant extra high-quality, professionally managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities.”*

#### 6.2.4. Development Management Standards Including Building Height

Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design. In particular the guidelines for student accommodation set out in section 16.10.7; section 16.24 in relation to retail development; section 16.38 car parking and section 16.39 cycle parking.

Development plan section 16.5 specifies an indicative plot ratio standard of 2.0 – 3.0 and section 16.6 specifies an indicative site coverage standard of 50% for Z10 zoned lands. The site is not located in an area designated as suitable for high or mid rise buildings as per development plan fig. 39. SDRA 16 does not provide for a mid or high rise building at this location. Development plan section 16.7 indicates that the



general height limits for inner city locations are up to 28m for commercial development and up to 24m for residential development.

#### 6.2.5. Development Plan Variation No. 3 Student Accommodation

Development plan Variation No. 3, adopted September 19<sup>th</sup> 2017, amends section 16.10.7 such that the applicant will be requested to submit evidence to demonstrate that there is not an over-concentration of student accommodation within an area, including a map showing all such facilities within 1km of a proposal (previously 0.25 km).

### 6.3. **Liberties Local Area Plan 2009, Extended to 2020**

6.3.1. The site is located just outside the boundaries of this LAP. However, as discussed above SDRA 16 provides that the guiding principles of the LAP should extend to include the development site. LAP section 1.2 sets out the following 'overarching objectives' to guide the sustainable regeneration of the Liberties:

1. To improve the quality of life so that the Liberties becomes a great place for people to live, work and visit.
2. To provide for appropriate social and community infrastructure to support the existing population, which is growing and becoming increasingly diverse.
3. To provide for a wide diversity and choice of housing that can cater for families and older people by including options for mixed tenure and a range of housing types and unit sizes.
4. To stimulate the local economy and to include a critical mass of appropriate development and investment to provide significant employment opportunities, including in the digital media sector as the Digital Hub has the potential to rejuvenate the economic profile of the Liberties.
5. To recognise the unique role the Liberties plays in Dublin's character and to ensure that regeneration safeguards a strong sense of community identity.
6. To identify and protect the distinctive heritage of the area and encourage sustainable and innovative re-use of historic spaces and structures.

7. To ensure that the individual character of different areas within the Liberties is protected and enhanced by contemporary and high quality design of new buildings.
  8. To promote the principles of good urban design including improving connectivity and enhancing the legibility and permeability of the Liberties in relation to the wider cityscape.
  9. To create a high quality network of public spaces, parks and streets.
  10. To promote sustainable modes of transport by making them convenient and attractive including walking and cycling routes and by facilitating the provision of public transport infrastructure and optimising its use.
  11. To improve and encourage the cultural and tourist offer of the area.
  12. To encourage environmental sustainability by improving biodiversity, facilitating recycling, and minimising the use of non-renewable resources including energy
- 6.3.2. LAP section 7.8 deals with significant redevelopment sites and includes Newmarket to the immediate north of the development site.

#### 6.4. **Applicant's Statement of Consistency**

- 6.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 Guidelines and the City Development Plan. The following points are noted:
- Residential development is a permissible use for Z10 lands. Proposals for student accommodation at Z10 lands are to be dealt with in accordance with the overall policies and objectives of the City Development Plan. Student accommodation falls with the SHD definition for the purposes of the Planning & Development (Housing) and Residential Tenancies Act 2016 and, accordingly, can reasonably be considered akin to residential development in the context of permissible uses. Shop (neighbourhood) and restaurant uses are identified as permissible uses on Z10 lands.

- The applicant has submitted a Draft Covenant in relation to the BTR element of the development, in compliance with SPPR 7 of the Sustainable Urban Housing: Design Standards for New Apartments. The BTR apartments have been designed to meet the requirements of Appendix 1 of the Apartment Guidelines. A range of support facilities and services and amenities have been provided for the BTR units in accordance with SPPR 7(b). A Building Management Plan for the BTR units is submitted. In accordance with SPPR 8(iii), the scheme has been designed as a zero-parking scheme with access to existing, formalised, on street carparking to cater for any short-term needs and the potential for a car sharing space. Cycle parking is provided as per the recommendation of 1 space per bedroom.
- The development will result in the reuse of brownfield lands in an area of the inner city that is undergoing significant regeneration and close to public transport links. It will make a positive contribution to the regeneration of this part of the city and will complete the redevelopment of this landbank to the south of Mill Street. The proposed uses will complement the vision for Newmarket Square as outlined for SDRA 16. The scale of development has been informed by the need to increase residential levels within the inner city through increased building heights and density as advocated by the NPF. The development will increase pedestrian activity in the area, will provide a choice of housing tenure and help to ensure the viability of this emerging urban quarter.
- The application includes an assessment of student accommodation within a 1km radius of the development, also a Socio Economic Report, which concludes that there is continuing demand for student accommodation in Dublin and that this demand is expected to exceed supply for a number of coming years, also that the development will not result in an overconcentration of students in the area. The site is located in the city centre proximate and accessible to a large number of third level education institutions. The development is designed to provide high-quality, professionally managed and fully serviced private accommodation for students. It has been carefully integrated into its surrounding context, providing a

BTR component together with retail / commercial facilities which will benefit future residents and the existing community. High quality amenity space, both internal and external has been proposed and will synergise with the adjoining New Mill scheme to further enhance student amenity.

- The submitted Architectural Design Statement provides a design rationale and outlines how the development complies with the 12 Criteria set out in the Urban Design Manual that accompanies the Sustainable Residential Development in Urban Areas Guidelines.
- The height of the development has had regard to the need to protect the setting and context of a protected structure, surrounding residential amenity, prevailing heights and the need to ensure sustainable densities on inner city, brownfield sites. The development is consistent with the overall objectives of the Urban Development and Building Heights Guidelines for Planning Authorities to maximise the opportunity of a brownfield, inner city site at sustainable densities to facilitate the compact growth of the urban area. The site is located within the 'Inner City' area and 'low-rise' category as per development plan section 16.7.2 in relation to building height policy. The proposed maximum building height of 22.98m is within the 24 m height limit for residential development at this location. This is a maximum standard and ultimately the physical and historical context of the site will be the defining consideration for appropriate height and massing solutions, in accordance with the performance criteria approach of the Building Heights Guidelines.
- The proposed plot ratio is 2.366:1 and site coverage is 45%, both in accordance with development plan standards for Z10 lands. The proposed form, density and massing of the development are appropriate given the location of the site within the inner city, the need to appropriately address Mill Street and the prominent corner with Clarence Mangan Road and the need for the sustainable redevelopment of brownfield lands.
- The site falls just within development plan parking Zone 2, on the boundary with Zone 1. Parking provision below maximum standards may be permitted where

the surrounding road network is not sufficient to cater for the volume of traffic likely to be generated by the development and where adequate and easily accessible public modes of transportation are available, such as the LUAS red line a short distance to the west of the site. Given the site context and the provisions of the Apartment Guidelines, the proposed zero parking scheme, including set down areas and formalisation of existing on-street parking, is consistent with national and local policy objectives to reduce parking provision, increase densities at accessible urban locations and promote sustainable travel patterns.

- A total of 104 no. cycle parking spaces are provided for the student accommodation and 42 no. for the BTR units, slightly below the development plan requirement of 117 spaces for 235 student beds. However, after consultation with DCC and after undertaking a bicycle occupancy study and travel survey for New Mill scheme it was found that the New Mill cycle parking was only at 20% capacity. The proposed reduced quantum is considered appropriate given the excess capacity provided in New Mill.
- A SSFRA is submitted. The flood risk to the site has been assessed and considered insignificant. Due to the proposed SUDS measures, the risk of flooding on both the site and the surrounding areas will be reduced post-development. The development is in compliance with the Guidelines for Planning Authorities – The Planning System and Flood Risk Management.

## **7.0 Third Party Submissions**

- 7.1. The submissions were primarily made by or on behalf of local residents of Dublin 8. There were also submissions by elected representatives, i.e. Cllr. Rebecca Moynihan, Cllr. Tina MacVeigh, Brid Smith T.D., Cllr. Cróna Ní Dhálaigh, also Senator Máire Devine. The submissions may be summarised as follows.

### 7.1.1. 3<sup>rd</sup> Party Comments on Principle of Development

- Development will result in overconcentration of student accommodation in Dublin 8. There are currently 1,058 no. student bedspaces approved or proposed within 250m of the development and a total of 3,752 no. approved or proposed student bedspaces within 1 km of the development site, ref. ABP Inspector's Report of ABP-300184-17.
- The development contravenes City Development Plan policy on the over concentration of student accommodation. The submitted Socio-Economic Report puts forward an argument for up to 30% of the total population as students / transient residents. This is unjustified. The figure of 30% as cited in an Edinburgh City Council document of 2010 'Edinburgh Planning Guidance: Student Housing' has been superseded by a 2016 Edinburgh City Council document with the same title. There is no analysis of the availability of necessary amenities, e.g. shops, cinemas, gyms, cafes, pharmacies and restaurants. The applicant should compare the ratio of population to amenities in Dublin 8 to that of other parts of the city.
- Lack of clarity in the development plan as to what constitutes 'over concentration' of student accommodation.
- The development contravenes NPF guidance on student accommodation regarding proximity to education centres and connection to accessible infrastructure. There are no direct bus routes between Dublin 8 and 3 of the 4 main 3<sup>rd</sup> level campuses in the city (UCD, DCU and TU Grangegorman). The site is at least a 20 minute walk from the city centre and the Luas red line. The development does not address the need for student accommodation in other parts of the city.
- There is little evidence that the provision of student accommodation in the Dublin 8 area is freeing up other types of accommodation.
- The proposed privately owned Purpose Built Student Accommodation (PBSA) will be expensive and beyond the reach of most 3<sup>rd</sup> level students.

- All other development in the area provides transient accommodation, including hotels at Kevin Street, Mill Street, the Coombe, Vicar Street and Newmarket, also aparthotels directly adjacent to the site and at the Tivoli site on Francis Street. 2 other sites in the immediate vicinity of Blackpitts and Donore Avenue have planning approval for an apartment and office scheme respectively but are now back on the market and advertised as suitable for hotel and / or student accommodation. The development could also contribute to an overconcentration of shared accommodation developments in the future.
- The development will undermine the existing sense of community and settled, residential atmosphere at Sweeney's Terrace and Clarence Mangan Road. Student accommodation in the area is resulting in fragmentation of existing communities. There is a need for family type accommodation in the area.
- Permitted developments for other land uses have not been carried out. Many elements of the adjacent Mill Street student accommodation that were beneficial to the local area have not been provided, including a public café at No. 10 Mill Street and the conversion of a permitted retail unit to office space. The ABP condition to open the internal courtyard is currently subject to an enforcement order. The permitted student accommodation at Blackpitts included publicly accessible shared working spaces, however these have not been provided. The permitted Aloft hotel included a publicly accessible restaurant on the ground floor, however the owners recently applied for a change of use to conference rooms. Concern that public amenities in other permitted student accommodation schemes in the area will not be realised, also that the proposed retail, café and public open space within the development will not be carried out.
- Concern that the demand for student accommodation would drop in the future due to demographic change. The proposed development is not very adaptable and its use in such circumstances would be uncertain.
- Loss of nursing home previously permitted at the development site, which would have benefitted the local community.

- Alleged unauthorised use of the Mill Street accommodation by tourists during term time, in contravention of the planning permission.
- Need for public access to the River Poddle as a natural amenity.

#### 7.1.2. 3<sup>rd</sup> Party Comments on Impacts on Visual and Residential Amenities

- The development is out of scale with its surroundings and is out of character with the area.
- The development does not make a positive contribution to the public realm. It will be gated with no access to public amenity space for local residents.
- Concerns about impacts on residential amenities in relation to noise, anti-social behaviour, traffic, deliveries, etc, particularly associated with the proposed access to Sweeney's Terrace. There is currently very limited access to the laneway.
- The application does not adequately address concerns relating to overlooking / overshadowing at Sweeney's Terrace and at Clarence Mangan Road.
- The development does not meet the criteria for higher buildings as set out within the Building Height Guidelines. Specifically, with reference to section 3.2 of the Guidelines. In particular, the design and scale of the development adversely impact on residential amenities at Clarence Mangan Road and Oscar Square and the height, scale and design of the development do not appropriately relate to neighbouring residential uses and the urban surroundings. The development does not provide a positive contribution to place-making, incorporating new streets and / or public spaces.
- Adverse impacts on residential amenities. Local residents request conditions to limit construction noise and manage vibration impacts.
- Request that a condition be imposed precluding additional development above roof parapet level.

#### 7.1.3. 3<sup>rd</sup> Party Comments on Cultural Heritage Impacts

- The development does not consider its historic context. It does not have a sense of place related to its location in The Tenters area. The Tenters are has a historic



significance locally and in a wider context given its role in the linen trade dating back to 1814 and its place as a model residential development built c. 1922.

- Adverse impacts on Newmarket Square conservation area.
- Adverse impacts on the 'garden city' character of Clarence Mangan Road.

## 7.2. 3<sup>rd</sup> Party Comments on Traffic and Parking

- Lack of provision for on-site parking will lead to additional parking demand in the area, particularly associated with the ancillary use as tourist accommodation outside of term. This has already arisen in relation to the permitted Mill Street student accommodation. Also lack of provision for the BTR apartments.
- Lack of clarity around the proposed 'formalisation' of parking provision at Sweeney's Terrace. Concern that this could result in a reduction in the no. of parking spaces available.
- Development will exacerbate existing traffic congestion in the area associated with the Teeling Distillery, the Tannery and the Aloft hotel, also the new Liberties Distillery on Mill Street.
- Potential traffic hazard associated with children accessing the nearby school at Warrenmount convent.
- Concern about congestion due to construction traffic.

### 7.2.1. 3<sup>rd</sup> Party Comments Conclusion

I have considered all of the documentation included with the above third party submissions.

## 8.0 **Planning Authority Submission**

- 8.1.1. Dublin City Council (DCC) has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the South Central Area Committee Meeting of the 20<sup>th</sup> February 2019. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be

summarised as follows. The submission includes several technical reports from relevant departments of DCC, which are incorporated into the following summary.

#### 8.1.2. PA Comment on EIAR and AA

- The submitted EIAR screening report is noted. It is considered that a sub threshold EIAR is not required for the proposed development due to its characteristics (significantly below thresholds) and location substantially within the existing built context of a well-established residential area.

#### 8.1.3. PA Comment on Principle of Development

- The submitted Socio-Economic Report establishes a shortfall in the supply of student accommodation within the GDA which may be addressed by the proposed development. PBSA students would account for 10.5% of the total future population of the area within 1km of the development site. The future student population could rise to 21.9%.
- The development site is an ideal location for students of Trinity College, Griffith College, NCAD and DIT. DCU and UCD are accessible by bus. The Liberties is not considered to be a traditional location for student accommodation. The provision of PBSA will relieve pressure on the low income rental sector and support local businesses. It can provide safe and suitable accommodation for students / tourists / visitors, as facilitated by legislation. The managed character of the facility would counter anti-social behaviour.
- The concentration of student accommodation at Mill Street is not considered excessive having regard to both the requirement for student accommodation across the city, the future demand for student accommodation and the previous lack of student accommodation in Dublin 8.
- The scale of the development is less than that approved under PL29S.236752 which involved a nursing home of 7,504 sq.m. The massing / bulk / scale is also consistent with the previous permission.
- Having regard to the redevelopment of the neighbouring site, the requirement for urban renewal on the subject site and the need to create a profile on the streetscape, the proposed plot ratio and site coverage are considered acceptable at this location.

- The development is within the maximum building height threshold for a residential building in the inner city of Dublin.

#### 8.1.4. PA Comment on Design and Layout of Development

- The development is generally consistent with the Apartment Guidelines and the planning history of the area.
- DCC Parks and Landscape Services report dated 6<sup>th</sup> February 2019 states no objection subject to conditions. It notes that the area adjoining the River Poddle is of ecological importance. The applicant has consulted with Parks and Landscape Services and reached agreement to conserve the area. The scheme is acceptable subject to conditions.
- The proposed provision of a public artwork is welcomed.

#### 8.1.5. PA Comments on Impacts on Visual and Residential Amenities

- The submitted daylight, sunlight and shadow analysis is noted. It is evident that the development would cast additional shadow onto the 2 houses at the end of Clarence Mangan Road and the roadway in front of the house on Oscar Square in the early morning period at the spring equinox. However, the comment concludes that there is no significant basis for a refusal on issues relating to shadow / daylight.

#### 8.1.6. PA Comments on Cultural Heritage

- The proposal to enhance the area around the Poddle River is welcomed. In particular the retention of mature chestnut and sycamore trees will have an important impact on the architectural quality of this part of the site.
- Conservation Officer report dated 1<sup>st</sup> March 2019 states no objection subject to conditions.
- Archaeology report dated 4<sup>th</sup> March 2019 states no objection subject to conditions. The site is located in an area of archaeological sensitivity associated with the development of the city in the late 17<sup>th</sup> and 18<sup>th</sup> centuries as a result of industrial activity. A recorded monument DU018-020398 is located in the southern section of the development site. It represents the location of the

mediaeval mill of St. Tomas' Abbey. The associated millpond is silted up at the southern site boundary. No. 10 Mill Street, an 18<sup>th</sup> century Dutch billy type building and recorded monument is located to the north west of the site. DCC Archaeologist concurs with the recommendations of the submitted Archaeological Report.

#### 8.1.7. PA Comment on Traffic and Transport Issues

- DCC Transportation Planning Division report dated 6<sup>th</sup> February 2019 states no objection subject to conditions.
- The principle of car free student accommodation is accepted at this location. It is noted that the adjacent student accommodation The Mill provides no car parking. There is also no objection to no car parking provision for the BTR units due to the nature of the units as a managed development and to the city centre location with proximity to public transport links.
- There is a discrepancy in the no. of car parking spaces proposed at Sweeney's Terrace. The applicant's Planning Report states 5 no. spaces including one accessible space. The Transport Statement details one disabled space and 3 no. car parking spaces. Such parking, if provided, would not be reserved for exclusive use of the development.
- A total of 118 no. cycle parking spaces are required to serve the student accommodation in accordance with development plan standards. Following consultation with DCC Transport Planning Division and a travel study of the adjacent New Mill student residence, it was found that the New Mill cycle parking was at 20% capacity. The applicant proposes to provide 104 no. cycle spaces in the central courtyard. This provision should be monitored and should be increased to provide the total 118 no. spaces if demand increases. The provision of 42 no. cycle spaces for the BTR units is in excess of development plan standards and is acceptable. It is noted that 20 visitor cycle parking spaces at Sweeney's Terrace are located outside the red line site boundary. The exact location of cycle parking at this location should be agreed with the PA.

- Further details including proposed set down area and servicing of commercial units to be agreed by condition.

#### 8.1.8. PA Comment on Drainage and Flood Risk

- The risk of flooding is considered low.
- DCC Drainage Division has no objection subject to conditions, report dated

#### 8.1.9. PA Comments Conclusion

- The PA recommends a grant of permission subject to conditions.

### 9.0 **Prescribed Bodies**

#### 9.1. **Dept. of Culture, Heritage and the Gaeltacht**

- 9.1.1. The Dept. has examined the submitted Archaeological Report. On the basis of the information in the report there are no archaeological objections to the grant of planning subject to the implementation of the proposed mitigation measures at pre-construction and construction phases as conditions of any such grant.

#### 9.2. **Irish Water**

- 9.2.1. Based upon the details provided by the developer and the Confirmation of Feasibility issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

#### 9.3. **Inland Fisheries Ireland**

- 9.3.1. The following points are noted:
- Recommend that all construction should be in line with a detailed site specific Construction Environmental Management Plan (CEMP). At minimum the CEMP should contain all Mitigation detailed in Section 2.1 of the Ecology Report. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and the Poddle River and measures to minimise the generation of

sediment and silt. In the preparation of a Construction Management Plan, particular account must be taken in relation to bio security.

- The landscaping proposals for the Poddle river and its riparian zone are acceptable.

## 10.0 Environmental Impact Assessment (EIA) Preliminary Assessment

10.1. The application was submitted to the Board after the 1<sup>st</sup> September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

10.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

Construction of more than 500 dwelling units

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

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

10.3. The proposed development involves 235 no. student bedspaces and 37 no. BTR apartments on a site of 0.4134 ha. The site is located in an urban area that may come within the above definition of a “business district” but is below the threshold of 2 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

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

on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

## 11.0 Appropriate Assessment (AA) Stage I Screening

### 11.1. The European Sites Likely to be Affected

11.1.1. The development site is not within or directly adjacent to any Natura 2000 site. The submitted AA Screening Report lists the following designated sites within 15 km of the development site:

Site (site code)	Qualifying Interests
Howth Head Coast SPA (004113)	Kittiwake ( <i>Rissa tridactyla</i> ) [A188]
Howth Head SAC (000202)	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Baldoyle Bay SAC (000199) SPA (004016)	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]
North Bull Island SPA (004006)	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Teal ( <i>Anas crecca</i> ) [A052] Pintail ( <i>Anas acuta</i> ) [A054] Shoveler ( <i>Anas clypeata</i> ) [A056] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149]

	<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>ABP-301428-18 Inspector's Report Page 56 of 74</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Dublin Bay SAC (000206)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p>



	Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]
South Dublin Bay SAC (000210)	Mudflats and sandflats not covered by seawater at low tide [1140].

11.1.10. I also note the following additional Natura 2000 site that is c. 15 km from the development site:

Howth Head Coast SPA (004113)	Kittiwake ( <i>Rissa tridactyla</i> ) [A188]
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11.1.11. The development site does not contain any habitats listed under Annex I of the Habitats Directive. The habitats currently present are mainly buildings and artificial surfaces as well as recolonizing bare ground. There is a small area of eroding river (FL1), and river banks lined with non-native broadleaved woodland. There is no evidence for the presence of protected species with the exception of a very small number of foraging the Annex IV protected bat species common pipistrelle (*Pipistrellus pipistrellus*), which was observed foraging around the trees at the Poddle in April / May 2018. There was no evidence of bats roosting at any location on the site. Protected aquatic species, such as lamprey and salmon, are highly unlikely likely to occur in the Poddle channel, due to the fact that it is culverted underground for its journey through the city centre and has poor water quality.

11.1.12. The nearest SPA and SAC sites, in South Dublin Bay, are situated at a distance of approximately 4km. They are indirectly connected to the site via the Poddle which flows first into the Liffey at Dublin's city centre, before emerging at Dublin Bay. Both the SAC and SPA designations include maritime/coastal habitats and support important populations of sea birds. The Liffey at the city centre achieves eutrophic status (i.e. poor water quality) although it is considered a salmonid river. The Poddle at this location has been subject to high degree of disturbance and flow management. The following sites are hydrologically linked to the development site:

<b>Site (Site Code)</b>	<b>Conservation Objectives</b>
South Dublin Bay and River Tolka Estuary SPA (004024)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets. No site specific objective has been set for the Grey Plover.
South Dublin Bay SAC (000210)	The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets

11.1.13. There is also a pathway from the site via surface and wastewater water flows to Dublin Bay via the Ringsend WWTP and surface water sewers (this matter is not considered in the submitted AA Screening Report). The development therefore also has hydrological links to the following Natura 2000 sites via the point / location of discharge from the Ringsend WWTP:

<b>Site (Site Code)</b>	<b>Conservation Objectives</b>
North Bull Island SPA (004006)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the above Annex I habitats and Annex II species listed as Qualifying Interests, as defined by a list of attributes and targets.
North Dublin Bay SAC (000206)	The NPWS has identified site specific conservation objectives to restore / maintain the favourable conservation condition of the Annex I habitats listed as Qualifying Interests, as defined by a list of attributes and targets.
Baldoyle Bay SAC (000199) SPA (004016)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the above Annex I habitats and Annex II species listed as Qualifying Interests of the SAC and SPA, as defined by a list of attributes and targets.
Howth Head Coast SPA (004113) and Howth Head SAC (000202)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the above Annex I habitats listed as Qualifying Interests of the SAC. There is a generic conservation objectives to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA.

In addition, the Poulaphuca Reservoir, from which drinking water from the development will originate, is considered to be within the zone of influence of the development:

Poulaphuca Reservoir SPA (004063)	There is a generic conservation objective to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA:  Greylag Goose ( <i>Anser anser</i> ) [A043]  Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183]
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## 11.2. Potential Effects on Designated Sites

11.2.1. The submitted AA Screening Report considers the significance of potential effects on designated sites with regard to the relevant conservation objectives. Having regard to the species listed as qualifying interests, there is no pathway for effects to occur to terrestrial habitats or species associated with the above Designated Sites. The Report notes that there is potential for pollution from construction activity at the development site and from surface water run-off from the development, with consequent effects on the above designated sites. There is a risk of invasive species being introduced to Natura 2000 sites, however this is negligible. The development will not affect protected habitat size or extent. The coastal and maritime habitats of the SACs/SPAs are situated at considerable distance and will not be affected by the proposed development. No qualifying species or habitats of interest, for which the Natura 2000 sites are designated, occur at the development site. These will not be disturbed as a result of the development.

11.2.2. Aside from the matters considered in the AA Screening Report, there is an indirect pathway to Dublin Bay via the municipal surface water drainage network. Foul effluent from the development will discharge to Ringsend WWTP. Emissions from the plant are currently not in compliance with the Urban Wastewater Treatment Directive and poor water quality has long been an issue in Dublin Bay. Irish Water has prioritised the enhancement of the Ringsend plant in its Proposed Capital Investment Programme 2014-2016. It announced proposals to upgrade the Ringsend plant and apply for planning permission for a new plant in north County Dublin in February 2018. However, even without treatment at Ringsend WWTP, the average effluent discharge, calculated for the proposed development as 1.04

litres/sec (which would equate to 0.02% of the licensed discharge at Ringsend WWTP) would not impact on the overall water quality within the bay and therefore would not have an impact on the current Water Body Status (as defined within the WFD). There is no predicted likely significant impact from discharge arising from the proposed development based on detailed hydrodynamic and chemical modelling for likely contaminants of concern. Enriched water entering Dublin Bay has been shown to rapidly mix and become diluted within a short distance of the outfall and there is no evidence that pollution through nutrient input is effecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC or the North Bull Island SPA. In addition, all of the relevant habitats are intertidal, coastal habitats that are not negatively affected by sediment pollution. The WWTP upgrade will address future capacity demand.

11.2.3. This development is unlikely to increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas and intervening land uses.

11.2.4. No negative effects are likely to occur to the Poulaphouca Reservoir SPA arising from abstraction of drinking water.

### **11.3. In Combination or Cumulative Effects**

11.3.1. The submitted AA Screening Report does not consider in combination or cumulative effects on designated sites and is considered deficient in this respect.

11.3.2. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in the Liberties area, by the Dublin City Development Plan 2016-2022. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulation of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any

significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

#### **11.4. AA Screening Conclusion**

11.4.1. I note the AA screening report submitted by the applicant, dated December 2018, which concludes that significant impacts can be ruled out and / or AA is not required. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

#### **12.0 Assessment**

12.1. The following are the principal issues to be considered in this case:

- Principle of Development
- Building Height and Quantum of Development.
- Design and Layout
- Impacts on Visual and Residential Amenities
- Cultural Heritage
- Roads and Traffic Issues
- Site Services and Flood Risk
- Other Matters

These matters may be considered separately as follows.

## 12.2. Principle of Development

### 12.2.1. Z10 Zoning Objective

The proposed residential and commercial uses are permissible in principle under Z10 zoning objective. I consider that the proposed student accommodation and BTR units are compatible with the stated objective for the Z10 zone 'to consolidate and facilitate the development of inner city and inner suburban sites for mixed uses'. The scale of the retail development (351.5 sq.m.) is such that it would serve local retail demand only and therefore would not have any impacts with regard to the city retail strategy. The retail and café provision at this location are also in accordance with the development plan requirement for mixed-use development of Z10 sites with mono uses, either all residential or all employment / office use, generally not permitted.

### 12.2.2. Student Accommodation

The application includes a Socio-Economic Report in support of student accommodation at this location. This submits that the development is designed to address an ongoing shortage of student accommodation, in accordance with national housing and planning policy including the National Student Accommodation Strategy. It provides details of the ongoing growth in 3<sup>rd</sup> level enrolments in Irish 3<sup>rd</sup> level institutions, which will generate additional demand for purpose built student accommodation (PBSA). The National Student Accommodation Strategy estimates a demand for 57,075 no. bedspaces nationally in 2017, of which 53% (30,298) are in Dublin with projected demand of 35,913 no. bedspaces for the Dublin area in 2019 and 42,375 no. bedspaces in 2024. The current supply of institutional student bedspaces in Dublin is estimated as 7,290. There is a total of 27 no. privately owned student accommodation residences with an estimated capacity of 7,191 no. bedspaces. As of December 2018, there was a total of 28 no. schemes in the planning and development pipelines accounting for an estimated net total of 8,656 no. student bedspaces. The report concludes on this basis that student accommodation will continue to fall short of demand until at least 2024. This point is accepted.

Dublin City Development Plan 2016-2022 Variation no. 3 requires the applicant to submit evidence to demonstrate that there is not an overconcentration of student accommodation in the area, including a map indicating all such facilities within 1km

of the development. The Socio-Economic Report states that there is a total of 2,214 student accommodation bedspaces currently in operation as per December 2018. A map indicating the locations of same is submitted, they include the adjacent student accommodation schemes at New Mill and The Tannery. A further 1,755 no. student bedspaces are currently permitted or under construction within the 1 km radius (not including the subject proposal), resulting in a total figure of 3,969 bedspaces. This is reasonably consistent with figure of 3,987 no. completed / permitted / proposed student bedspaces as cited by 3<sup>rd</sup> parties and the recent Inspector's Report of ABP-300184-17 in relation to proposed student accommodation at The Donnelly Centre at Cork Street, which refers to a figure of 3,289 existing and planned student bed spaces in a 1 km radius of that site. Based on CSO population figures, the Socio-Economic Report concludes that the proposed development would result in student residents of PBSA making up c. 10.5% of the total population of the area within 1 km of the development site. Further analysis indicates that the students (including those not living in PBSA) would make up c. 21.9 % of the total population. It is submitted that these figures fall well below a threshold of 30% of the total population, as informed by international best practice in Edinburgh, ref. Edinburgh City Council (2010) 'Edinburgh Planning Guidance: Student Housing'.

12.2.3. I note the following document, an update on that cited in the submitted Socio – Economic Report and referred to by 3<sup>rd</sup> parties: 'Student Housing Guidance (Finalised Version)', a non-statutory planning guidance document produced by the City of Edinburgh Council, dated February 2016. This states that fulltime students comprise over 12% of Edinburgh's population with a 26.6% increase in the number of full time students at the 3 universities in the Council's area (University of Edinburgh, Edinburgh Napier University and Heriot-Watt University) between 2001 and 2012. The guidance seeks to balance the need for additional student accommodation with the need for mainstream and affordable housing in the most sustainable locations to meet the wider needs of the community. It is acknowledged that excessive concentrations of student accommodation may over time result in a poor quality of place, a diminished sense of community and make an area less attractive to all sections of the population. The document notes that there will be a greater potential imbalance within the community where the student population is

dominant, exceeding 50% of the population. This matter is to be considered in the context of wider locational and design guidance for student accommodation.

12.2.4. Having regard to the above international guidance, I am satisfied that the development will not result in an over concentration of student accommodation in this area. I note the comments of Dublin City Council in support of student accommodation at this location.

12.2.5. Build to Rent (BTR)

The proposed BTR element of the development is described as long-term rental, to remain owned and operated by an institutional entity for a minimum period of not less than 15 years. It therefore falls within the definition of BTR provided in section 5.2 of the Apartment Guidelines, i.e.

*“Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.”*

Section 5.7 of the Guidelines notes BTR development can deliver housing units to the rental sector over a much shorter timescale than traditional housing models, making a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning Framework. The proposed BTR units are therefore a desirable element of the development at this accessible urban location that is zoned for residential development.

SPPR 7 of the Guidelines provides that BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a ‘Build-to-Rent’ housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;



(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

- (i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
- (ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

The public notices specify that the development includes BTR units, as required by SPPR 7 of the Guidelines. The BTR apartments are to be subject to a long-term covenant or legal agreement in accordance with SPPR 7. No individual residential units will be sold or rented separately from the company over that period. A Draft Covenant to this effect has been prepared by McCann Fitzgerald Solicitors and is submitted, the detail of which is to be agreed with Dublin City Council subject to any grant of permission. This is satisfactory.

As per the application documentation, the following services and amenities are provided for the BTR units:

- Maintenance and management stores at lower ground level with the opportunity for resident storage if required.
- Refuse area at lower ground level.
- Residents' exercise room at lower ground level.
- Entrance lounge at ground level which incorporates seating and meeting areas.
- Communal recreational room / multi-function space at lower ground level, overlooking the central courtyard.
- Landscaped roof terrace providing outdoor amenity space for sole use by the BTR residents.

- The BTR units will also be able to avail of services for the student accommodation.

The BTR element of the development is therefore considered to be generally in accordance with the requirements of SPPR 7.

#### 12.2.6. Principle of Development Conclusion

I am satisfied that the proposed student accommodation will make a positive contribution to the ongoing regeneration of this area, in accordance with the stated objectives for SRDA16 and the Liberties LAP. The development will meet the increasing demand for student accommodation at a location that is accessible to several third level institutions in and around the city centre, i.e. Trinity College, Griffith College, NCAD and DIT amongst others. As per the above analysis, it will not result in an overconcentration of student accommodation at this location. The proposed use as visitor / tourist accommodation outside term time is in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and is therefore acceptable in principle. The BTR element of the development complies with the definition provided in the Apartment Guidelines and is generally in accordance with the requirements of SPPR 7 of same. Having regard to the proximity of the site to the city centre and to public transport services, I am satisfied that this location is suitable for BTR development. The BTR units will provide an innovative housing typology and add to the housing mix of the area with a Part V element. The commercial units will provide an active frontage at street level and the overall mix is in accordance with the Z10 objective. The proposed development is considered to be acceptable in principle on this basis.

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

- 12.3.1. The development plan provides quantitative standards on building height, plot ratio and site coverage as controls to prevent overdevelopment. The proposed development has a stated plot ratio of 2.366, within the indicative plot ratio standard of 2.0 – 3.0 for Z10 lands as per development plan section 16.5. The stated site coverage of 45% is also within the indicative standard of 50% for Z10 lands as per development plan section 16.6. The site is not located in an area designated as suitable for high or mid rise buildings as per development plan fig. 39. SDRA 16

does not provide for a mid or high rise building at this location. Development plan section 16.7 indicates that the general height limits for inner city locations are up to 28m for commercial development and up to 24m for residential development. The stated total height of 23m is below this limit. The development is therefore within the required parameters and in accordance with development plan standards.

## 12.4. Design and Layout

### 12.4.1. Proposed Design and Layout

The development comprises 5 no. blocks as follows:

- Block A fronts onto Mill Street, is 5 storeys in height rising to 7 storeys at the corner with Clarence Mangan Road with commercial / retail and student amenity uses at ground floor level and student accommodation on upper levels;
- Block B fronts onto the side of No. 10 Mill Street and forms a bridge between Block A and Block C. It is 4 storey with student accommodation at 1<sup>st</sup> to 3<sup>rd</sup> level with access to the internal landscaped courtyard at ground level via an underpass.
- Block C forms the western side of a new street permitted as part of the existing New Mill Development and addresses the open space to the rear of No. 10 Mill Street. It is also 4 storey with café use at ground floor level, addressing the open space to the rear of No. 10 and ancillary student accommodation amenity space and student accommodation on upper floors.
- Block D is located to the south of Block C and continues the western edge of the new street before cranking to the south to form a public space onto the River Poddle. Block D is 5 storey with student accommodation on all floor levels.
- The BTR Block fronts onto Clarence Mangan Road / Sweeney's Terrace and rises from 3 storeys adjacent to the residential properties on Sweeney's Terrace to 7 storeys at the corner with Mill Street. The BTR Block has retail / commercial use at lower ground floor level (associated with retail/commercial uses in Block A) with BTR apartments from ground level up.

#### 12.4.2. Interaction with the Public Realm, Adjoining Student Accommodation and No. 10 Mill Street

The development will interact with the public realm at the frontages to Mill Street and Clarence Mangan Road. The ground floor of the BTR block has a reception accessed from the street, along with 5 no. 'own door' units. The landscaping scheme indicates buffer planting along the frontage. This results in a satisfactory interaction with Sweeney's Terrace. The retail unit on the ground floor of Block A will present active frontages at the corner of Mill Street and Clarence Mangan Road. There is a student amenity area on the western side of Block A, accessed directly from Mill Street. Drawing no. P18020D-RAU-GAP-1104 indicates proposed works to the public realm and footpaths at Mill Street and Sweeney's Terrace including areas to be taken in charge with provision of cycle and car parking areas. I note that DCC has no objection subject to clarification of the proposed parking and set down areas.

The existing wayleave from Sweeney's Terrace is to provide public access to the southern end of the proposed development. This is acceptable and will improve the permeability of the area, a key objective of the Liberties LAP. A condition requiring the public access to be maintained should be imposed if permission is granted.

The western elevations of Blocks A, B, C and D will face the existing student accommodation to the immediate west. This area is currently laid out as a public open space to the side / rear of No. 10 Mill Street, as permitted under PL29S.244805, and is now finished to a high standard. The ground floor of Block B has a publicly accessible café, a student reception area and a further student amenity space facing the public area. The area is to be further enhanced with a feature lighting installation and art installation / way-finding element. It will have public access via the arch to the side of No. 10 Mill Street, creating a new connection to the street. I note the recent decision of DCC, Reg. Ref. 3984/18, which granted permission to omit condition 20(b) of PL29S.244805 and allowed the applicant to restrict the use of the internal courtyard of that scheme to residents only by controlling access through the permitted gates from Mill Street. Condition no. 2 of Reg. Ref. 3984/18 specifies that the gate to the side of No. 10 Mill Street is to be opened for pedestrian access in the event that the cafe on the ground floor of Block B, as proposed under the subject application, is permitted. The existing development integrates satisfactorily with the now renovated No. 10 Mill Street and the adjoining

former Mission Hall, which are in office use. I am satisfied that the proposed development will also respect the setting of the protected structure. I note the concerns of local residents regarding public accessibility to the scheme, however I consider that the public area to the side of No. 10 Mill Street will represent a planning gain and improvement to the overall public realm at this location. I also note that the existing wayleave from Sweeney's Terrace will access the space to the rear of No. Mill Street via a path between Blocks C and D, improving the overall pedestrian permeability of the area. In addition, DCC recommends that the amenity space at the Poddle River should be open to the public. A condition requiring this measure could be imposed, further enhancing the public realm.

The proposed development will read overall as a continuation of the permitted 'New Mill' and Blackpitts student accommodation to the west of the development site. The applicant submits that the schemes are to be operated in a cohesive manner with shared administration and amenity facilities. Contiguous elevations indicate that there will be a similar scale, massing, architectural language and external finishes. The urban blocks will be laid out around a series of internal courtyards, including the publicly accessible area to the side of No. 10 Mill Street, as discussed above. I am satisfied overall that the development will interact well with the existing student accommodation and development at No. 10 Mill Street and the former Mission Hall and that it will result in a successful comprehensive redevelopment of this urban block with good pedestrian permeability.

#### 12.4.3. Communal Amenities

Development plan standards for student accommodation require the provision of adequate open space of suitable orientation within developments, which can include terraces, courtyards and roof gardens where appropriate. All proposals must provide appropriate indoor and outdoor communal and recreational facilities at a level of at least 5-7 sq.m. per bedspace, i.e. a requirement of 1,175 – 1,645 sq.m. in this instance. I note the following amenity spaces for the proposed student accommodation:

<b>Amenity Area</b>	<b>Location</b>	<b>Floorspace (sq.m.)</b>
Internal amenity space	Ground floor Block A	135.5
Student recreation / amenity	Ground Floor Block B	89
Student amenity space	Ground floor Block B	85
<b>Total internal amenity space</b>		<b>309.5 sq.m.</b>
Central courtyard	Rear of Block A	465
Puddle amenity area	Rear of Block D	300
External amenity space	Rear of Block C	103.5
<b>Total external amenity space</b>		<b>868.5</b>
<b>Total student amenity space</b>		<b>1,178 sq.m.</b>

The requirement for communal amenity space for the BTR units as per the standards provided in Appendix I of the Apartment Guidelines is as follows:

<b>Unit Type</b>	<b>No. of Units</b>	<b>Required communal amenity space provision (sq.m.)</b>
Studio	8	8 x 4 = 32 sq.m.
1 bed	24	24 x 5 = 120 sq.m.
2 bed	5	5 x 7 = 35 sq.m.
<b>Total</b>	<b>37</b>	<b>187 sq.m.</b>

I note that SPPR 8 of the Apartment Guidelines provides that there shall be flexibility in relation to the provision of communal amenity space for BTR units on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The proposed amenity areas serving the BTR units are as follows:

<b>Amenity Area</b>	<b>Location</b>	<b>Floorspace (sq.m.)</b>
Entrance lounge	Ground floor access	64
Exercise room	Lower ground floor	59
Common room	Lower ground floor	89.5
Roof garden	Roof	158
<b>Total BTR amenity space</b>		<b>370.5 sq.m.</b>

In addition to the above, the eastern side of the development will overlook an existing courtyard / amenity space to the side / rear of No. 10 Mill Street. That space is part of the development permitted under PL29S.244805 but will add to the amenity value of the proposed scheme.

The proposed communal open spaces have a high standard of design and layout. The central courtyard and open space to the rear of Block C have a similar combination of hard and soft landscaping to that already successfully achieved at the central courtyard within the 'Old Mill' accommodation to the east of the site. The landscaping strategy for the private amenity space at the River Poddle is to retain the river habitats and trees and to create an ecological amenity space with naturalised meadow planting and ecological mitigation measures comprising insect hotels and bat and bird boxes. The area is to be enhanced with hard and soft landscaping and street furniture. According to the Tree Survey, the existing trees are generally in good condition and will be retained except for one sycamore tree on the southern embankment of the Poddle, which will be removed as it could cause ongoing damage to the boundary wall. The internal communal amenity space for the BTR block overlooks the central courtyard. The BTR roof area will provide seating, tables and ornamental planting. The Daylight, Sunlight and Overshadowing study states that all of the communal open spaces will meet the recommendation of the BRE guidance document 'Site Layout Planning for Daylight and Sunlight' (2011) that at least half of an amenity area should receive at least 2 hours of sunlight on 21<sup>st</sup> March.

I am satisfied that the proposed communal open space provision is acceptable given the provision of compensatory internal amenity spaces for both the student accommodation and the BTR units and with regard to the high quality of communal spaces proposed. I consider that a satisfactory level of communal amenities has been achieved overall and note that the scheme will also benefit from communal amenities provided in the adjoining 'Old Mill' student accommodation.

#### 12.4.4. Quality of Residential Accommodation

The proposed student accommodation is generally in accordance with the following guidance provided in development plan section 16.10.7 as follows:

- *Student accommodation should be grouped as 'house' units between 3-8 bedspaces, from 55 sq.m. - 160 sq.m.*
- *Single / double occupancy studio units with bathroom and cooking facilities, GFA of 25 sq.m. - 35 sq.m.*
- *Shared kitchen facilities shall be provided at a minimum of 4 sq.m. / bedspace.*

- *Minimum bedrooms shall be; single study bedroom 8 sq.m. with bathroom 12 sq.m., twin study bedroom 15 sq.m. with bathroom 18 sq.m., single disabled study bedroom with bathroom 15 sq.m.*
- *Bathrooms shall serve a maximum of 3 bed spaces.*
- *Communal facilities shall include laundry, caretaker / security and refuse facilities.*

The development is in accordance with these requirements as per the submitted schedule of accommodation. The 'Student Management Plan' submitted with the application states that it has been designed to meet a range of student requirements.

The BTR apartment floor areas meet or exceed the minimum standards provided in Appendix 1 of the Apartment Guidelines. I note that SPPR 8(iv) of the Apartment Guidelines states that the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes. The application includes a Build to Rent Management Plan, which provides details of services for BTR residents including concierge, security, maintenance, waste management, etc.

The blocks are configured to prevent overlooking between habitable rooms. The BTR units are all single aspect but are east or west facing. The Daylight, Sunlight and Overshadowing Study indicates that some living rooms and kitchens in the student accommodation will fall below recommended Average Daylight Factors (ADF) as per the BRE guidance document 'Site Layout Planning for Daylight and Sunlight' (2011). Of the 11 living rooms and kitchens tested, 9 (82%) of these meet the minimum BRE recommended values or are within 20% of them. All bedroom areas tested meet the minimum BRE recommended values. This is considered acceptable and I note section 6.7 of the Apartment Guidelines in this regard, i.e. the need to balance the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the need to ensure an appropriate scale of urban development.

#### 12.4.5. Design and Layout Conclusion

To conclude, I consider that, subject to conditions, the design and layout of the development are generally satisfactory with regard to national and development plan



guidance for residential development and student accommodation and that there is a reasonable standard of residential accommodation for future residents of the scheme.

## **12.5. Impacts on Visual and Residential Amenities**

- 12.5.1. Potential impacts on residential amenities primarily arise at Sweeney's Terrace and Clarence Mangan Road to the west and south of the development. The scheme has been designed to obviate overlooking of adjacent residential properties and, with regard to the intervening distances and to the pattern of fenestration, I am satisfied that direct overlooking has been avoided. The Daylight, Sunlight and Overshadowing study indicates that there will be some additional overshadowing of adjacent façades at Clarence Mangan Road. Vertical Sky Component (VSC) is between 19.9 and 29.6 at these locations. The BRE guidance document 'Site Layout Planning for Daylight and Sunlight' (2011) states that if the VSC is greater than 27% then enough sunlight should still be reaching the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice a reduction in the amount of sunlight. VSC of 15% - 27% require special measures such as larger windows or changes to room layout to provide adequate daylight. It is submitted that the windows in the relevant façades are large and that impacts would be relatively minor. These points are accepted.
- 12.5.2. I note the submitted photomontages, Visual Appraisal, elevations and cross sections, including potential cumulative impacts. The development will undoubtedly change the outlook from adjacent residential properties. However, this area is currently undergoing transformation and development has already been permitted at this zoned site. The development will not be visible from any key views or prospects. It will be visible from the Newmarket Conservation Area, however it will be situated in a context of several recently permitted developments at the northern side of Newmarket and Mill Street. I consider that the development will, as discussed above, provide a satisfactory contribution to the public realm and will enhance the overall appearance of the area.
- 12.5.3. I note third party concerns regarding impacts on residential amenities due to noise, anti-social behaviour, etc. However, the submitted Student Management Plan states

that the applicant is an international provider of PBSA and is currently operating successfully at the adjoining 'New Mill' student residence under the 'Uninest' brand, as well as at several other locations in Ireland including Kavanagh Court, Brunswick Street and Dominick Street in Dublin 7. The ongoing operation of the scheme includes on site accommodation management, support staff and 24 hour security. Anti-social behaviour by tenants is to be actively managed and the use of outdoor recreation facilities is to be limited to 11am – 8 pm. The plan includes proposals that the management company will liaise with neighbouring residents and local groups. These points are accepted.

12.5.4. An outline construction management plan is submitted, which includes measures to prevent adverse impacts on residential amenities during construction including traffic management and waste management. I consider that these measures preclude significant adverse impacts as a result of construction traffic and are generally satisfactory. Details of construction traffic management should be agreed by condition.

12.5.5. I am satisfied that the development will not result in any undue adverse impact on the residential amenities of the existing student accommodation to the west of the development site. I am also satisfied that the development will not have significant adverse impacts on visual or residential amenities of adjacent properties at Sweeney's Terrace or at Clarence Mangan Road such as would warrant a refusal of permission.

## 12.6. Cultural Heritage

12.6.1. The site is within the zone of archaeological potential for Dublin City (DU018-020). It is located in an area of former industry associated with the medieval and post-medieval city of Dublin. The site formed part of the lands of the Augustinian Abbey of St. Thomas, founded in 1177 by William Fitz Audelin. The Augustinian monks changed the course of the Poddle so as to generate water power and the medieval 'Double Mills' of St Thomas's Abbey (DU18-020202), with its water channel and mill pond, was located at the site of the 'New Mill' student accommodation to the east. The mill pond (DU18-020398), infilled in the 1970s, was located to the west of the mill, at the eastern end of the development site. Historic records show that tanning of leather was carried out at the site since at least the 12<sup>th</sup> century. The first leases on

Mill Street date to the 1680s. Rocque's map of 1756 shows Sweeney's Lane (now Sweeney's Terrace) developed off Mill Street. 19<sup>th</sup> century maps indicate a former Christian Brothers 'ragged school' on the northern edge of the mill pond. A terrace of 3 'Dutch Billy' houses on Sweeney's Lane, similar to No. 10 Mill Street, were demolished in the 1930s and by 1939 large warehouse / industrial type buildings occupied most of the northwest corner of the development site. These too have now been demolished. The National Monuments Constraint map indicates the following additional monuments immediately adjacent to the development site:

- DU018-020357, House 18<sup>th</sup> / 19<sup>th</sup> Century at Sweeney's Terrace, no longer extant.
- DU018-020202, House 18<sup>th</sup> / 19<sup>th</sup> Century, protected structure, Number 10, Mill Street, see below.
- DU018-020490, Oscar Square, house indeterminate date- this refers to a building known as the Brass Castle. No longer extant.

12.6.2. The Archaeology Report provides details of excavations carried out at the development site in 2003 and 2015. A test excavation parallel to Sweeney's Terrace in 2003 found some evidence for a mortared redbrick foundation, which was consistent with that of a wall foundation on Rocque's 1756 map. The evidence indicates that the survival of structural remains on Sweeney's Terrace is very poor. Testing was carried out in 2015 on foot of the permission PL29S.217613. This found some isolated and localised areas of surviving archaeology in the form of pits associated with post-medieval industrial activity, possibly tanning. In the east of the site there was less modern disturbance than was evident elsewhere and here a more complex area of pits was identified. The pits are interpreted as being post-medieval in date and associated with the previous industrial heritage of the site, possibly related to tanning or other related activity. The southern part of the site was excavated as part of a full, open-plan excavation of the entire area undertaken on foot of a condition of PL29S.244805, the final report of same is currently under preparation. Archaeological mitigation measures are proposed. I note the submission of the Dept. of Culture, Heritage and the Gaeltacht. This considers, on the basis of the information in the archaeological report, that there are no archaeological

objections to the grant of planning subject to the implementation of the proposed mitigation measures at pre-construction and construction phases.

12.6.3. No. 10 Mill Street is a protected structure (RPS Ref. 5247). The Architectural Conservation Report states that it probably dates to the first laying out of plot boundaries in the 17<sup>th</sup> century and appears on Roque's map of 1756. The report assesses No. 10 Mill Street as:

*" ... the single most important surviving house in the Liberties / Coombe area, and represents a rare survival of a house type, the Dutch Billy, which was once the dominant type in this part of the city ... "*

This importance is also acknowledged in the NIAH record of No. 10 Mill Street, which rates it as of Regional importance. The northeast corner of the development site is within the curtilage of the protected structure. The scale of Block A drops from 6 stories high at the west end of Mill Street to 4 stories next to No. 10 Mill Street. This adaption of scale mirrors that of the New Mill scheme to the east of the protected structure. The façade of Block A has a compatible brick finish and has been designed with consideration for its detailed integration with the archway to the side of No. 10 Mill Street, in consultation with DCC Conservation officer. The top of the ground floor of Block A will match the top of the archway to provide a visually harmonious composition. The eastern elevations of Block A and of Blocks B and C have been designed to provide a considered setting for the existing open space to the rear of No. 10 Mill Street and for the existing student accommodation block to the west of the development site with lighter external finishes. The detailed treatment of this area is discussed in section 12.4.2 above and is considered satisfactory.

12.6.4. The Architectural Conservation Report notes the presence of a historic boundary wall at the River Poddle at the southern end of the development site. It marks the location of the southern bank of the mill pond. The Architectural Conservation Report assesses the wall as being of 'historic' importance. Analysis of the historic maps indicates that the alignment of the walls most likely dates from sometime between the late 18<sup>th</sup> to early 19<sup>th</sup> centuries. The walls themselves may, however, include fabric of subsequent periods. The remaining small section of random rubble calp stone wall is in poor condition and the rest of wall has fallen in to the watercourse or become part of the infilled mill pond. This stretch of the Poddle is the only remaining

un-culverted section of the river in the inner city and, as discussed above, is the remnant of a larger mill pond which may date back to medieval times. It proposed to undertake remedial works to repair both retaining walls on either side of the river. The existing concrete flood defence wall will be faced with natural stone, on all visible faces, with stone capping to the top of the wall. This treatment, along with the proposed landscaping measures discussed above, is also considered satisfactory.

12.6.5. There is a protected structure within the adjacent Warrenmount complex to the south of the development site, RPS 8222 'Presentation Convent: original Warrenmount House and other buildings'. This relates to several separate buildings that are listed in the NIAH, i.e. the convent building (formerly Warrenmount House, NIAH ref. 50080878), dating to the mid 18<sup>th</sup> century and the associated convent chapel (NIAH ref. 50080879), dating to 1820. The Architectural Conservation Report notes that the historical coherence of the Warrenmount complex has been weakened over time by the introduction of large and unsympathetic modern interventions. This point is accepted. I consider that the development will have no significant impact on the setting of this protected structure given its current context and the presence of various intervening buildings and structures.

12.6.6. To conclude, I am satisfied overall that the proposed development will retain and enhance the conservation significance of the identified historic context, i.e. No. 10 Mill Street and the Poddle River bank.

## 12.7. **Roads and Traffic Issues**

12.7.1. The site is close to the city centre, less than 1 km from the Luas red and green lines and near several bus routes and c. 800m from a Dublin Bikes station. The development has been designed as a zero-parking scheme on the basis of its inner city location and in the interests of sustainable development. I note that development plan standards for student accommodation allow for car free developments, also national policy objective 13 of the National Planning Framework, which allows for a 'range of tolerance' for car parking standards in urban areas in order to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. In addition, SPPR 8(iii) of the Apartment Guidelines provides that there shall be a default of minimal or significantly reduced car parking provision for BTR developments on the basis that it is more suitable to central locations and / or

proximity to public transport services. The lack of car parking provision is acceptable in this context, also subject to the implementation of the submitted outline mobility management measures. Given the nature of the proposed land use, the limited parking provision and the availability of sustainable transport modes, it is not considered that the development will have any significant traffic impacts. I also note that DCC Transportation Planning Division has no objection to the scheme subject to conditions.

- 12.7.2. A total of 104 no. bicycle parking spaces are to be provided for the student residential component of the development. They are located in the central courtyard, which avails of passive surveillance by the student and BTR blocks. The report of DCC Transportation Planning Division notes that a total of 118 no. cycle parking spaces would be required to serve the student accommodation in accordance with development plan standards. However, the applicant submits that a survey of the existing cycle parking provision in the New Mill student accommodation indicates that it is operating at 20% capacity. The shortfall is justified on the basis of complementary usage of cycle parking in both schemes. This is acceptable. There is also a provision of 42 no. cycle spaces in the basement of the BTR block, 20 no. visitor spaces inside the arch at No. 10 Mill Street and an additional 20 no. visitor spaces within the public realm, the exact location and number of which will be agreed and provided in consultation with Dublin City Council. This is satisfactory.
- 12.7.3. Provision has been made the formalisation of on street car parking at Sweeney's Terrace (3 no. car parking spaces including one accessible space) and a set down area along Mill Street. These works to the public realm will be carried out in consultation with Dublin City Council. I note the comment of DCC Transportation Planning Division regarding discrepancies in the documentation submitted in relation to the treatment of this area. The matter may be clarified by condition
- 12.7.4. With regard to permeability, the Transport Statement and proposed roads layout indicate pedestrian and cycle access to the area to the side of No. 10 Mill Street. The wayleave from Sweeney's Terrace is to be used as an emergency access. The wayleave is indicated as a public access in some drawings submitted but others indicate a restriction at this location. It is important that public access be maintained from Sweeney's Terrace, as the scheme has been laid out such that the pedestrian route is extended to connect to the area to the side / rear of No. 10 Mill Street and on

to Mill Street. This significantly improves overall pedestrian permeability in the area, in accordance with the Liberties LAP. A condition requiring same may be imposed. There is restricted access to the central courtyard and to the open space at the Poddle River bank. The restricted courtyard access is acceptable given that this space is not a through route and serves as a communal amenity space for residents of the scheme. I note that DCC recommends that Block D be set back from its western boundary by a minimum of 2 m to allow for public access to the exposed area of the River Poddle from the wayleave from Sweeney's Terrace. This would constitute a considerable benefit to the public realm and may be required by condition.

12.7.5. Several third parties have stated concerns in relation to construction traffic. The application includes proposed construction traffic management measures. I consider that these measures preclude significant adverse impacts as a result of construction traffic and are generally satisfactory. Details of construction traffic management should be agreed by condition.

## 12.8. **Site Services and Flood Risk**

### 12.8.1. Site Services

The development site is served by a combined sewer along Mill Street and a combined sewer along Sweeney's Terrace. There is a surface water pipe along Mill Street. The development is to discharge to the existing surface water sewer via an attenuation tank with a hydro-brake flow control device to restrict flow to 2 l/s. Interception storage is provided in the form of green roofs, attenuation landscaping and permeable paving. The foul drainage system for the development is to discharge to the existing combined sewers. There is an existing watermain located on Mill Street and on Sweeney's Terrace. It is proposed to provide a new watermain within the development and connect to the existing watermain at 2 locations, i.e. on Sweeney's Terrace to serve the block to the south of the site and on Mill Street to serve the remainder of the site.

I note the correspondence on file from Irish Water, which states that connection to the public water supply is feasible without upgrades. Given the proposed surface water drainage measures and the flood risk assessment, it is considered that the development is acceptable with regard to flooding and drainage issues.

### 12.8.2. Flood Risk

The application includes a SSFRA. OPW flood maps do not indicate flooding on Mill Street or at the development site but do show that a section of Blackpitts, approximately 200 m to the east of the site and approximately 2m lower than the lowest part of the site, has flooded in the past (in 1963). The CFRAMS map for the River Poddle catchment indicates that Mill Street at the northern end of the development site will flood for the 100 year event, also some encroachment of floodwaters onto the Mill Street site frontage site for the 1000 year event. However, the CFRAM Study flood depths mapping along Mill Street does not appear to indicate any flooding for the 10% AEP Fluvial Flood Depth. There is a range of intermittent spots where flooding is indicated of 0-0.25m depths for the 1% AEP Fluvial Flood Depth, and similarly a range of 0-0.25m depths for the 0.1% AEP Fluvial Flood Depth predictions. The SSFRA considers road levels from the topographical survey of the area and found falling levels from Sweeney's Terrace and Mill Street. This coupled with the lack of historic flood events on Mill Street suggests that, notwithstanding the CFRAMS predictions for Mill Street, it is likely that any flood waters would flow in an easterly direction on the 1:40 gradient down Mill Street and away from the site. The proposed finished floor levels for the buildings along Mill Street will be at or above existing footpath level which will put them above any potential floodwaters on Mill Street.

The GDSDS 2011 and 2031 predictive hydraulic models for the Poddle River show it surcharging in this area during flood events but not enough to lift manhole covers and flood the site. The GDSDS maps for the City Centre Docklands do not show the Poddle surcharging but do show the lower section of the combined sewer on Mill Street surcharging but again, the manhole covers do not lift off. It is proposed to fit non-return valves to prevent any backflow from the public system into the site. In addition, the proposed SUDS measures will reduce the peak rate of flow from the site thereby reducing the pressure on the public system.

The proposed works at the River Poddle will maintain existing bank levels to ensure that there is no change in the effective bunding of the site to protect against flooding from the watercourse.



The development passes the justification test criteria outlined in the OPW guidelines the subject proposal passes the test for the following reasons:

- The existing site is covered with either buildings or hardstanding and so the new development will not increase flood risk elsewhere in the vicinity. Flood risk will be reduced by the SUDS measures proposed for the site, which will significantly reduce peak run off from the site during rainfall events.
- In addition, flood risk will be reduced to an insignificant level by the design features incorporated into the development. The proposed surface water drainage design incorporates a 20% climate change factor.

I am satisfied that the development will not result in any significant adverse flood risk subject to the implementation of the proposed surface water drainage measures.

## 12.9. Other Matters

### 12.9.1. Part V

The Student Accommodation element of the development does not give rise to any requirement under Part V of the Planning and Development Act 2000 (as amended). Part V requirements do apply to BTR developments. The applicant proposes to transfer a total of 3 no. built units (2 no. studios and 1 no. one-bed apartment) to the Planning Authority. The proposed units are all 'own door' units at ground floor level of the BTR Block. I note the report on file of DCC Housing and Community Service Dept. dated 29<sup>th</sup> January 2019, which indicates that the applicants have engaged with the Housing Dept. and are aware of their Part V obligations.

### 12.9.2. Building Life Cycle Report

The applicant has submitted a building life cycle report, as required by the Apartment Guidelines. It is noted that the service charge budget will be required to be undertaken by management instead given that it is a BTR scheme. A 10-year planning preventative maintenance strategy will determine the level of sinking fund required. I note that reference is specifically made to daylighting to units, and that where possible when undertaking development proposers should offer the capability to satisfy minimum standards of daylight provision to units thus reducing the requirement for continuous daylighting. The development has been designed to address this issue. Details of other energy saving measures are provided.

## 12.10. Conclusion

- 12.10.1. Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

## 13.0 Conclusion

The proposed student accommodation, BTR and retail / commercial land uses are acceptable in principle at this site with regard to the relevant 'Z10' zoning objective under the Dublin City Development Plan 2016-2022. The provision of BTR and student accommodation at this location is desirable with regard to the proximity of the site to several third level institutions in Dublin city centre. In addition, the site is located in an area with a wide range of social infrastructure and public transport facilities. The development will not result in an over concentration of student accommodation with regard to the provision of existing and permitted student accommodation within 1 km of the site, as per Variation no. 3 of the Dublin City Development Plan 2022-2016. The design and layout of the scheme are generally satisfactory and in accordance with the guidance on student accommodation as set out in development plan section 16.10.7, aside from inadequate provision of recreational and amenity space, which may be addressed by condition. The proposed BTR units are in accordance with the criteria of SPPRs 7 and 8 of the Apartment Guidelines. I am also satisfied that, subject to the conditions set out below, the development would not have any significant adverse impacts on the amenities of adjacent residential properties at Sweeney's Terrace and Clarence Mangan Road. The proposed roads and parking arrangements are generally compliant with the standards of DMURS and the development plan. I therefore recommend that the Board grant permission

## 14.0 Recommendation

- 14.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

## 15.0 Reasons and Considerations

Having regard to:

- (a) the policies and objectives in the Dublin City Development Plan 2016-2022;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) the nature, scale and design of the proposed development;
- (g) the availability in the area of a wide range of social, community and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) the submissions and observations received and
- (j) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) Block D be set back from its western boundary by a minimum of 2 m to allow for public access to the exposed area of the River Poddle from the laneway from Sweeney's Terrace.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the visual amenities and character of the area.

3. The 37 number Built to Rent units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

4. Aside from the 37 no. Build to Rent units, the development hereby permitted shall only be occupied as student accommodation, including use as visitor or tourist accommodation outside academic term times, and for no other purpose, without a prior grant of planning permission for change of use.

**Reason:** In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

5. (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.

(c) Aside from the amenity space serving the Build to Rent units, access to green roofs shall be for maintenance purposes only.

(d) Student House Units shall not be amalgamated or combined.

**Reason:** In the interest of the amenities of occupiers of the units and surrounding properties.

6. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:

- (a) Details of the public realm on Mill Street and Clarence Mangan Road, including materials to be used in roads / footpaths, car and cycle parking provision, landscaping and access via the existing right of way at the southern end of the site.
- (b) Details of areas to taken in charge.
- (c) A public lighting plan.
- (d) Details of proposed works at the Poddle River bank including photographic record of existing boundary walls and Poddle banks and surrounds; detailed schedules of any repair and reinstatement works; method statement for raking out and re-pointing of stonework and associated repair details; details of historic stone coursing, sizes of stone as well as mortar composition and colour; full details of any proposed new element such as toothing-in and repair work. All new element to match the historic walls and Poddle banks.
- (e) Details of the proposed junction between the historic archway at No. 10 Mill Street and the proposed development.
- (f) Details of servicing arrangements for the commercial / retail units.

**Reason:** In the interests of visual and residential amenity.

7. (a) Prior to commencement of development, the developer shall submit to, and obtain the written consent of, the planning authority for:
- (i) A tree protection plan.
  - (ii) A programme of tree surgery works.
  - (iii) A detailed landscaping plan including specific details as to the plant sizes and species to be used.
  - (iv) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) A suitably qualified Landscape Architect shall be appointed prior to the commencement of any development on the subject site to oversee and monitor the project construction and early operational stages of development in regard to the implementation and monitoring of tree protection measures outlined in the environmental report received by the planning authority.
- (c) Landscaping of the overall development shall be carried out in accordance with the agreed landscaping plan required under condition 7(a) above and shall be carried out and completed prior to the completion of development and prior to the occupation of any units hereby permitted.

**Reason:** To protect the amenity value of existing trees and ensure a high-quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

8. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including external shopfronts, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

9. The proposed shopfront shall be in accordance with the following requirements:

- (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
- (b) lighting shall be by means of concealed neon tubing or by rear illumination,
- (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
- (d) external roller shutter shall not be erected and
- (e) no adhesive material shall be affixed to the windows or the shopfront.

**Reason:** In the interest of visual amenity.

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

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

11. Proposals for a development name, and for residential unit /commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority, and shall be in both Irish and English. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.



12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

13. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

**Reason:** In the interest of residential amenity.

14. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

(a) Full details of proposed green roofs including construction and maintenance plan;

(b) Implementation of mitigation measures in the site-specific Flood Risk Assessment.

**Reason:** In the interest of public health.

15. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(a) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

16. The streets and footpaths within the development shall comply with the requirements and specifications of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013 and shall comply with the following requirements:

- (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.
- (b) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.
- (c) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the Planning Authority for agreement and shall carry out and cover all costs of all agreed recommendations contained in the audit.
- (d) Drop off and collection shall be as per the Student Management Plan.
- (e) The existing laneway from Sweeney's Terrace site shall be opened for use as a pedestrian access to the development and maintained as such.
- (f) Car parking and cycle parking shall comply with the requirements of the planning authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to comply with the guidance given in the Design Manual for Urban Roads and Streets and to provide an integrated street network that is safe and convenient for all road users and in particular pedestrians and that achieves an acceptable standard of urban design.

17. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. The mitigation measures outlined in the Ecology Report submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

**Reason:** To protect the environment.

19. Proposals for a development name, and for residential unit /commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the Planning Authority, and shall be in both Irish and English. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

22. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

24. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of public safety and residential amenity.

25. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

26. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-rent Management Plan which demonstrates clearly how the proposed Build-to-rent scheme will operate.

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

27. Prior to the commencement of development, the owner shall submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain

owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period.

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

28. Prior to expiration of the 15-year period referred to in the Covenant, the owner shall submit for the written agreement of the Planning Authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity

29. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

30. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution

Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge

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Sarah Moran  
Senior Planning Inspector

4<sup>th</sup> April 2019

## **Appendix I List of Observers**

Breandan Mac Giolla Phadraig

Davin O'Dwyer

Richard Stearn

John Fingleton

Katie McAuliffe and Others



Paddy McGovern and Others  
Sinead Hyland  
Dr. Leon McCarthy  
Jennifer Winder-Baggot  
Paul and Maria O'Reilly  
Residents Of Dufferin Avenue  
Cllr. Rebecca Moynihan  
Alice O'Connell  
Brid Smith TD and Cllr. Tina McVeigh  
Alan and Katrin Hannigan  
Catherine McSweeney and others  
Residents of Clarence Mangan Road  
Mr. and Mrs. L. Curtis  
Tenters Residence Association  
Margaret Lynch  
Residents of Menton Avenue Menton Park  
Dave Coffey  
Kay and Noel Clarke and Others  
Kay Ferniter  
Lia Clarkson  
Clarence Mangan Road Residents  
Karen Warren  
Ronan Evers Norton  
Senator Máire Devine  
H. Warren  
Jacinta Warren  
Breda O'Hara

Cllr. Criona Ni Dhálaigh