



An  
Bord  
Pleanála

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

## Inspector's Report ABP-304249-19

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### Strategic Housing Development

Demolition of existing buildings on site, construction of 208 single occupancy bedspaces in a Build to Rent Shared Living Residential Development, café / kiosk and associated site works.

### Location

Old School House, Eblana Avenue,  
Dun Laoghaire, Co. Dublin.

### Planning Authority

Dun Laoghaire Rathdown County  
Council

### Applicant

Bartra Property (Eblana) Limited

### Prescribed Bodies

Transport Infrastructure Ireland  
Dept. of Culture, Heritage and the  
Gaeltacht  
Irish Water

**Observers**

William Byrne

Dun Laoghaire Central Residents  
Association

Elizabeth Coffey

Paul Callaghan and Maeve O'Reilly

Ciaran Cuffe

Dorothy Dillon and Arran Walsh

**Date of Site Inspection**

7<sup>th</sup> July 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, which has a stated area of c. 0.2768 hectares is located on Eblana Avenue in the centre of Dun Laoghaire, Co. Dublin, close to the junction with Marine Road and opposite the junction with Sussex Street, c. 130 m south of Dun Laoghaire Dart station. The site is to the south of the County Hall and the Harbour Square mixed use development, both of these are at a lower level than the site and front onto Crofton Road. The northern site boundary is also adjacent to the Harbour Master's Lodge, a protected structure. There are residential properties on Eblana Avenue to the west of the site and the rear of properties on Marine Road to the east. The Eblana Club at No. 3 Eblana Avenue is to the immediate west of the site, including a large rear garden area, and is currently in leisure use. St. Michaels Hospital is nearby with an access from the western end of Eblana Avenue. Several of the buildings in the vicinity are protected structures, i.e. Nos. 5-7 Eblana Avenue to the west of the development site and Nos. 2-9 Marine Road to the immediate east of the site. The existing buildings at the site comprise the Old School House and associated structures. The school house dates to the 19<sup>th</sup> century. There is a surface car park on the eastern side of the site, which is bound by the rear of properties on Marine Road and provides vehicular access to the rear of several of those properties.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The development comprises a 4-6 storey over part basement / part lower ground floor building. The proposed development is a shared living scheme comprising 208 no. single occupancy bedspaces (including 4 no. accessible rooms) with a circulation core (6,501 sq.m.). The applicant is to retain ownership and to operate the shared living accommodation and details of ongoing operation and management are submitted. The development also includes:

- Communal kitchen / dining, living and library spaces at each floor level;
- Communal amenity spaces for all residents at lower ground floor and ground floor levels including a lounge / games room, multi-purpose / dining space, gym / fitness space and a TV / cinema room;
- Roof garden at 5<sup>th</sup> floor level; landscaped amenity areas at lower ground / ground floor levels;
- Residents facilities including laundrette, linen room and concierge / administration management suite;
- 4 no. short term visitor car parking spaces, 1 no. accessible car parking space, 1 no. short term set down and 1 no. car share space;
- 232 no. cycle parking spaces including 24 no. visitor spaces and 8 no. dockless shared bicycle stands;
- Pedestrian link between Eblana Avenue and Harbour Square;
- Kiosk fronting Eblana Avenue for the sale of food and beverages to the public (16.7 sq.m.) with associated external seating area.

## 4.0 Planning History

### 4.1. D16A/0548 PL06D.248770

- 4.1.1. Permission granted for demolition of existing buildings and construction of 59 apartments, café, kiosk all in a 5-6 storey above basement level scheme with 59 car parking spaces and ancillary site works

### 4.2. D06A/1914 PL06D.225933

- 4.2.1. Permission granted for the demolition of the Old School House and rear of No. 3 Eblana Avenue and the construction of a mixed use development of retail and office accommodation with 71 residential units. The Board, by way of condition, omitted the 5<sup>th</sup> and 6<sup>th</sup> floors from the development.

### 4.3. D05A/0335 PL06D.214019

- 4.3.1. Relating to the Old School House and rear of No. 3 Eblana Avenue. Permission sought for a mixed use development including 77 no. apartments, offices, retail/

offices, private club, committee room, private function room/ bar, car parking and associated works. Granted by DLRCC. Refused by ABP for 2 no. reasons relating to (1) the demolition of No. 3 Eblana Avenue would result in the loss of a distinctive building of architectural significance on this streetscape and would seriously injure the visual amenities of Eblana Avenue and (2) the development, by reason of its excessive height, massing and bulk on this sloping site, would seriously detract from the visual setting of nearby protected structures, particularly the Harbourmaster's Lodge and would conflict with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2004-2010 which supports higher densities provided that new development would respect and would not injure the existing built form, scale and character of an area; the development, while allowing for existing and permitted development in the vicinity, would represent a discordant feature when viewed from the harbour.

**4.4. D99A/0709 PL06D.121894**

- 4.4.1. Permission sought for a mixed development of offices, 67 no. apartments and partial underground parking. DLRCC granted permission. ABP refused permission for 3 no. reasons relating to excessive height and bulk relative to the established pattern of development in the surrounding area; development would be visually obtrusive and would constitute over-development of the site; development would conflict with the provisions of the current Dun Laoghaire-Rathdown County Development Plan in relation to high buildings and to the impact of new development on the character of the area; development, by reason of overlooking of the adjoining properties to the east and by reason of overlooking and overshadowing of the adjoining property to the west, would seriously injure the residential and other amenities of adjoining properties; development, by reason of its height, massing and bulk, would seriously detract from the visual aspect and environmental settings of nearby protected structures and would conflict with the provisions of the Development Plan in this regard.

## 5.0 Section 5 Pre Application Consultation

### 5.1. Pre-Application Consultation ABP-302964-18

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

Demolition of all existing buildings on site and the construction of a 5-6 storey over lower ground floor shared living residential development comprising 212 no. bedspaces. The provision of a communal kitchen/dining room at each floor level to serve the residents of each floor; communal residents amenity space at lower ground and ground floor levels including the provision of a gymnasium, laundrette, storage lockers, lounge/reception area and residents function/ cinema room; roof garden at 5<sup>th</sup> floor level.

- 5.1.2. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 12<sup>th</sup> December 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 in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The applicant was advised that the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

#### 5.1.3. Principle of Shared Accommodation Provision at this Location

Further consideration of the documents as they relate to the principle of shared accommodation at this location. This consideration and justification should have regard to, inter alia, (i) the vision for the development of Dun Laoghaire and the relevant housing and settlement policies set out in the Dun Laoghaire County Development Plan 2016-2022 which includes Appendix 12 Dun Laoghaire Urban Framework Plan; (ii) the Sustainable Urban Housing: Design Standards for New Apartments, specifically the guidance on Shared Accommodation Developments and in particular sections 5.18, 5.19 and 5.22 and SPPR 9 of same and (iii) the suitability

of this location for Shared Accommodation with regard to accessibility and connections to employment centres and community facilities. Comprehensive information regarding the nature of the proposed use should be submitted to facilitate assessment of this issue including details of the occupation, operation and management of the scheme. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

#### 5.1.4. Format of Shared Accommodation

An Bord Pleanála notes that the proposed format of the shared accommodation is not to be provided in the cluster format with a common shared area within the residential units as referenced in paragraph 5.15 of the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018’ (hereafter apartment guidelines 2018). Your format approach of allocating the common living and kitchen facilities (as specified under Table 5b of the apartment guidelines 2018) to each bedroom rather than as a common shared area within the residential unit raises a number of questions for ABP and should be addressed in more detail at application stage. An Bord Pleanála acknowledges that the Apartment Guidelines 2018 in relation to ‘Shared Accommodation Developments’ are not definitive and allow for various formats of this typology.

It appears your format is creating what are effectively ‘self-contained’ residential units with each bedroom having its own living and kitchen facilities along with an en-suite bathroom. Should you continue to adopt this format at application stage then a clear justification and rationale should be provided to the Board at application stage.

In that regard, An Bord Pleanála notes that this potentially self-contained unit has a floor area of c. 16 sq.m. whereas the Apartment Guidelines 2018 indicate that a studio apartment should have a minimum overall floor area of 37 sq.m. You are requested to clarify the difference, in your opinion, between your proposed potentially self-contained bedroom unit and a studio apartment (other than the significant difference in floor area). You should seek to provide comfort to the Board that your proposal does not set an undesirable precedent of creating substandard self-contained/ studio apartments and such proposals do not replace quality urban apartment development as a viable long term housing option.



Furthermore, the Apartment Guidelines in relation to shared accommodation developments place significant emphasis on the 'shared' or 'communal' aspect of this typology, with the shared living element being delivered in the communal living and kitchen facilities. If, as in your proposal, the living/kitchen accommodation is to be delivered as separate/private facilities in each bedroom, then ABP would question how this approach constitutes 'shared accommodation' for the purposes of the 2018 guidelines. It is noted that paragraph 5.23 of the Apartment Guidelines 2018 indicate that the standards specified in Table 5b relate to 'communal' amenities, not private amenities serving each bedroom. Creating self-contained bedrooms may appear to conflict with both the spirit and letter of the provisions of 'Shared Accommodation Developments' as contained within the 2018 Guidelines, this should be addressed at application stage.

You should also address the fact that a 'dwelling' is defined as being, inter alia, "a property let for rent...as a self-contained residential unit..." (Ref: Pt. 1 S.4 of the Residential Tenancies Act 2004) and how your proposed bedroom format does, or does not, constitute a 'dwelling' given that definition. You should specify what measures you propose and/or what measures, if any, the Board could adopt in the event of a grant of permission to safeguard against the establishment of what could be defined as a dwelling when the floor area is only c. 16 sq.m.

#### 5.1.5. Proposed Ground Floor Uses

Further consideration and/or justification of the documents as they relate to the ground floor element of the proposed development in terms of the possible provision of commercial uses and the creation of an active streetscape along Eblana Avenue, having regard to the 'Major Town Centre' land use zoning of the site. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

#### 5.1.6. Impacts on the Visual Amenity of the Area

Further consideration of the documents as they relate to the design, scale and elevational treatment of the proposed development and to potential impacts on visual amenity, including impacts on nearby Protected Structures and buildings of note. In this regard the prospective applicant should satisfy themselves that the design strategy for the site provides the optimal architectural solution for this location and

that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. The submitted documents should also allow for further consideration of the proposed materials with regard to impacts on visual amenity. The proposed development shall have regard to inter alia, national policy including the National Planning Framework, the Sustainable Urban Housing: Design Standards for New Apartments, the Urban Development and Building Heights Guidelines for Planning Authorities, the Dun Laoghaire County Development Plan 2016-2022 including Appendix 12 Dun Laoghaire Urban Framework Plan and the site's context and locational attributes. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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

- Additional details of the layout and design of the proposed pedestrian walkway/urban realm linking the town centre with the waterfront and the desire to ensure that this is an attractive, accessible area that is conducive to social interaction/engagement and offers high amenity value for all users. Details relating to 24 hour accessibility, or otherwise, of this walkway should be included;
- Additional details offering justification for the proposed demolition of the Old School House building;
- Additional drainage details having regard to the report of the Drainage Division of the planning authority, as contained in the Chief Executive Report dated 30<sup>th</sup> November 2018;
- Additional CGIs/visualisations showing proposed development in context of existing development within the area;
- Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development;
- Construction and Demolition Waste Management Plan;
- 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. Proposals relating to improving accessibility for vulnerable road users into/out of site and in accessing surrounding area should also be submitted;

- Details of proposed operation and management of the right of way/wayleave on eastern side of the development site;
- A site specific Operational Management Plan;
- Waste Management Plan.

## **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:

### **5.2.2. Applicant's Response Principle of Shared Accommodation Provision at this Location**

- The development complies with the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Dun Laoghaire Urban Framework. It will increase the residential population within the town centre and thus support the existing commercial, social and leisure facilities throughout the town.
- The site is located within a 'central and accessible' location as per the Apartment Guidelines. The scheme provides appropriate density, ref. Policy RES3.
- The development plan acknowledges the declining requirement for traditional family housing and an increase in the number of elderly and single person households, ref. section 8.2.3.3 (iii) and Policy RES7. The proposal responds to the need for alternative accommodation typologies in the Dun Laoghaire area in accordance with development plan policy.
- The development meets the objectives of the Dun Laoghaire Urban Framework Plan with regard to supporting the commercial activities of the town; the creation of an 18 hour economy; increasing the residential population to create demand for local services and development of the waterfront. It will meet the specific objective for the development site to 'improve physical linkages and accessibility between the Town Centre and the Waterfront' and to 'encourage and provide for increased pedestrian and cycle permeability between George's Street and Crofton Road'.

- The application includes a Shared Living Report and Statement of Consistency which address sections 5.18, 5.19 and 5.22 of the Apartment Guidelines. Details and analysis of bedroom floor areas and the communal floor areas are provided.
- The development is in a town centre location close to high frequency bus and DART services. It will therefore promote sustainable modes of transport. It is also within walking /cycling distance of employment locations and a wide range of facilities and services.

### 5.2.3. Applicant's Response Format of Shared Accommodation

- There is a fundamental difference between the proposed shared living suites and a studio apartment. The applicant has carried out extensive research on the shared living format and the design and layout of the scheme has evolved into the proposed format, which is considered the optimum arrangement.
- The proposed shared living suites could not be used as individual dwellings due to their reliance on other facilities/ amenities provided throughout the scheme. A communal kitchen/ dining space provided at each floor level, which would not be provided for studio apartments in a residential development. There are now no cooking facilities in each suite, the provision is limited to tea / coffee facilities and a toaster. Studio apartment facilities allow complete independent living with cooking and laundry facilities.
- The submission highlights the benefits of a non-cluster format as an appropriate solution for working adults including the ability to interact with a larger number of people in the shared spaces rather than kitchen clusters serving 4-5 no. residents.
- Sufficient communal amenity spaces are provided within the scheme with regard to Table 5b of the Apartment Guidelines. Following pre-application consultations with ABP and DLRCC, additional communal kitchen /dining /living /library spaces have been provided throughout the scheme, whilst cooking facilities within the suites have been removed.
- The applicant is happy to accept a condition that restricts the use of the shared living suites as bedroom suites only with ancillary in-room dining which must never be utilised separately as a single dwelling suite. A legal covenant is

enclosed. Refer also to Legal Opinion by Gavin Ralston, SC with regard to the definition of a dwelling under the Residential Tenancies Act 2004 (as amended).

#### 5.2.4. Applicant's Response Proposed Ground Floor Uses

- The development includes a kiosk at the frontage to Eblana Avenue for the sale of food and beverages to the public, with an associated outdoor seating area. This will encourage the vitality of the area, drawing pedestrians to/from George's Street to Crofton Road via Sussex Street and providing a facility to pedestrians on route to the Dart station without detracting from the viability of the Town Centre. The building has been set back by an additional 3 m along Eblana Avenue, creating a wider pavement along this frontage.
- The proposed ground floor uses will create active frontage and vitality on Eblana Avenue and along the pedestrian link. The amenity spaces at the pedestrian link will also contribute to vitality.
- The provision of additional commercial units at this location would be economically unviable and detrimental to the overall success of the scheme as there is a significant risk that the units would remain vacant due to insufficient footfall. A survey by Nationwide Data Collection (NDC) was carried out on behalf of the applicant at the access laneway between Bentley Villas and George's Street Lower, a permeable connection that is comparable to the subject development. The observed footfall of pedestrians and cyclists throughout the day was low.
- The provision of further commercial units as part of the development would undermine commercial business on Georges' Street and Marine Road which are currently suffering from high vacancy rates.

#### 5.2.5. Applicant's Response Impacts on Visual Amenities

- The elevational treatment of the development has been changed from that submitted at pre-application consultation stage. The elevations have been designed to 'read' at all distances.
- The applicant highlights the following key design changes from the design submitted at pre-application stage:

- The building has been set back 3 m along Eblana Avenue and a kiosk has been introduced at this location;
- The main communal kitchen on each floor has been moved to a more central location and a second communal living room has been introduced to each floor. Increased provision of internal amenity space per bedspace;
- Relocation of the gym creating additional communal amenity spaces at lower ground floor;
- Alternative landscape design with the introduction of a public lift;
- Material Palette; and
- Addition of a build-out over easement on the eastern boundary from levels nos. 2-4 ensuring access for waster vehicles and fire tender is facilitated.

5.2.6. Applicant's Response Additional Details of Proposed Walkway Between Town Centre and Waterfront

- The public right of way will comprise a walkway with natural stone paving, hardwood seating, public lighting and landscaping with breakout spaces. The change in levels is negotiated via steps and ramps, also a platform lift. Retaining walls will be required.
- The applicant would prefer to maintain control of the walkway for the safety of residents and to close it off between the hours of 10pm and 6am but is willing to keep it open 24 hours a day in accordance with the preference of DLRCC. The pedestrian connection represents a significant planning gain beyond that required for the application and will contribute to the vitality of the area. On foot of this, it is submitted that the cost of the walkway should be off-set against the Applicant's Section 48 Development Contributions and a condition requiring same is requested.

5.2.7. Applicant's Response Justification for Proposed Demolition of the Old School House

- The Conservation Report concludes that permission has already been granted for demolition at this site. The building survey shows that there have been many alterations to the buildings over time, that their merit has been severely compromised and that recent damage and deterioration have ensured that there

is less justification for their retention than there was during the consideration of previous planning applications.

#### 5.2.8. Applicant's Response Additional Details of Right of Way on Eastern Side of Site

- The area is in the ownership of the applicant but is subject to a right of way to the rear of certain existing properties along Marine Road. It also currently operates as a park by text parking area. The property owners do not have any right to park along the right of way, it is simply a means to access and egress the properties and functions as a service road.
- There is currently no gate or barrier in operation to the service road. The development does not include a gated or barrier entry. The area will be maintained and operated by the shared accommodation management team and will allow for taxi drop off and some visitor car spaces.
- The development will not impede on the current access used by patrons of Nos. 2-9 Marine Road. The access will be improved as result of the development for the following reasons:
  - The current pay-and-display car parking facilities will be removed. At present, there are c. 15 no. car parking spaces along the right-of-way moving in and out throughout the day and thus, the development will result in less vehicular movements;
  - The right of way will be subject to resurfacing and landscaping.
  - The right of way will remain open at all times to the residents in No. 2 Marine Road and the businesses in Nos. 3-9 Marine Road with the entire scheme actively managed.

#### 5.2.9. Applicant's Response Items Nos. 3 – 10 of the Specific Information Required

- The applicant has submitted particulars in response to Items nos. 3 – 10 of the specific information required.

## 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 Guidelines for Planning Authorities (including the associated 'Technical Appendices');
- Urban Development and Building Heights Guidelines for Planning Authorities;
- Architectural Heritage Protection Guidelines for Planning Authorities.

## 6.2. Sustainable Urban Housing: Design Standards for New Apartments 2018

- 6.2.1. Section 5.0 of the Apartment Guidelines specifically relates to the Build to Rent (BTR) and Shared Accommodation Sectors. BTR developments are defined as follows:

*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.*

- 6.2.2. Specific Planning Policy Requirement (SPPR) 7 sets out the following requirements for BTR developments:

*(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 of 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) Resident 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) Resident 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.*

6.2.3. Shared accommodation is to be considered as a subset of BTR accommodation.

SPPR 9 provides as follows:

*Shared Accommodation may be provided and shall be subject to the requirements of SPPRs 7 (as per BTR). In addition,*

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

6.2.4. Section 5.13 describes shared accommodation as follows:

*... professionally managed rental accommodation, where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities.*

Section 5.15 adds:

*One format of Shared Accommodation which is proposed by these guidelines is a residential unit comprising of 2-6 bedrooms, of single and/or double occupancy with a common shared area within the residential unit for living and kitchen facilities.*

Section 5.22 also states:

*Shared accommodation formats may be proposed other than the format outlined in paragraph 5.15 above. For example, such proposals may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities. Innovative formats may also be proposed to provide shared accommodation within protected structures in order to ensure their long term rehabilitation and to address sensitive architectural constraints of the subject building.*

Also, section 5.23:

*The granting of planning permission for other shared accommodation formats from those outlined in paragraph 5.15 above will be at the discretion of the planning authority. In assessing such proposals, planning authorities should ensure that sufficient communal amenities are provided in accordance with the specified standards in Table 5b above and that the scale of the development is appropriate to the location/buildings involved and to the specific role that the development of the shared accommodation sector should play in the wider urban apartment market.*

6.2.5. Section 5.16 provides quantitative standards for bedroom sizes and communal space floor areas. Section 5.17 states:

*A key feature of successful Shared Accommodation schemes internationally is the provision of wider recreation and leisure amenities as part of the overall development. Residents enjoy access to sports and recreation facilities that are dedicated for use by the residents only and have the opportunity to experience a shared community environment among residents of the scheme.*

Sections 5.18 and 5.19 provide guidance on suitable locations for shared accommodation schemes. The prevailing context of the proposed site is to be

considered, with city centres being the appropriate location for such developments. Section 5.18 states:

*In this regard the obligation will be on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly. Where there is a failure to satisfactorily provide such a basis permission should be refused by the planning authority.*

### **6.3. Dun Laoghaire Rathdown County Development Plan 2016-2022**

6.3.1. Dun Laoghaire is identified as a Major Centre in the development plan core strategy. The site has the zoning objective 'MTC' which seeks to 'protect, provide for and/or improve Major Town Centre facilities'. Uses permitted in principle within this zone include retail and residential uses.

6.3.2. Development plan section 2.1.3.3 encourages higher residential densities at a minimum of 50 units/ ha for sites located within c. 1 km pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 m of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre. Policy RES3: Residential Density states:

*It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:*

*'Sustainable Residential Development in Urban Areas' (DoEHLG 2009)*

*'Urban Design Manual – A Best Practice Guide' (DoEHLG 2009)*

*'Quality Housing for Sustainable Communities' (DoEHLG 2007)*

*'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoEHLG 2013)*

*'National Climate Change Adaptation Framework – Building Resilience to Climate Change' (DoECLG 2013).*

#### Policy RES4: Existing Housing Stock and Densification

*It is Council policy to improve and conserve housing stock of the county, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.*

#### Policy RES7: Overall Housing Mix

*It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the county in accordance with the provisions of the Interim Housing Strategy.*

- 6.3.3. Dun Laoghaire is at the top of the retail hierarchy for the county, along with Dundrum. The stated strategy is to consolidate of the Town Centre Quarter and to encourage the incremental growth of secondary character quarters in the remainder of the Town Centre. Also, refurbishment/ redevelopment of existing fabric to provide larger floor plates and comprehensive environmental improvement and upgrade of the public realm. Policy RET4: Major Town Centres applies:

*It is Council policy to maintain the two Major Town Centres - Dun Laoghaire and Dundrum as the primary retail centres in the County. This will be reflected in the nature and scale of retail and services permitted in these centres and by the range of complementary leisure, entertainment and cultural facilities located there.*

- 6.3.4. The site contains historic buildings and is adjacent to several protected structures.

Policy AR1: Record of Protected Structures states that it is Council policy to:

- (i) Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).*
- (ii) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- (iii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).*

*(iv) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*

Policy AR5: Buildings of Heritage Interest states that it is Council policy to:

*(i) Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.*

*(ii) Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.*

6.3.5. The following urban design policies and objectives are also relevant:

Policy UD1: Urban Design Principles

*It is Council policy to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.*

Policy UD3: Public Realm Design

*It is Council policy that all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved.*

Policy UD6: Building Height Strategy

*It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.*

6.3.6. Appendix 9 Building Height Strategy

The Strategy identifies areas within the county that are considered capable of accommodating buildings that are significantly taller than the prevailing building height, i.e. Sandymount, Cherrywood, Dundrum, Dun Laoghaire and UCD Belfield.

Specific locations suitable for taller buildings are to be identified in statutory and non-statutory development plans, i.e. Local Area Plans, Framework Plans and SDZ's. Section 3.2 of the Strategy relates to Dun Laoghaire and states that the Dun Laoghaire Urban Framework Plan provides guidance on building heights.

#### 6.3.7. Appendix 12 Dun Laoghaire Urban Framework Plan

The Framework Plan includes the following objectives, which are relevant to the proposed development:

- Improve physical linkages and accessibility between the Town Centre and the Waterfront.
- Encourage and provide for increased pedestrian and cycle permeability between George's Street and Crofton Road.
- Encourage development of buildings of the highest architectural quality and appropriate to context.
- Provide a network of attractive urban spaces and public realm.
- Improve and enhance existing visual amenity and streetscape within the Framework Plan area.
- Seek to ensure a balanced development of the Town Centre through the development management process, and to require appropriate uses at ground floor level and at corner sites which contribute to the vibrancy of the town centre.

Section 2.3 states an objective that the open space at the junction with Eblana Avenue, adjoining the former Senior College and St. Michael's Church, be upgraded to sustain interest for pedestrians as they move along Marine Road. Section 2.5 relates to the connection between Crofton Road and Sussex Street and states:

*The first phase of a pedestrian link between Sussex Street and Crofton Road has been delivered on foot of the redevelopment of the Harbour Yard – now Harbour Square. The completion of this route shall form part of any redevelopment proposals for the Old School House site. When complete, this route will allow direct access from the Town Centre along Sussex Street of the DART and bus interchange. At Crofton Road, a new pedestrian signal crossing has already been installed to facilitate improved and safer pedestrian movements to and from the DART station.*

*This route will ultimately link to future east-west routes through the St. Michael's Hospital and Convent lands, and a mix of uses with active street frontages will be encouraged along it.*

Section 3 of the plan states the following in relation to building height in Dun Laoghaire:

*Building heights within the area are typically 2-3 storeys with some recent and post-war developments of about 4-5 storeys extending to a maximum of 7 storeys on some prominent sites. Only the spires of St. Michael's and Mariners' Church (the Maritime Museum), the tower of the County Hall and the 'prow' of the new dlr Lexicon rise above the overall urban skyline. It is an objective that this hierarchical relationship between established landmark buildings and new infill development be preserved and maintained. New development should strive to be contextual, seek to re-establish streetscapes, be appropriately scaled and be rich in materials and details consistent with the existing typology of the Town Centre.*

The following key objectives are identified with regard to supporting vitality:

- Supporting the commercial activities of the Town, particularly along George's Street.
- The creation of an 18hr economy.
- Increasing the residential population, including student accommodation, to create demand for local services.
- Developing the Waterfront as a marine, leisure and tourism destination and creating a high quality public realm that will support improved social and leisure activities.
- At the same time, it is an objective to protect, preserve and enhance the unique historic character, ambiance and identity of the adjoining residential streets and communities.

#### **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 County Development Plan. The following points are noted:

- The development will facilitate the projected growth in population and persons in employment in the Eastern and Midland Region as identified in the NPF by providing suitable and affordable accommodation in a Town Centre location. It is consistent with NPF objectives to provide for 50% of future population and employment growth with the existing five main cities, 40% of new homes within the build-up of existing settlements and 50% of all new homes within the existing built-up footprints. It will support NPF objectives to allow for choice in housing location, type, tenure and accommodation in responding to housing need including an increasing demand to cater for one and two person households and the need to meet the housing requirements arising in major urban areas for people on a range of incomes. The highly accessible location of the development in relation to local services and facilities, employers and public transport is consistent with NPF policy objectives to encourage sustainable modes of transport. The development has a high standard of design, siting and layout and the redevelopment of this brownfield site would contribute to NPO 35 to increase residential density in settlements.
- The development will result in an increased building height at a suitable urban location as per the Building Height Guidelines.
- The densification of this urban, brownfield, infill site to provide a high-quality shared living scheme will contribute towards allowing shared living to emerge as its own segment within Dublin as per section 5.13 of Apartment Guidelines. The site is within a 'central and accessible' urban location as set out in the Guidelines. The Guidelines recognise the need for alternative types of accommodation to facilitate social economic changes. The development will provide an alternative housing accommodation type in Dun Laoghaire. The application sets out in detail how the development complies with SPPRs 7 and 9.
- The development has a high quality design that meets the 12 criteria set out in the Urban Design Manual.



- The development will improve permeability in the area in accordance with DMURS. The high-quality layout of the scheme and the use of a mix of brick and render will ensure legibility in the streetscape. The development has been designed in accordance with DMURS.
- The residential development and kiosk are 'permitted in principle' under the MTC zoning objective. The development will contribute to the delivery of development plan housing targets and will contribute towards the development of a balanced sustainable community in accordance with development plan objectives. The development complies with development plan policies RES3, RES7, ST2 - ST7, LHB1 -LHB7, LHB14 and LHB19 – LHB22, EI1 – EI11, UD1 – UD3 and UD7. The development plan Building Height Strategy has been superseded by the Building Height Guidelines.
- The development will support the achievement of key objectives of the Dun Laoghaire Urban Framework Plan as it will support increase the residential population of the town centre and support its existing commercial, social and leisure activities. It will also contribute to Objective 4, to 'encourage and provide for increased pedestrian and cycle permeability between George's Street and Crofton Road'.

## **7.0 Third Party Submissions**

7.1. The third party submissions have been made by local residents and the elected representatives Cllr. Elizabeth Coffey and Cllr. Ciaran Cuffe. The main points made may be summarised as follows.

### **7.2. Third Party Comments Quality of Proposed Residential Development**

- Several of the third parties submit that the development will result in a poor quality living environment for residents of the scheme due to an absence of quality public open space and to inadequate communal living space.
- Development would result in substandard studio apartments.
- The development will not solve the current housing shortage as it does not address the housing needs of families or older people in the area. No provision

for older local residents who may wish to downsize. No provision of family homes. No social or affordable housing. Development would result in a transient population of young professionals who would not make a long term contribution to the community.

- The development site already has permission for 59 apartments. The current proposal is purely motivated by profit, to take advantage of the current housing shortage and does not seek to provide quality residential accommodation.
- There is no provision for long term adaption to more sustainable housing solutions. Uncertainty over the long term management of the scheme.
- Development would set an undesirable precedent for similar poor quality schemes and would be contrary to the relevant zoning objective.
- Development would contravene the development plan Housing Strategy.
- Development would put additional pressure on existing facilities and amenities in the area, which already serve high density development.
- The development cannot fairly be compared to co-housing schemes in other jurisdictions that are subject to different housing standards.

### **7.3. Third Party Comments Impacts on Visual and Residential Amenities**

- Adverse impacts on Harbour View apartments due to overlooking resulting in a severe loss of privacy, particularly from the roof garden at the 5<sup>th</sup> floor of the scheme. Also, adverse impacts on Harbour View apartments as a result of noise and social activity in the roof garden. Excessive traffic along the right of way will detract from the amenities of Harbour View apartments, especially late at night.
- The development does not add to the appearance of the area due to its design and finish, mass, height and scale.
- Development would be out of keeping with the historic setting of Dun Laoghaire and would have adverse impacts on the settings of protected structures in the area.

### **7.4. Third Party Comments Movement and Transport Issues**

- Development will result in haphazard car parking in the area due to minimal car parking provision, resulting in a traffic hazard.

- Development would increase traffic congestion in the area.

## **8.0 Planning Authority Submission**

8.1. Dun Laoghaire Rathdown County Council (DLRCC) 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 relevant elected members as expressed at the Area Committee Meeting dated 8<sup>th</sup> May 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 DLRCC, which are incorporated into the following summary.

### **8.2. PA Comment on Principle of Development**

- Residential development is permitted in principle under the MTC zoning objective.
- The site has a central location and benefits from access to a wide variety of public transport and employment opportunities. It is considered that the principle of shared accommodation is acceptable at this location.
- The planning authority has significant concerns regarding the scale and internal configuration of the development.
- Having regard to the nature of the development, the planning authority is satisfied that the provision of childcare facilities is not required in this instance.

### **8.3. PA Comment on Quality of Residential Accommodation**

- The development appears to fall significantly short of the minimum floor area requirement for common living and kitchen facilities as prescribed in Table 5b and SPPR 7 of the Apartment Guidelines. The provision of one undersized communal kitchen space for 38 – 42 no. occupants on each floor is a substandard arrangement and will result in a poor level of amenity for future occupants. It does not meet the requirements of SPPR 9(ii). It is an unrealistic expectation to assume that residents of the scheme will use kitchen facilities at

the lower ground floor level or other floors within the development. Refusal is recommended on this basis.

- The internal layout of the development is more akin to a hotel / aparthotel typology and is not conducive to a sustainable living arrangement for longer term rentals. There should be greater integration between the shared living suites and the communal spaces at each floor level.
- Given the orientation of the site and their location opposite the ramped communal space area, the lower floor levels of the development are likely to receive low levels of sunlight and will result in a poor level of amenity for future occupants.
- There is no private amenity space for any of the shared living suites. There is a total provision of 555.5 shared amenity space in the form of ground floor open space and the 5<sup>th</sup> floor roof terrace. Only c. 114 sq.m. of the ground floor open space is functional and usable as the measured area includes a raised planter box.
- The shared living suites meet the minimum floor areas for bedrooms as per Table 5a of the Apartment Guidelines. The applicant does not clearly indicate where the required storage space is provided within each suite.
- The applicant has submitted a draft covenant / legal agreement regarding the use of the development as shared accommodation. Having regard to the nature of the proposed use and the design of the scheme, it is reasonable that the covenant should apply to the development in perpetuity unless permission is sought for a change of use in the future.
- The design does not provide for future adaptability.
- The application includes an Operational Waste Management Plan. The report of DLRCC Waste Section report dated 22<sup>nd</sup> May 2019 highlights inadequacies in the plan, particularly in relation to the sizing and design of the proposed bin store and waste area stations and recommends conditions.

#### 8.4. PA Comment on Contribution to the Public Realm

- The scale of the proposed kiosk fails to provide an appropriate mix and balance of uses at this location given the MTC zoning of the site.
- The proposed pedestrian link meets a specific objective of the Dun Laoghaire Urban Framework Plan and is considered to be a significant planning gain.
- There will need to be a visual connection between Harbour Square and adjacent town centre streets for the walkway to be successful. The permission granted under PL06D.248770 included a 'Gate Tower' feature at the Eblana Avenue entrance to the walkway. The current proposed entrance does not properly mark or celebrate this route and the development needs a stronger visual marker at this location.
- The report of the Parks and Landscape Services section, dated 29<sup>th</sup> May 2019, highlights concerns regarding potential overlooking from the ramped section of the walkway into the west facing ground floor shared living suites. Also concerns with content and quality of the landscape design proposals, the public open space at this location is likely to receive low levels of daylight / sunlight and offers minimal amenity value. The Conservation Officer and Architect's Dept report also states concerns about the need to maintain access to the rear of the Eblana Club to the west of the site.
- A condition requiring unrestricted public access to the walkway is recommended.
- The applicant does not include public lighting designs. DLRCC Public Lighting Section report dated 5<sup>th</sup> June 2019 recommends conditions.

##### 8.4.1. PA Comment on Built Heritage / Visual Impact

- Includes report of DLRCC Conservation Officer and Architect's Dept. dated 23<sup>rd</sup> May 2019.
- The existing building is considered to be of significant architectural merit and interest, ref. Policy AR5.
- There is a preference from a purely conservation standpoint for the retention of the original H plan section of the building onto Eblana Avenue and its integration into a new development. However, it is acknowledged that a precedent has been

established at the site, permitting the demolition of existing buildings and the construction of a mixed use development.

- The development would have an adverse impact on the character of the streetscape and on the protected structures in the immediate vicinity due to its overall scale, massing and fenestration.
- Having regard to the site's town centre context, the form and scale of developments in the vicinity, major town centre services and nearby amenities and the planning history of the site, it is generally considered that a building of this size is appropriate at this location. However, the planning authority has a significant concern that the proposed front elevation, by reason of its generally uniform height and scale does not have sufficient regard to the existing streetscape context.
- The planning authority has continued concerns regarding the architectural expression of the building and its visual impact when viewed from the surrounding interface. The increased height along Eblana Avenue is unwarranted and will be overbearing in relation to the former school building opposite. The lack of sufficient articulation and visual interest will act to dwarf and to overwhelm the adjoining Eblana Club to the west of the site. The eastern elevation by virtue of its height, bulk, scale and lack of visual interest is visually overbearing and problematic in terms of its impact on streetscape amenities.
- The northern side of the building is adjacent to the County Hall and the Harbour Master's Lodge (protected structure). The planning authority is generally satisfied that the development provides an acceptable graduation in height at this interface.
- The report of the Conservation Officer and Architect's Dept. concludes that the development would have an overbearing visual impact when viewed from Eblana Avenue, Crofton Road and Sussex Street, would result in a diminution of the receiving environment including in the immediate vicinity of a number of protected structures and does not create a 'sense of place'.

#### 8.4.2. PA Comment on Building Height

- Having regard to specific characteristics of the site, its major town centre location, the surrounding interfaces and the planning history of the site, the planning authority is satisfied that the principle of a 6 storey building at this location is acceptable and in accordance with both the Building Height Strategy and the Dun Laoghaire Urban Framework Plan.
- Refers to SPPR 1 of the Building Height Guidelines. The planning authority is satisfied that the development accords with national strategic policy as per the Building Height Guidelines.

#### 8.4.3. PA Comment on Impacts on Amenities

- Having regard to the separation distances available, it is not considered that significant overlooking issues will arise.
- Having regard to the location of the development to the northwest of the adjacent Marine Road properties and considering the town centre location, it is considered that the development will not unreasonably compromise the residential amenity of these properties by reasons of overshadowing.
- The development will introduce passive supervision of the rear garden area of the Eblana Club. Having regard to this consideration and taking the existing leisure use of the Eblana Club into account, as well as noting its town centre location, it is considered that the development would not unreasonably impact on the amenity of this property or significantly compromise its future development. While some overshadowing of the rear garden is likely, the existing buildings on the site and the surrounding town centre built environment also lead to significant overshadowing of the location outside of summer months.
- Having regard to the separation distance to residential properties further to the west of the site on Eblana Avenue, it is not considered that any unreasonable overshadowing or overlooking of these properties will occur.
- The 5<sup>th</sup> floor terrace is generally acceptable given the planning history of the site, the town centre location and its setback from site boundaries, subject to orderly management.

- The proposed boundary treatments are unclear. A condition requiring details of same is recommended.

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

- Incorporating report of DLRCC Transportation Planning Section dated 6<sup>th</sup> June 2019.
- Transportation Planning consider that the pedestrian link between Eblana Avenue and Crofton Road is important to encourage and facilitate sustainable modes of transport and should be maintained as a public right of way at all times.
- The proposed lack of car parking entitlement for residents of the scheme should be included in the Deed of Covenant.
- Transportation Planning is concerned that the proposed cycle parking area at lower ground floor level is substandard for the proposed quantum of parking spaces with regard to the Dun Laoghaire Rathdown County Council – Standards for Cycle Parking and Associated Cycle Facilities for New Developments. Reliance on double stacked parking provision is not favoured. This may have consequences for the internal layout of the scheme.
- There appears to be no direct route through the development for cyclists from Crofton Road via Harbour Square.
- Transportation Planning section recommends conditions.

#### 8.4.5. PA Comment on Site Services and Flood Risk

- Incorporating report of DLRCC Drainage Planning Section dated 20<sup>th</sup> May 2019.
- The development generally satisfies the requirements of the Drainage Planning Section subject to conditions.

#### 8.4.6. PA Comment on Part V

- DLRCC Housing Dept. report dated 3<sup>rd</sup> May 2019. It is the Council's view that Part V applies to the proposed development but that the on-site compliance option would not be acceptable. Alternative Part V options may be explored if permission is granted.



- A condition requiring the applicant to enter into an agreement under Part V is recommended, unless the applicant has applied for and been granted an exemption certificate under section 97 of the Act.

#### 8.4.7. PA Comment Conclusion

- The planning authority recommends refusal for 3 no. reasons relating to (1) development is not conducive to a sustainable living arrangement for longer term rentals and would result in a poor level of residential amenity for future occupants and is not in accordance with the requirements of the Apartment Guidelines, in particular SPPR 9(ii) of same; (2) development by reason of design, massing and fenestration of the shared accommodation building would be detrimental to the character of the Eblana Avenue streetscape and would fail to respect and compliment the protected structures in the vicinity; (3) development would not provide an appropriate mix and balance of uses at this town centre location with regard to the MTC zoning objective and does not accord with development plan policy RET4.
- Conditions are recommended in the event that the Board decides to grant permission.

## 9.0 **Prescribed Bodies**

### 9.1. **Irish Water**

- 9.1.1. 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.

### 9.2. **Transport Infrastructure Ireland**

- 9.2.1. The submission states that TII has no observations to make in relation to the proposed development.

### 9.3. Dept. of Culture, Heritage and the Gaeltacht

#### 9.3.1. DoECHG Comment Archaeology and Architectural Heritage

- A condition requiring archaeological monitoring is recommended on the basis of the scale of the development and the degree of demolition.
- The site context includes protected structures on Marine Road and a historic urban landscape of 2 to 4 storey domestic buildings on narrow plots, some with rear gardens and stable lanes, dating to the 19<sup>th</sup> century. The Harbour Commissioner's Office, the Council offices and St. Michael's Church tower (all on the RPS) form landmarks slightly further afield, all of which form part of this historical part of the 19<sup>th</sup> century town.
- The conservation assessment submitted with the application does consider surviving historic features of the Old School House building. The original structure has retained its external form and some of its internal form and fittings. It provides a strong visual presence on Eblana Avenue and is of cultural importance. There are few surviving schools of this date in Ireland (from the earliest days of the national school system established in 1831). The development should be considered de novo and the earlier precedent for its demolition should not be the deciding factor in this application.
- The proposed scheme, by reasons of its bulk and design, would substantially adversely affect the setting of a number of protected structures, particularly the houses along Eblana Avenue and Marine Road.
- The Dept. considers that the development will demolish a building of architectural heritage merit and replace it with a bulky structure which is out of place with the surrounding historic urban landscape and will especially adversely affect a number of adjacent protected and unprotected 19<sup>th</sup> century buildings. The Dept. cannot support the proposal as it stands and recommends that consideration be given to the possibility of retaining the original 5 bay, 2 storey break fronted building and designing an appropriately scaled new development within the remainder of this site.

### 9.3.2. DoECHG Comment Nature Conservation

- The Dept. notes that evidence of the use of the building by feral pigeons was reported in the bat survey was carried out in July 2018. Dun Laoghaire is also an area where numerous swifts are known to nest, despite a general decline in their numbers nationally in recent years. Interference with or destruction of an occupied bird nest can only be carried out under licence from the NPWS. The Dept. recommends that the applicant is requested to submit as Further Information a bird nest survey of the Old School House, to provide information pertaining to the conservation of protected bird species.

## 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 208 no. shared accommodation units on a site of 0.3 ha. The site is located in an urban area. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

10.4. I note the submitted Environmental Report dated April 2019. 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 AA Screening Report on file considers the following designated sites within a 15 km radius of the development site for screening purposes:

Site (site code)	Qualifying Interests
Baldoyle Bay SAC (000199) 10.95 km	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 maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]
Howth Head SAC (000202) 8.21 km	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
North Dublin Bay SAC (000206) 5.74 km	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]

	<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>
<p>South Dublin Bay SAC (000210) 0.96 km</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>Embryonic shifting dunes [2110]</p> <p>The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets.</p>
<p>Ballyman Glen SAC (000713) 9.77 km</p>	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>
<p>Bray Head SAC (000714) 11.22 km</p>	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
<p>Knocksink Wood SAC (000725) 10.14 km</p>	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>
<p>Wicklow Mountains SAC (002122) 11.37 km</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p>

	<p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra (Otter) [1355]</p>
Ireland's Eye SAC (002193) 12.66 km	<p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>
Rockabill to Dalkey Island SAC (003000) 2.99 km	<p>Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p>
North Bull Island SPA (004006) 5.7 km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</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>Dunlin (<i>Calidris alpina</i>) [A149]</p> <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>
Baldoyle Bay SPA (004016) 10.95 km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>

	<p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024) 0.76 km</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>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>Wicklow Mountains SPA (004040) 11.69 km</p>	<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>
<p>Howth Head SPA (004113) 9.22 km</p>	<p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p>
<p>Ireland's Eye SPA (004117) 12.28 km</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p>
<p>Dalkey Islands SPA (004172) 3.15 km</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>

11.1.100. The site is located in an established urban area and does not contain any habitats listed under Annex I of the Habitats Directive. The AA Screening Report and Environmental Report do not refer to the presence of protected species. The AA Screening Report states that the closest European site is the South Dublin Bay & River Tolka Estuary SPA (Site Code 004024), which is located approximately 760 m to the north west of the development. It is evident that there is no relevant hydrological or meaningful biological connectivity to this European site. The screening considers that, given the scale of the proposed works and their location within the urban environment of Dun Laoghaire, there is no potential for significant effects during the construction phase. Similarly, in light of the developments proposed connection to existing municipal sewers for foul water and surface water, there are no significant emissions predicted during the operational phase. Given that the development is to be connected to the existing municipal sewer network and the lack of relevant connectivity to any European Sites, there will be no in-combination effects. It is therefore considered that there will be no potential for significant effects on any European site and therefore potential effects on European sites can be excluded at Stage I screening.

## 11.2. AA Screening Conclusion

11.2.1. I note the AA Screening Report submitted by the applicant, dated March 2019, which concludes that significant effects 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
- Quality of Residential Accommodation
- Contribution to the Public Realm
- Impacts on Amenities and on the Settings of Protected Structures
- Building Height
- Roads and Transportation
- Other Matters

These matters may be considered separately as follows.

### 12.2. Principle of Development

#### 12.2.1. MTC Zoning Objective

The proposed residential development and kiosk are 'permitted in principle' under the relevant 'Major Town Centre' zoning objective in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The pre-application Opinion issued by ABP referred to the possible provision of a commercial use at ground floor level of the scheme, having regard to the MTC zoning. The applicant has responded by providing a kiosk (16.7 sq.m.) for the sale of food and beverages to the public with an associated external seating area. I note that Eblana Avenue and Sussex Street are relatively quiet thoroughfares, predominantly characterised by a mix of residential, educational and office uses with little in the way of active commercial frontages. I consider that the proposed kiosk would complement the adjacent pedestrian connection and accept the applicant's contention that a larger retail unit at this location could be unviable, given existing levels of retail vacancy in the area.

#### 12.2.2. Provision of Shared Accommodation at this Location

Section 5.18 of the Apartment Guidelines states that shared accommodation is only appropriate where responding to an identified urban housing need at particular locations. The application includes several reports in support of the proposed shared accommodation including 'Shared Living – A Design-Led Approach to Modern City

Living'; 'Justification Report'; 'KHSK Economic Consultants Report to Batra Capital Property, the Socio Economic Potential of Shared Living Accommodation in Ireland' and 'Urban Living Study Quantitative Report, October 2018'. The scheme has been designed on foot of market research and economic and demographic analysis carried out by the applicant. It is to be targeted at younger professionals who are likely to live in the area for a defined period of time, who may wish to share with people at a similar stage of their lives or who work in a similar industry, or who do not yet wish or have the resources to purchase a permanent home. The available demographic information indicates that there is a population bulge in the relevant age and socio economic groups. The applicant submits that the development will address the housing needs of a specific segment of the market that is not well served by more conventional types of residential development. With ongoing urbanisation, demographic trends, the need to counter the growth of commuting, and the emergence of the sharing economy, this form of housing can play a role in addressing housing requirements, as provided for in the Apartment Guidelines and NPF and can provide an accommodation option that is more affordable than standard apartments or houses.

The applicant makes the following points in terms of the suitability of this location for shared living accommodation:

- Dun Laoghaire is designated as a 'Major Town Centre' in the development plan.
- The site is highly accessible being close to the Dart station and served by multiple bus routes. It meets the description of a 'central and accessible' urban location as provided in the Apartment Guidelines.
- The site is located in a highly serviced area with a variety of restaurants, cafés and non-retail services within walking distance, particularly along Upper and Lower George's Street, also a wide range of public amenities.
- There is a multitude of employment locations in close proximity including West Pier Business Campus, Becton Dickenson and St. Michael's Hospital. The permitted Harbour Innovation Campus is located on St Michael's Pier c.170m north of the site. The Dun Laoghaire Shopping Centre is located within a 2 minute walking distance east of the site. Nearby Dart and bus routes provide easy

access to a wide range of employment areas including Sandyford, Grand Canal Dock and the city centre.

I accept the above points and consider that this location is very suitable for shared accommodation. I also consider that the provision of a new type of accommodation at this location would be in accordance with development plan Policy RES7, which is to provide a range of housing types and sizes in the county. In addition, the development would contribute to the achievement of development plan housing targets and to national and regional policies to provide housing at sustainable locations and to encourage densification and compact urban growth. At a local level, the provision of shared accommodation at this location would also assist in the achievement of several of the stated objectives of the Dun Laoghaire Urban Framework plan by expanding the residential population of the town, contributing to the vitality of the town centre and enhancing the viability of nearby businesses. This matter is particularly important given that Dun Laoghaire, unlike other urban centres in south County Dublin, has suffered from lower levels of commercial activity in recent years. I also note that the planning authority supports the principle of providing shared accommodation at this location.

### 12.2.3. Demolition of Existing Buildings

The development involves the demolition of the existing buildings on site, which comprise:

- The Old School House facing Eblana Avenue, dating to the early 19<sup>th</sup> century;
- The later 3 storey 'hostel wing' attached to the rear of the school house and
- A separate 1960s building on the western side of the site.

In addition, part of the stone boundary wall at the northern site boundary shared with the rear of the Council offices is also to be demolished to create the new connection between Eblana Avenue and Harbour Square.

The history and architectural merits of the buildings on the site are considered in the Conservation Assessment submitted by the applicant. The Old School House was probably built in the late 1820s and was originally a private house. It was converted to a school in the mid-1830s before returning to residential use. In the mid-1850s the building was bought by the Christian Brothers and enlarged for use as a school. The

school closed in 1992 and was used subsequently as a hostel, following which it returned to use for education purposes. The buildings have been vacant for some time. The building survey shows that the buildings were erected in various stages and have been altered over time including extensive works in the 1990s to convert them for other uses. More recently there has been fire damage and damage through vandalism. The Conservation Assessment notes that permission was granted for the demolition of the buildings and the development of the site in 2017 under PL06D.248770. It concludes that there is no case to be made for the retention of the former school buildings at the development site. The comments of the Dept. of Culture, Heritage and the Gaeltacht in support of the retention of the Old School House are noted, however, given the established precedent of demolition and the limited historic merit of the existing buildings, the demolition is considered to be acceptable in principle.

### **12.3. Quality of Residential Accommodation**

- 12.3.1. The Apartment Guidelines refer to shared accommodation as a specific type of Build to Rent (BTR) accommodation where individual rooms are rented within an overall development that includes access to shared or communal facilities or amenities. The proposed development is described in the site and newspaper notices as 'Build to Rent Shared Living Residential Development'. The applicant has submitted a draft Covenant, which sets out that upon completion of the development, the shared accommodation units shall be used as residential accommodation and shall remain owned and operated by an institutional entity and that no shared accommodation unit shall be rented or sold separately for a minimum period of at least 15 years. The development therefore falls within the definition of BTR development provided in the Apartment Guidelines and meets the requirements of part (a) of SPPR 7.
- 12.3.2. The development comprises 208 no. single rooms, described as 'shared living suites'. The Shared Living Report states that the proposed rooms have an area of 16.25 sq.m. and include storage space (6.15 m<sup>3</sup>), desk, toilet, shower, tea/ coffee making facilities, microwave, toaster and fridge. Flexible fixtures are used to allow for a range of activities with a daytime 'living' arrangement and a night time 'sleeping' layout. The pre-application Opinion issued by ABP raised the issue of whether the self-contained rooms could be considered as studio apartments and requested the applicant to clarify the difference between the proposed self-contained bedroom unit

and a studio apartment. The application includes a Legal Opinion by Gavin Ralston SC, which considers the proposed development with regard to the definition of a 'dwelling' under the Residential Tenancies Act 2004. The Opinion concludes that the definition of a dwelling under the Act (a) is physically constructed as a self-contained residential unit and (b) is let for rent. The Opinion considers that the bedrooms within the development would not be self-contained residential units available for letting within the meaning of Section 4 of the Residential Tenancies Act or within the scope of the Housing (Standards for Rented Houses) Regulations, 2017. This conclusion is accepted.

12.3.3. SPPR 7 (b) of the Apartment Guidelines provides that BTR development must be accompanied by detailed proposals for (i) resident support facilities and (ii) resident services and amenities. The proposed communal amenities as indicated in the floor plans may be considered as follows:

Floor Level	No. of Units	Amenity Space / Facilities (sq.m.)	
Lwr ground floor	10	Communal lounge / games room	77.85
		Multipurpose / private dining room	108.85
		Gym / fitness space	136.7
		TV / cinema room	59.35
		Communal kitchen / dining	34.5
		Landscaped external amenity area	206.7
		<b>Total lwr ground floor provision:</b>	<b>623.95</b>
Ground floor	26	Reception and concierge area	52.85
		Communal lounge / social space	126.05
		Communal kitchen / dining room	60.75
		Living room / library	24.1
		<b>Total ground floor provision:</b>	<b>263.75</b>
1 <sup>st</sup> floor	40	Communal kitchen / dining room	60.75
		Living room / library	24.15
		<b>Total 1<sup>st</sup> floor provision:</b>	<b>84.85</b>
2 <sup>nd</sup> floor	42	Communal kitchen / dining room	60.75
		Living room	23.9
		<b>Total 2<sup>nd</sup> floor provision:</b>	<b>84.85</b>
3 <sup>rd</sup> floor	40	Communal kitchen / dining room	60.75
		Living room	22.7
		<b>Total 3<sup>rd</sup> floor provision:</b>	<b>83.85</b>

4 <sup>th</sup> floor	38	Communal kitchen / dining room	60.75
		Living room	22.7
		<b>Total 4<sup>th</sup> floor provision:</b>	<b>83.85</b>
5 <sup>th</sup> floor	12	Communal kitchen / dining room	48.25
		Roof terrace	348.75
		<b>Total 5<sup>th</sup> floor provision:</b>	<b>397</b>
<b>Total</b>	<b>208</b>	<b>Total amenity area provision:</b>	<b>1,622 sq.m.</b>
		<b>Including total external amenity provision:</b>	<b>556 sq.m.</b>

12.3.4. The proposed residents support facilities include:

- Laundrette (23.4 sq.m.);
- Linen room (17.2 sq.m.);
- Concierge / management suite (16.3 sq.m.);
- Car parking comprising 4 no. visitor car parking spaces, 1 no. accessible car parking space, 1 no. car share parking space and a short-term set down area;
- Cycle parking comprising 208 no. cycle parking spaces within the development and an additional 24 no. external visitor cycle parking spaces, 8 of which are to be used as a Dockless Shared Bicycle Scheme;
- Refuse storage.

The applicant is to retain ownership of the scheme and to operate the shared living accommodation as 'Niche Living'. The submitted Operational Plan and Shared Living Report provide details of the ongoing operation of the scheme. The accommodation is to be managed by an on-site team during the core hours of 7am to 10pm Monday to Sunday in addition to Residential Relations on site in the morning to early afternoon and the General Manager from early afternoon to late night. The service provided includes all utilities, waste management, cleaning and maintenance, linen collection, gym membership, access to events, concierge and access to interactive community software / app, similar to the services now offered by many student accommodation providers. Security personnel will be on-call at all times outside the core hours of operation. It is anticipated that many of the residents will eat at work or socially rather than use the proposed communal cooking and dining facilities.

12.3.5. Most of the communal areas are provided on the lower ground floor, ground floor and in the form of a roof terrace at 5<sup>th</sup> floor level. The configuration of floors 1 – 4

comprises individual rooms laid out on both sides of two long corridors with a central core at the junction of the 'T'. All rooms are single aspect. There are two communal areas on each floor, i.e. a centrally located communal kitchen / dining area (c. 60 sq.m.) and a living room / library (c. 24 sq.m.), which serve 38-42 rooms. Both the third party submissions and the planning authority comment raise strong concerns about this aspect of the development and consider it to be a substandard arrangement that will result in a poor level of amenity for future occupants. The applicant submits that the proposed arrangement of one larger communal kitchen / living/ dining room on each floor, rather than the traditional 'cluster' layout of one communal space per 6-8 rooms typically used in student accommodation, is to facilitate broader social interaction among residents of the scheme.

12.3.6. Section 5.15 of the Apartment Guidelines refers to a format of shared accommodation similar to that traditionally used for student accommodation, i.e. 6-8 single / double bedrooms with a shared kitchen / living area. Table 5b in Section 5.16 of the Guidelines provides the following guidance for the minimum floorspace extent of the common shared area for living and kitchen facilities:

*Table 5b: Shared Accommodation – minimum common living and kitchen facilities floor area*

*Bedrooms 1-3 8m<sup>2</sup> per person*

*Bedrooms 4-6 Additional 4m<sup>2</sup> per person*

*Overall, Shared Accommodation units would have a maximum occupancy of 8 persons calculated on the single or double occupancy of the bedrooms provided (e.g. 2 x double bedrooms [4 persons] + 4 x single bedrooms [4 persons] = 8 person total occupancy).*

The applicant submits that the combined communal amenity spaces (1,622 sq.m. as set out above) amounts to a provision of 7.8 sq.m. per person, in excess of the minimum of 6 sq.m. recommended in Table 5b. It is also submitted that the 16.25 sq.m. floor area of the individual rooms is well in excess of the minimum 12 sq.m. for single rooms specified in Table 5a, which enhances the amenity value of the scheme for residents. I have several concerns in relation to this approach. While the combined overall floor area is acceptable, the total provision per resident is far lower when considered on an individual floor basis. In fact, the combined communal

amenity spaces on the 1<sup>st</sup> to 4<sup>th</sup> floors amount to little more than 2 sq.m. per resident for each of those floors. I note that Table 5b specifically refers to minimum common living and kitchen facilities floor area. Section 5.17 of the Guidelines goes on to refer to the provision of '*...wider recreation and leisure amenities as part of the overall development.*', e.g. sports and recreation facilities dedicated to the use of residents. However, the combined floor area calculated by the applicant includes both communal kitchen / living rooms and the other communal facilities such as the external open spaces, gym, cinema room, etc. I also note and agree with the comment by the planning authority that the functionality of some of the external amenity area is compromised, such that the actual provision is likely to be lower than that stated by the applicant. I consider on this basis that the proposed development is deficient in terms of the quantity of communal kitchen / dining facilities. While I accept that an additional kitchen / dining area is provided at lower ground floor level, I agree with the comment of the planning authority that a facility on a different floor is of limited utility to residents of the scheme. I also do not accept the contention of the applicant that residents are likely to eat elsewhere and consider that a reasonable quality and choice of kitchen facilities is essential to the overall liveability of the scheme.

12.3.7. I note in this regard the recent Board decision at a site in Cookstown Industrial Estate, Tallaght, Co. Dublin, ref. ABP-303911-19. The current applicant sought permission for 150 Build-to-Rent and 222 shared accommodation spaces, also to be operated and managed by Niche Living. The shared accommodation element of the development comprised a 7 storey block containing 222 bedrooms. The proposed single occupancy 'shared living suites' had the same design and floor area as those currently proposed, i.e. c. 16 sq.m. The 1<sup>st</sup> to 5<sup>th</sup> floors had 40 rooms per floor with a communal kitchen / dining area (122 sq.m.) and a library / quiet space (37 sq.m.). Section 11.6 of the Inspector's Report considers the quality of the shared accommodation with regard to SPPR 9 and concludes that:

*The lack of any adjoining residential /social / recreational amenities immediately adjacent the site would promote an insular type development detached from the wider community which runs counter to the determinants for choosing co-living.*



The report also considers the proposed residential floorspace with regard to Table 5b and found a shortfall of 50 sq.m. of communal amenity space on each floor. It states:

*Having regard to the number of people using this one space, it is questionable as to whether a smaller kitchen / living area should be introduced on some floors to provide a greater choice for future tenants.*

While it is noted that a communal lounge / social space was provided on the ground floor of that scheme, the report considers that the ground floor space should be provided as per section 5.17 of the Apartment Guidelines as recreation and leisure amenities serving the wider development. The report recommends refusal. The Board refused permission for 2 reasons. Reason no. 1 refers to the location of the site in an industrial estate, which would represent an uncoordinated and haphazard form of development which would give rise to an isolated piecemeal pocket of residential development that is disconnected from shops, amenities and/or residential services. Reason no. 2 states:

*It is considered that the format proposed for the shared accommodation development, with significant numbers of individual units sharing a single common living/kitchen area on each floor, and with a notable shortfall in the quantitative and qualitative provision of sufficient communal facilities, would fail to provide an acceptable living environment for future residents of the development, contrary to the Sustainable Urban Housing: Design standards for New Apartments – Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018, and particularly paragraphs 5.15, 5.22 and 5.23 of these Guidelines. The proposed shared accommodation development would, therefore, be contrary to these Ministerial Guidelines and would seriously injure the residential amenities of future occupants/residents, and accordingly would be contrary to the proper planning and sustainable development of the area.*

12.3.8. This is a strong precedent and it is open to the Board to also refuse permission for the current proposal on the same basis. However, a key consideration in that instance was the peripheral location of the development on an industrial estate zoned for urban regeneration, remote from local services and amenities. The

development site is very different as it has an attractive town centre location. I note in particular paragraph 5.22 of the Apartment Guidelines:

*Shared accommodation formats may be proposed other than the format outlined in paragraph 5.15 above. For example, such proposals may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities. Innovative formats may also be proposed to provide shared accommodation within protected structures in order to ensure their long term rehabilitation and to address sensitive architectural constraints of the subject building.*

Also, section 5.23:

*The granting of planning permission for other shared accommodation formats from those outlined in paragraph 5.15 above will be at the discretion of the planning authority. In assessing such proposals, planning authorities should ensure that sufficient communal amenities are provided in accordance with the specified standards in Table 5b above and that the scale of the development is appropriate to the location/buildings involved and to the specific role that the development of the shared accommodation sector should play in the wider urban apartment market.*

As discussed, the applicant has submitted extensive material in support of the identified housing need for shared accommodation at this location. In addition, the proposed shared accommodation is viewed favourably in terms of supporting regional and national housing policy objectives and in the achievement of several objectives of the Dun Laoghaire Urban Framework Plan. Another option is to impose a condition such that the floor plans are reconfigured to provide a greater quantum of communal kitchen / dining space. This could be achieved by using the 'living room / library' space at the northern end of each floor as a second communal kitchen / dining area, to be enlarged by the incorporation of adjacent bedroom spaces. The proposed floor plan configuration would facilitate this arrangement with a second, larger communal area at the end of each corridor. The provision of the living room area along with 3 adjoining bedrooms would result in a combined floor space of at least 73 sq.m. (greater when circulation space is incorporated). This would result in a provision of c. 4 sq.m. of kitchen / dining space per resident and provide a choice of

communal kitchen / dining rooms on each floor. A similar ratio could be achieved by amalgamating the secondary communal space and one adjoining bedroom at ground floor level. A total of 13 rooms would therefore be omitted from the scheme. The resultant provision of kitchen / dining space on each floor would still be less than the 6 sq.m. aggregate figure required to comply with Table 5b, but it is accepted that the lower communal kitchen / dining provision is partially offset by the provision of a kettle, toaster, microwave and fridge in individual rooms.

12.3.9. Aside from the above, I consider that the provision of other communal amenity spaces within the scheme is acceptable. I note the concerns of DLRCC Parks and Landscaping regarding the limited external amenity space and the comments of third parties regarding the lack of private amenity spaces for each room. However, the development provides other communal facilities including a gym, games room, cinema and reception seating area and the site is located in an area replete with natural and civic amenities. I note SPPR 9 (iii) in this regard:

*Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix I, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity.*

12.3.10. To conclude, I consider that, subject to the amendments discussed above, the development will achieve a satisfactory standard of communal facilities and amenities for residents.

#### **12.4. Contribution to the Public Realm**

12.4.1. The Dun Laoghaire Urban Framework Plan includes objectives to require appropriate uses at ground floor level and at corner sites which contribute to the vibrancy of the town centre and there is a specific objective to provide a pedestrian connection between Sussex Street and Crofton Road via the development site. The site layout is also constrained by the existence of a public right-of-way along the eastern site boundary, which provides vehicular access to the rear of properties on Marine Road.

12.4.2. The proposed frontage to Eblana Avenue is slightly forward of No. 3 Eblana Avenue to the immediate west, such that there is a footpath width of 3 m. The landscaping

plan indicates a stone paved surface with a seating area associated with the kiosk located at the corner of Eblana Avenue and the new pedestrian connection at the western side of the site. The remainder of this frontage contains the access to the reception area and glazing to the ground floor lounge. It is considered that this will provide an active frontage with a reasonable level of animation to the street. As discussed above, the proposed level of retail activity is considered acceptable at this location.

12.4.3. The western side of the site is laid out to provide a new pedestrian connection between Eblana Avenue, opposite the junction with Sussex Street, to Harbour Square to the north and on to Crofton Road, where Dart and bus services are located. The route is to be accessed via an undercroft at the Eblana Road site frontage. The Landscaping Report provides details of proposed finishes which include natural stone paving, hardwood seating, light pillars and soft landscaping. The change in levels between the development site and Harbour Square is to be negotiated via steps, ramps and a platform lift. This connection is welcomed by the planning authority as it will achieve a specific objective of the Dun Laoghaire Framework Plan. However, the planning authority has raised several concerns in relation to the detailed design of the pedestrian connection. I agree that the access from Eblana Avenue is relatively unobtrusive, but I consider that the proposed kiosk and seating area will provide a visual marker and sufficient animation to the street to achieve legibility. The walkway is to have 24 hour access. This is of critical importance and a condition requiring same should be imposed if permission is granted. I note that the applicant submits that the new pedestrian connection represents a significant planning gain and requests a partial waiver of section 48 development contribution on this basis. The planning authority has not commented on this matter but has recommended a condition requiring the standard section 48 development contribution. I consider that same should be imposed if permission is granted. I consider that the proposed walkway is acceptable overall subject to these requirements. I note the possibility of requiring a new connection to the rear of the Eblana Club to the immediate west of the site. However, given that (i) the institution has not made any such request; (ii) a new access could have adverse impacts on the private area to the rear of that property and (iii) the new connection will in any

case significantly improve overall connectivity, I consider that there is no need to require any such access by condition.

12.4.4. The site layout provides vehicular access to the eastern side of the site with limited parking provision in this area and retaining access to the rear of properties on Marine Road. This layout is considered satisfactory and I note that the DLRCC Transportation Planning Section has no objection subject to conditions.

12.4.5. To conclude, I consider that the development will provide a positive contribution to the public realm at Eblana Avenue, Sussex Street and Harbour Square and will satisfactorily achieve a specific objective in the Dun Laoghaire Urban Framework Plan to provide a pedestrian connection between Sussex Street and Crofton Road via the development site.

## **12.5. Impacts on Amenities and on the Settings of Protected Structures**

12.5.1. The development will be particularly visible in views from the immediate vicinity of the site, i.e. Sussex Street, Eblana Avenue, Marine Road, Harbour Square and Crofton Road, with limited visibility in the wider area. The development site has a sensitive location in the historic centre of Dun Laoghaire but is not within an ACA. There are several protected structures in close proximity:

- Nos. 5, 6 and 7 Eblana Avenue to the west of the site
- Nos. 2 – 9 Marine Road to the east of the site
- St. Michaels Church on Marine Road to the south east of the site
- County Hall to the north east of the site
- The Harbour Master's Lodge at Harbour Square to the north of the site

However, I consider that the character of the area can reasonably be described as mixed with historic residential and commercial buildings interspersed with larger scale modern developments including St Michaels Hospital, St Michaels Church, Dun Laoghaire Shopping Centre, County Hall, Harbour Square and the Pavilion Theatre. The current 6-7 storey proposal must also be considered in the context of the extant permission at the development site for 59 no. apartments in a 5-6 storey over basement scheme, ref. PL06D.248770.

12.5.2. As discussed above, it is considered that the scheme will provide a satisfactory contribution to the public realm at street level on Eblana Avenue and Sussex Street. The development will undoubtedly change the existing historic context, however that would be the case with any substantial redevelopment of the site, including that already permitted, and the development will replace an existing derelict site that currently detracts from the area. The Visual Impact Assessment (VIA) concludes that impacts on views at Sussex Street and Eblana Avenue are 'moderate' and 'significant moderate' respectively. I concur with this analysis. I am satisfied that the overall scale is compatible with that of surrounding development and that all elevations provide sufficient variety and interest. The proposed palette of grey brick is also harmonious with the existing streetscape of granite and render with brick elements. I note and concur with the conclusion of the applicant's Conservation Assessment that potential impacts on the setting of protected structures would generally not be significantly different from that for which permission was granted in 2017. In particular, the northern elevation of the development is visible to the rear of the Harbour Master's Lodge protected structure. However, having regard to the setbacks provided, to the stepped nature of the proposed northern façade and to the detailed design of the pedestrian link at the western side of the site, I am satisfied that the development will provide a complementary setting for the Harbour Master's Lodge and will enhance the public realm at this location. I also accept the conclusion of the VIA that impacts on views from Crofton Road will be moderate. The development will also be visible as a backdrop to the protected structures at Nos. 2 - 9 Marine Road and, at a slightly greater distance, adjacent to St. Michaels Church and the County Hall, both also protected structures. This visibility will be in the context of the mixed character of Marine Road, which also contains the County Hall and Dun Laoghaire Shopping Centre. I note and concur with the VIA conclusion that the Marine Road area has the capacity to absorb the development and consider that visual impacts on Marine Road are acceptable. I also consider that impacts on the settings of the protected structures Nos. 2-9 Marine Road will not be significantly greater than those of the development already permitted at the subject site.

12.5.3. Potential for impacts on residential amenities arises in relation to properties to the east, west and north of the site. The Eblana Club to the immediate west of the site is in use as a social facility. This assessment is based on the site inspection, the

submitted plans, sections and elevations, landscaping details and the Daylight and Sunlight Analysis. The relevant third party submissions are also noted in this respect. Having regard to the intervening distances, I do not consider that the development will result in significant overlooking of other residential properties. It may result in some additional overshadowing of residential properties to the north and west of the site, however this is considered acceptable given the town centre location of the development and the precedent set by PL06D.248770.

12.5.4. To conclude, I note the concerns stated by the planning authority in relation to visual impacts and impacts on the settings of adjacent protected structures. However, having regard to the above analysis and in particular to the development already permitted at the site under PL06D.248770, I do not consider that the development would result in adverse impact on the visual or residential amenities of the area or on the settings of adjacent protected structures such as would warrant a refusal of permission.

## 12.6. Building Height

12.6.1. The extant permission on the site, ref, PL06D.248770, is 5 -6 storeys and has a maximum building height of 18.4 m. The current proposal is 4 – 6 storeys over a lower ground floor and has a stated height of 19.77 m. The building heights along Eblana Avenue are varied between 2-3 storey over basement residential properties to the spire of St Michael's Church. The campus of St. Michael's Hospital is located directly west of Eblana Avenue and comprises a number of buildings of varying heights between 2- 6 storeys. Properties east of the site at the junction of Eblana Avenue and Marine Road have building heights of up to and including 6-7 storeys.

12.6.2. The Dun Laoghaire Urban Framework Plan, Appendix 12 of the County Development Plan, provides guidance on building height as follows:

*Building heights within the area are typically 2-3 storeys with some recent and post-war developments of about 4-5 storeys extending to a maximum of 7 storeys on some prominent sites. Only the spires of St. Michael's and Mariners' Church (the Maritime Museum), the tower of the County Hall and the 'prow' of the new dlr Lexicon rise above the overall urban skyline. It is an objective that this hierarchical relationship between established landmark buildings and new infill development be preserved and maintained. New development should strive to be contextual, seek to*

*re-establish streetscapes, be appropriately scaled and be rich in materials and details consistent with the existing typology of the Town Centre.*

The proposed development is considered to be generally compatible with this guidance having regard to the above assessment of contribution to the public realm and of impacts on visual and residential amenities. Therefore, SPPR 3 of the Building Height Guidelines does not apply in this instance.

12.6.3. The Building Height Guidelines have been issued since the adoption of the County Development Plan in 2016. I consider that the development site meets the criteria for a 'central and/ or accessible' location as per section 2.12 of the Guidelines, due to its proximity to public transport services and to its location in Dun Laoghaire which is designated as a Major Town Centre in the development. It is national policy to support increased building height and density in such locations as per SPPR 1.

12.6.4. The development may be considered with regard to the development management principles set out in section 3.1 of the Building Height Guidelines as follows:

*Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

As discussed above, it is considered that the development will assist in the achievement of national and regional housing targets and objectives regarding infill development and compact urban growth.

*Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

*Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

The development is considered to be in accordance with the Dun Laoghaire Urban Framework Plan, Appendix 12 of the Dun Laoghaire Rathdown County Development



Plan 2016-2022. The Building Height Guidelines supersede the development plan, however the Dun Laoghaire Urban Framework Plan is considered to be generally in accordance with SPPR 1 and consistent with the NPF.

12.6.5. The matters raised in the Development Management Criteria set out in section 3.2 of the Building Height Guidelines are addressed in the remainder of this assessment. I am generally satisfied that the development adequately addresses the issues of proximity to high quality public transport connectivity; contribution to the character and public realm of the area, to place-making, to the urban streetscape, to legibility and to the mix of uses in the area. The proposed 4-6 storey building height over lower ground floor level storey building height is considered acceptable on this basis.

## **12.7. Roads and Transportation**

12.7.1. There is an existing vehicular right-of-way along the eastern edge of the site, which is currently used as a surface car park and for vehicular access to the rear of properties on Marine Road. This is retained in the proposed layout, however the building protrudes over the right of way from second floor level. A swept path analysis is submitted and the proposed layout is considered acceptable on this basis. The area also includes car parking comprising 4 no. short term visitor car parking spaces, 1 no. accessible car parking space, 1 no. short term set down and 1 no. car share space. The applicant has engaged with Go Car regarding the car share space. A Mobility Management Framework is submitted. This provision may be compared to the previous permission on the site, ref, PL06D.248770, which included 52 no. car parking spaces and 7 no. motorcycle spaces. The proposed parking provision is considered acceptable with regard to the location of the site in close proximity to public transport, employment and local services and to SPPR 9 (iv) of the Apartment Guidelines, i.e. a default policy of minimal car parking provision.

12.7.2. The development provides 232 no. cycle parking spaces including 24 no. visitor spaces and 8 no. dockless shared bicycle stands provided by BleeperBike Ltd. Section 4.17 of the Apartment Guidelines requires a minimum standard of 1 cycle storage space per bedroom, i.e. 208 spaces for the development (or 195 if the condition recommended above is applied). Visitor parking is to be provided at a rate of 1 space per 2 residential units. The proposed visitor parking provision of 24 no. spaces is considered acceptable in this instance. I note that DLRCC Transportation

Planning states concerns in relation to the design of the lower ground floor cycle parking area. The detailed bicycle parking provision may be agreed by condition.

- 12.7.3. Having regard to the above assessment, I am satisfied that the development will not result in undue adverse roads or transportation impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition.

## 12.8. Other Matters

### 12.8.1. Site Services and Flood Risk

The development is to connect to the public water supply and foul sewer. 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. Part V

The application does not include any Part V provision. This is acceptable given that section 5.21 of the Apartment Guidelines states that shared accommodation will not normally be subject to Part V requirements.

### 12.8.3. Bat Survey Report

The Bat Survey Report, dated August 6<sup>th</sup> 2018, details the findings of a bat survey which comprised a daylight site inspection on the 30<sup>th</sup> July 2018. A through survey of the buildings was carried out. It revealed numerous potential roosting sites.

However, no evidence of roosting bats was found and there is no evidence of bats using the buildings. The report notes that the site consists entirely of buildings with limited surrounding areas of vegetation, with limited connectivity for bats. The lack of bat usage of the site is attributed to this issue. The report concludes that the development will have no effect on local bat populations due to the lack of evidence of bat presence at the site. This conclusion is accepted.

## 13.0 Conclusion

- 13.1. The proposed Shared Living Residential Development is acceptable in principle at this site with regard to the relevant 'MTC' zoning objective under the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to the central and accessible

location of the site in the centre of Dun Laoghaire, which is designated as a 'Major Town Centre' in the development plan. In addition, the site is generally considered to be suitable for shared accommodation with regard to its town centre location in close proximity to public transport and a wide range of amenities and services and accessible to multiple employment locations. Having regard to the above assessment, I am satisfied that the development will provide a reasonable standard of residential amenity for future occupants, subject to the amendments recommended. The development will achieve a site specific objective of the Dun Laoghaire Urban Framework Plan regarding the provision of a pedestrian link between Sussex Street and Crofton Road. The design and layout of the ground floor, including communal amenity areas, and the provision of the proposed kiosk and seating area at the corner of Eblana Avenue and the new pedestrian link will provide animation at the site frontage and the development will make a satisfactory contribution to the public realm. Having regard to the above assessment and to the precedent established by PL06D.248770, I am satisfied that the development would not have any significant adverse impact on visual or residential amenities or on the settings of adjacent protected structures. 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

### 15.1. Having regard to the following:

- (a) the site's location in the centre of Dun Laoghaire, which is designated as a 'Major Town Centre' in the development plan;
- (b) the policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022 including Appendix 12: Dun Laoghaire Urban Framework Plan;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March 2018;
- (f) the Design Manual for Urban Roads and Streets (DMURS);
- (g) the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Department of Environment, Heritage and Local Government;
- (h) the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht;
- (i) the nature, scale and design of the proposed development
- (j) the availability in the area of a wide range of social and transport infrastructure;
- (k) the pattern of existing and permitted development in the area;
- (l) the planning history within the area and
- (m) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would be acceptable in terms of pedestrian and traffic safety and convenience and would not give rise to flooding in the area. 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) The living room / library area on the 1<sup>st</sup>, 2<sup>nd</sup> 3<sup>rd</sup> and 4<sup>th</sup> floors shall be omitted in favour of a second communal kitchen / dining / living area, which shall also incorporate 3 of the adjacent 'shared living suites'.
  - (b) The living room / library area on the ground floor shall be omitted in favour of a second communal kitchen / dining / living area, which shall also incorporate one adjacent 'shared living suite'.

(c) A total of 195 'shared living suites' are therefore hereby permitted.

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 the interests of providing a satisfactory standard of residential amenity for occupants of the development.

3. The 195 number Shared Accommodation 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). Each 'shared living suite' shall be single occupancy only.

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

4. Prior to the commencement of development, the developer 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. The period of fifteen years shall be from the date of occupation of the first 'shared living units' within the scheme.

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

5. Prior to expiration of the 15-year period referred to in the covenant, the developer 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 Shared Accommodation scheme. Any proposed amendment or deviation from the Shared Accommodation model as authorised in this permission shall be subject to a separate planning application.

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

6. Prior to the commencement of development, the applicant shall submit to and agree in writing with the planning authority a written statement outlining that members of the public have full right and liberty for the free passage and use of the pedestrian walkway which connects Eblana Avenue and Harbour Square. This public right of way and walkway shall be completed in full and available for public use, prior to the occupation of the development. The existing drainage infrastructure (i.e. raised manhole) at the interface of the proposed pedestrian walkway and Harbour Square, shall be amended so that it does not impede this link.

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

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

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

8. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(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 roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii.

(c) 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.

(d) All parking spaces shall have a functional electric vehicle charging point.

(e) All bicycle parking shall be in accordance with the detailed requirements of the planning authority for such works.

(f) Prior to the commencement of construction on site, the developer shall submit to the planning authority for its written agreement details of a revised design and layout for the lower ground floor bicycle parking area.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;



(b) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, and

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

10. Details of the materials, colours and textures of all the external finishes, including pavement and link finishes and external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

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

12. 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 amenity of property in the vicinity and the visual amenity of the area.

13. 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 (including hydrological and geotechnical investigations) 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.

14. Site development and building works shall be carried only out between 08.00 to 19.00 hours Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

15. 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.

16. 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.

17. 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.

18. A final site specific, detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least five weeks in advance of site clearance and site works commencing.

**Reason:** To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding.

19. 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 for construction traffic, parking machinery and the location for storage of deliveries to the site.

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

20. 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.

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

21. 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 Shared Accommodation Management Plan which demonstrates clearly how the proposed Shared Accommodation scheme will operate.

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

22. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or 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 the An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

23. 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.

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Sarah Moran

Senior Planning Inspector

18<sup>th</sup> July 2019