



An
Bord
Pleanála

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

Inspector's Report ABP-305676-19

Strategic Housing Development

Demolition of 4 no. structures,
construction 741 no. build to rent
apartments, retail space and
associated site works.

Location

Lands to the Rear of Connolly Station,
Connolly Station car park, Sheriff
Street Lower, Dublin 1.
(<https://theconnollyquartershd1.ie/>)

Planning Authority

Dublin City Council North

Applicant

Oxley Holdings Ltd.

Prescribed Bodies

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

5. Department of Culture, Heritage and the Gaeltacht.
6. Commission for Railway Regulation.
7. An Taisce.

Observer(s)

1. Dublin Cycling Campaign.
2. Tessa Boyd.
3. Sheriff Youth Club CLG.
4. North Wall Community Association.
5. Councillor Niall Ring.

Date of Site Inspection

11th December 2019.

Inspector

Karen Kenny

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DECISION QUASHED

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is a brownfield site on Sheriff Street Lower, Dublin 1. The site, with a stated area of 2.88 ha, is at a strategic location in the city given its proximity to Connolly Station (mainline rail, DART and LUAS services), Busaras (national bus services) and Dublin Bus services along Amiens Street. The site is also in the Dublin Docklands Strategic Development Regeneration Area (SDRA).
- 2.2. The site includes: (a) an area of 1.98 ha which comprises an existing surface car park and attendant buildings; (b) the air rights to a 0.83 ha area above the existing rail sides; and (c) 0.07 ha of land providing access, via existing vaults, to Seville Place and Sheriff Street Lower. It is bound by Connolly Station to the north west, Sheriff Street Lower/Commons Street to the south and Oriel Street Lower to the east. There is also a proposed pedestrian link to Seville Place to the north.
- 2.3. Most of the site has been built up and infilled to match the level of the railway tracks and the main station. It sits up to 7 metres above the surrounding street and footpath levels on Sheriff Street Lower (1.5-1.9m AOD) and Oriel Street Upper (1.0-1.7m AOD). The site is currently accessed from Sheriff Street Lower and from Connolly Station.
- 2.4. There are a number of historic structures on the site that form part of Protected Structure RPS No. 130 Connolly Station. The buildings include the remnants of the Luggage Store building on Sheriff Street Lower, the remnants of the Workshop/Vaults Building facing onto Sheriff Street Lower, Vaults connecting to Seville Place; and masonry walls bounding the site. Other maintenance and administration buildings on the site are modern structures that will be demolished to facilitate the development. The boundary along Commons Street/Sheriff Street Lower and Oriel Street comprises a 4-metre-high protected stone wall which extends to the entrance with Oriel Hall. There is an existing single storey red brick building

known as Oriel House located at the junction of Sherriff Street / Commons Street and Oriel Street at the southern end of the site. It is proposed that this will be demolished to facilitate the commercial element of the masterplan proposal.

- 2.5. The site extends to the north west up to an existing Irish Rail Maintenance shed. Existing Irish Rail buildings to the north of the site abutting Seville Place are excluded from the application site, save for a proposed walkway to Seville Place via one of the vaults. Oriel Hall is an established residential enclave of housing located to the north east of the site. To the south of the site along Sheriff Street there are existing office and residential blocks. Development along Oriel Street and Seville Place is residential in character comprising a mix of two storey period properties and more recently constructed two and three storey housing.

3.0 Proposed Strategic Housing Development

- 3.1.1. Permission is sought under the subject SHD application for the construction of 741 no. Build to Rent apartments; residential support facilities and amenities (1,444sq.m); and retail, commercial and community floorspace (3,142 sq.m). The proposed development is contained in 8 no. blocks (B1, B2, B3, C1, C2, C3, D1, D2) that range in height from 4 to 23 storeys.
- 3.2. The application is accompanied by a masterplan for a larger mixed-use development that comprises residential, commercial office, hotel and retail floorspace. The application documentation indicates that the office and hotel blocks detailed in the masterplan (A, E and D3) will form part of a future planning application to Dublin City Council under Section 34 of the Planning and Development Act. The application documentation states that the SHD application includes the infrastructure for the entire site including main pedestrian streets, connections to adjoining street network, drainage infrastructure and associated services.
- 3.3. The proposed development is summarised as follows:

Block No.	Internal GFA	Height	Storeys	Mix
B1	11,260sq.m	54.917m	15	Studio: 25, 1-bed: 37, 2-bed: 51

B2	10,831sq.m	54.917m	15	Studio: 20, 1-bed: 35, 2-bed: 51
B3	9,766sq.m	51.767m	14	Studio: 22, 1-bed: 60, 2-bed: 27, 3-Bed: 1
C1	12,705sq.m	79.450m	23	Studio: 84, 1-bed: 40, 2-bed: 41
C2	4,890sq.m	39.615 m	11	Studio: 9, 1-bed: 33, 2-bed: 3, 3- Bed: 4
C3	6,775sq.m	39.650 m	11	Studio: 40, 1-bed: 18, 2-bed: 23
D1	8,418sq.m	53.392 m	15	Studio: 10, 1-bed: 25, 2-bed: 44, 3-Bed: 1
D2	3,890sq.m	30.950 m	8	Studio: 18, 1-bed: 8, 2-bed: 11

3.4. The breakdown of units is summarised as follows:

Unit Type	No. of Units	%
Studio	228	30.8
1-Bed	256	34.5
2-Bed	251	33.87
3-Bed	6	>1
TOTAL	741	100%

3.5. Other proposed development can be summarised as follows:

- Residential amenities including a gym, resident's lounge, work areas, meeting rooms, dining rooms and recreational areas (GFA of 1,444 sq.m);
- Basement (7,253.4 sq.m) with a new vehicular access from Oriel Street Upper incorporating car parking, cycle parking, plant rooms and waste management facilities;
- 10 no. units providing retail, commercial, and community use (GFA of 3,142 sq.m).

3.6. Development Parameters:

Parameter	Site Proposal
Overall Site Area	2.88 ha
No. of Residential Units	741 BTR Units
Internal GFA	68,535 sq.m
Retail	2,591sq. metres
Community	551sq.metres
Residential Amenity/Support Facilities	1,444 sq. metres
Public and Semi Private Open Space	18,562 sq. metres
Car Parking	238 spaces (180 CIE; 58 SHD)
Bike Parking	1,406 spaces
Density	257 units per ha
Plot Ratio	SHD 2.38; Masterplan 3.75
Site Coverage	22.8%

4.0 Planning History

4.1. The following planning history relates to the application site:

PA Ref. 11/2863: Permission granted by Dublin City Council in May 2012 for a mixed-use development with a floor area of 81,538 sq. metres comprising residential (106 units), office, leisure and community uses on a c. 3-hectare site. The development provided for a series of blocks ranging in height from 4 to 7 storeys. The PA opinion sets out a detailed schedule of the permitted development. Expiry date of 22nd May 2022.

4.1.1. Recent planning history in the area:

PA Ref. 18/3996: Permission for demolition of existing structures associated with an existing petrol filling station and for the construction of a part four storey, part six

storey and part seven storey hotel development at no. 96 to 98 Amiens Street on lands to the west of the SHD site.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on 29th May 2019. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

1. Compliance with SHD/Environmental Legislation.
2. Development strategy for the site to include inter alia urban design, including the height and architectural treatment of the buildings and the interface with public streets.
3. Residential support facilities and amenities including the provision of open space and other residential facilities, amenities and support services within the scheme.
4. Residential amenity including the standard of amenity for future occupants including the type of the proposed apartments, their management, access to daylight and sunlight and private amenity space. The impact of the development on surrounding residential dwellings.
5. Car parking rationale.
6. Site services.
7. Childcare.
8. Any other matters.
9. Any other matters.

A copy of the Inspector's report and Opinion is on the file for reference by the Board.

A copy of the record of the meeting is also available on the file.

5.2. Notification of Opinion

The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The issues set out in the opinion can be summarised as follows:

1. The applicant to demonstrate that the proposed development can be considered under the provisions of the SHD legislation.
2. Further consideration / justification in relation to:
 - The height strategy and design approach, particularly the bulk, scale and massing of the 22-storey tower and the need to ensure that the design of the tower and other buildings are exemplar and provide the optimal architectural solution for this strategic site.
 - The treatment, aesthetic design, articulation and animation of the façades and the need to avoid monotonous elevations.
 - The provision of appropriate connections and pedestrian permeability through the site, particularly to Connolly Station.
 - Design and treatment of public open spaces to ensure that they are appropriate to the future residential community.
 - The high concentration of 1 bed and studio units.
3. Further consideration / justification of documents as they relate to future residential amenities, with particular regard to residential support and communal facilities.
4. Further consideration / justification of documents as they relate to the private amenity space for individual units, the extent of single aspect units and sunlight and daylight access.
5. Further consideration / justification in relation to the car parking strategy.
6. The applicant was advised to submit specific information to include the following: architectural report and drawings outlining the design rationale for the proposed building height and scale; a report that addresses the provision of resident support facilities and resident service and amenity areas within the scheme; proposals for the management and operation of the proposed development as a 'BTR' scheme; a Building Lifecycle Report; a report detailing materials and finishes within the development with particular regard to the requirement to provide high quality and sustainable finishes and to create a distinctive character for the overall development; a daylight and sunlight analysis; a covenant or legal agreement to ensure that the development remains in use as Build- to-Rent accommodation; a Housing Quality Assessment; photomontages, cross sections, axiometric views and

CGIs; visual impact analysis (to include views from the wider historic areas of the City) to indicate potential impacts on visual and residential amenities; drawings and cross sections showing the relationship between the development and adjacent residential units and adjoining streets; childcare demand analysis; a phasing plan; relevant third party consents; Quality Audits (Road Safety Audit, Access Audit, Cycle Audit and Walking Audit); and a Mobility Management Plan.

5.3. Applicant's Response to Pre-Application Opinion

5.3.1. 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:

SHD legislation

- The proposed development is for 741 residential units with an overall gross floor area of 68,535 square metres, including 1,444sq.m of ancillary residential floorspace and 7,253 sq. m of ancillary floorspace at basement level. A total of 3,142 sq.m of 'other uses' are proposed, within the limitations of the Act. Permission will be sought for other uses under a separate Section 34 application. The applicant is satisfied that the proposed development is compatible with the provisions of SHD legislation.

Development Strategy

- The Development Plan allows for building heights of 50m+ at this location. The height strategy results from evaluation of the performance-based criteria in the Development Plan and Urban Development and Building Height Guidelines. Supporting documentation (Design Assessment, Architects Design Statement, Masterplan, Visual Impact Assessment and Photomontages under separate cover) demonstrates compliance. The VIA (Ch 6 EIAR) confirms that the site is capable of absorbing the height proposed. The design has evolved to respond to the distinct qualities of this brownfield industrial site that is adjacent to a major transport hub. The Development Plan and national policy endorses increased building height at such locations and seek a performance-based approach to the consideration and assessment of taller buildings (50+). The response details

how the criteria are met and concludes that the proposed development does not have any adverse impact on historic views and vistas of the city.

- In relation to the facades and elevational treatment, the façade design for each of the buildings has been developed in order to respond to concerns raised regarding 'monotonous and repetitive' design solutions. The design seeks to ensure a coherent, legible and architecturally rich proposal (Architects Design Statement Section 07). Key considerations include the response to the industrial and urban context, need for human scale and a visual presence and need for architectural variety. While there is an inherent legibility of approach between each building, the assembly of materials differs from building to building to create a subtle richness to the approach.
- In response to issues raised at pre-application stage the applicant has secured additional site area from CIE to enhance linkages and permeability from the site to the surrounding streets. The site is bounded by buildings and stone walls that are protected structures. The proposed development would include a number of punctuations in the boundary allowing access. Within the site there are a series of streets and spaces at ground level which will be publicly accessible at all times. In response to issues raised at pre-application stage in relation to a direct connection to Connolly Station, the Masterplan acknowledges the potential of this connection and is engaging with CIE to secure a connection. Significant technical and engineering issues need to be resolved before such a connection can be delivered. The proposed development improves permeability enhancing accessibility to a major public transport hub with new links between Seville Place / Five Lamps, Connolly Station and Docklands Financial Centre.
- In relation to the design and treatment of open spaces, the proposed development provides a rich series of spaces, generous in extent, with a well-connected and proportioned public realm and extensive semi-private spaces to serve residential and office developments themed the 'High Line'. In addition, the residential blocks have well designed courtyards, roof gardens and terraces associated with the individual blocks and for their exclusive use. The design team have engaged with the DCC Parks Department. The landscape proposal offers entrances from surrounding streets to a distinctive public space. The exterior ground is defined by historic cobbles and bespoke aggregate concrete

with planters, reflecting the industrial heritage of the site. The external spaces are linked to adjacent ground floor uses and residential entrances, together with through routes connecting with adjoining streets. The design includes seating, trees, ribbons of low planting, water retention and allows sun and shadows to move through the site.

- The number of studio and one bed units has been reduced from 71.1% at pre application stage to 65.3% (30.8% studio and 34.5% one beds). National policy documents, including the NPF and Apartment Guidelines identify the need for a greater mix of housing types and tenures and the increased flexibility in respect of BTR schemes. The submitted Residential Needs Assessment provides a demographic profile of the area arguing that there is a need for predominantly studio and one bed units. The submission also argues that the mix will improve the international competitiveness of Dublin.

Residential Support Facilities and Residents Services and Amenities

- The Architects Design Statement outlines in detail the quantum of residential support facilities, services and amenities. The applicant engaged a BTR operator to ascertain the preferences for this type of accommodation having regard to the typical profile of renters in similar urban locations. The process has informed the range and extent of facilities, services and amenities proposed to serve the future residential population of the site. The facilities and amenities have been incorporated having regard to SSSR7(b) of the Apartment Guidelines. The response includes a review of other BTR schemes approved by the Board (p23) and contends that the proposed scheme is comparable in terms of resident services, facilities and amenity spaces.

Residential Amenity

- The Architects Design Statement outlines the distribution, function, categorisation and quantum of amenity space provided. A Housing Quality Audit (HQA) is submitted in support of the application. In accordance with the provisions of SPPR 8 a total of 4,003sq.m of private amenity space is required, with a total area of 4,032sq.m. SPPR 8 allows for flexibility to provision of private amenity space, in cognisance of the fact that not every site or development is suited to the provision of private balconies and gardens for every unit. The applicant has

offset the shortfall in private balcony space by inclusion of semi-private and community amenity spaces that will counter the shortfall and enhance amenity within the development. In response to comments in relation to daylight and sunlight, the development has been amended and no longer contains any north facing single aspect apartments. The current proposal achieves 42% dual aspect apartments. The submitted Daylight, Sunlight & Overshadowing Report concludes that 68% of amenity areas will receive more than 2 hours of sunlight on March 21st – exceeding BRE minimum standards; 98% of rooms tested will achieve a projected Average Daylight Factor above the BRE recommendations; overshadowing on surrounding properties will be almost identical to that from the previously permitted scheme and all points tested on adjoining sites are appropriate for a high-rise development under BRE guidance.

Car Parking

- In response to the ABP opinion, the total number of car parking spaces has been reduced from 240 to 58 no. basement car parking spaces which will be available for the exclusive use of future residents of the BTR scheme. The spaces will be available on a car sharing basis. Under the terms of the agreement with CIE the applicant is required to maintain 180 no. carparking spaces exclusively for CIE. CIE currently have 390 car parking spaces on the site to meet the operational needs of Connolly Station. The 180 no. spaces do not form part of the subject application (see enclosed Legal Opinion) as this is an established use within the site. Combined, a total of 238 no. spaces (180 no. CIE and 58 no SHD) will be provide for in the overall development when completed. Car parking is provided at a rate of 1 space per 12.8 apartments. The applicants have been advised by the PA and the NTA that the site could be considered appropriate for zero parking provision.

6.0 Relevant Planning Policy

Section 28 Ministerial Guidelines

6.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

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

National Planning Framework

6.2. Chapter 4 of the Framework addresses the topic of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Development Plan

6.3. The Dublin City Development Plan 2016-2022 is the relevant statutory plan for the area. The following provisions are considered to be relevant.

The site is zoned Z5 with an objective “to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity”.

“the primary purpose of this zoning is to sustain life within the centre of the city through intensive mixed-use development, to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night. As a balance and in recognition of the growing residential communities in the city centre, adequate noise reduction measures must be incorporated into development, especially mixed-use development, and regard should be given to the hours of operation (see Chapter 16, Section 16.36 – Noise). Ideally, this mix of uses should occur both vertically through the floors of the building as well as horizontally along the street frontage....”

Chapter 4 ‘Shape and Structure of the City’ sets parameters for the creation of sustainable communities in association with the objectives of other chapters. Policies include: SC5 to promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a quality, compact, well-connected city; SC7 to protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence (Fig. 4 details ‘Key Views and Prospects’); SC13 to promote sustainable densities (that are appropriate to their context and supported by community infrastructure), particularly in public transport corridors, which will enhance the urban form and spatial structure of the city and having regard to the safeguarding criteria set out in Chapter 16; SC14 to promote a variety of housing and apartment types; and SC16 to recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated SDRA’s.

Section 4.5.4: Taller Buildings states the following:

- “Clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are likely to be achieved in a limited number of areas only. Taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs.....

- The plan states that it is policy to provide for taller buildings in those limited locations identified in the 'Building Height in Dublin Map' in order to promote investment, vitality and identity. 4 locations are identified for high rise buildings of 50m+ including Connolly Station (Fig. 39 Chapter 16 refers).
- It is stated that "In all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in the development standards section, to ensure that taller buildings achieve high standards in relation to design, sustainability, amenity, impacts on the receiving environment, and the protection or framing of important views."

6.3.1. Chapter 5 'Quality Housing' sets out policies to support sustainable building and design. Policies include: QH6 relating to attractive mixed use neighbourhoods; QH7 relating to sustainable urban densities and high standards of urban design and architecture; QH8 relating to the development of vacant or under-utilised infill sites; QH18 and QH19 relating to the provision of high quality apartments that meet a range of needs.

6.3.2. Chapter 11 'Built Heritage and Culture' sets out policy in relation to the safeguarding and protection of built heritage, protected structures and architectural conservation areas that are relevant (e.g. CHC1, CHC2, CHC4 and CHC5).

6.3.3. Chapter 15 relates to Strategic Development and Regeneration Areas. The site is within SDRA 6 Docklands. The CDP states that the designation of the Docklands, including the Docklands SDZ, as a strategic development and regeneration area (SDRA) provides for the continued physical and social regeneration of this part of the city, consolidating the area as a vibrant economic, cultural and amenity quarter of the city, whilst also nurturing sustainable neighbourhoods and communities.

Section 15.1.1.7 sets out guiding principles for SDRA 6 addressing social & community development; housing; employment; education; social; economic; business; maritime; marketing; environmental; movement / transport; land-use; urban design; flood risk; and implementation.

6.3.4. Chapter 16 'Development Standards' sets out standards for design, layout, mix of uses and sustainable design including standards for Large Scale Development

(Section 16.2.2.1), Infill Development (Section 16.2.2.2), Density (16.4), Plot Ratio (16.5), Site Coverage (16.6), Building Height (16.7), Standards of Accommodation (16.10), Car Parking (16.38) and Cycle Parking (16.39).

Section 16.7 addresses Building Height. It states that:

"All proposals for mid-rise and taller buildings must have regard to the assessment criteria for high buildings as set out below:

- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas.
- Effect on the historic environment at a city-wide and local level.
- Relationship to transport infrastructure, particularly public transport provision.
- Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for.
- Contribution to public spaces and facilities, including the mix of uses.
- Effect on the local environment, including micro-climate and general amenity considerations.
- Contribution to permeability and legibility of the site and wider area.
- Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360 degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies.
- Adoption of best practice guidance related to the sustainable design and construction of tall buildings.
- Evaluation of providing a similar level of density in an alternative urban form.

Section 16.2.2.1 of the plan addresses Large-Scale Development.

7.0 Applicant's Statement of Consistency

- 7.1.1. The applicant has submitted Statements 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, the County Development Plan and regional and national planning policies. The following points are noted:

National and Regional Policy and Section 28 Guidelines

- The development is in compliance with relevant national and regional policy together with Section 28 ministerial guidelines.
- Development complies with policy objectives of the NPF, including policy objectives relating to population and employment growth in cities and suburbs; developing cities of international scale; creating high quality urban places; regeneration; performance-based standards; increased density; sustainable travel; equality; climate change; and environmental assessment.
- The development complies with the policy objectives of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly (2019-2031), including policy objectives relating to the development of infill/brownfield sites, sustainable transport, higher densities, housing mix and tenure.
- In terms of the Sustainable Urban Housing: Design Standards for New Apartments (2018) the standards in relation to unit size, dual aspect, lift and stair cores and internal storage are met. The guidelines allow for a relaxation on unit mix and open space for BTR schemes (SPPR8) and the site is a central and / or accessible urban location that is suitable for reduced carparking (Section 4.19). Details of dedicated amenities are set out in Section 4 of the Architectural Design Statement in accordance with SPPR 7.
- The Urban Development and Building Heights Guidelines promote a significant increase in building heights and overall density. Within the Canal ring in Dublin the guidelines promote a minimum of 6-storeys with scope for greater building heights with the application of the objectives and criteria in Section 2 and 3 of the Guidelines. The DCC Development Plan identifies the site as a suitable location for heights of 50m+. The statement considers the proposed development with reference to each of the criteria in Chapter 3 Development Management at the scales of City/Town, District/Neighbourhood/Street and Site/Building.

- In terms of the Sustainable Residential Development in Urban Areas and the Urban Design Manual: the site is a priority site under the NPF relating to densification and re-use of brownfield sites and is served by a range of services and high frequency public transport; the development is of high quality, meets key qualitative criteria and provides for connections; the density is appropriate given the sites location and proximity to public transport and employment. Qualitative and quantitative standards are met.
- The submitted Childcare Assessment concludes that childcare demand can be met within the local area.
- The application is accompanied by an Architectural Heritage Assessment that addresses compliance with the Architectural Heritage Guidelines (2011).

Dublin City Development Plan

- The proposed development fulfils the purpose of the Z5 zoning objective by providing an intensive mixed-use development with retail at ground level and residential on upper floors. It will bring life to streets that are currently underused and segregated from surrounding areas.
- The scheme addresses the overarching objectives for Strategic Development and Regeneration Area No. 6 regarding urban renewal and the creation of a sustainable mixed-use development that delivers appropriate housing, community and social infrastructure to serve the needs of the local population. Significant employment opportunities will also be provided with the additional commercial elements forming part of a Section 34 application.
- In terms of height, scale and design, the approach has been underpinned by the strategic location of the subject site as a gateway to Dublin City and adjacent to a major railway hub. The site presents a unique opportunity to facilitate a large-scale urban redevelopment.
- The Response to the ABP opinion addresses the residential unit mix in detail.
- Section 4.5.3.1 of the Development Plan promotes higher densities in the city centre, within KDC's, SDRA's and within the catchment of high capacity public transport. The site is located immediately adjacent to Connolly Railway

Station, Busaras and LUAS and in SDRA 6. The site is an ideal location for intensive mixed-use development in accordance with consolidation and compact growth objectives of the Plan.

- The proposed development satisfies policies in Section 5.5.2 in respect of sustainable residential development including policy: QH5: promoting residential development on zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites; QH6: promoting the creation of attractive neighbourhoods with a variety of housing types and tenures, community facilities, public realm and residential amenities; QH7: achieving sustainable densities and higher urban design standards; QH8: promoting the development of vacant or underutilised infill sites; and QH10: creation of a permeable, connected and well-linked city.
- Section 16.4 requires higher density proposals to demonstrate how the proposal contributes to place making and identity, as well as the provision of community facilities and / or social infrastructure. The response to the ABP Opinion and the Architects Design Statement demonstrates how the development responds.
- The plot ratio is within acceptable limits of 2.5-3 detailed in the Development Plan. The Development Plan allows for higher plot ratio's and site coverage adjoining major public transport and to facilitate comprehensive redevelopment in areas in need of urban renewal.
- The submitted Architects Design Statement addresses visual impact.
- The submitted Daylight, Sunlight & Overshadowing Report provides a detailed assessment in relation to the proposed development and impacts on adjoining properties.
- The application is accompanied by a Social Infrastructure Audit and Residential Needs Analysis.

8.0 Third Party Submissions

8.1.1. A total of 5 no. third party submissions have been received from community / voluntary groups, a resident and elected member. The main points made, that are relevant to the subject application, can be summarised as follows:

- Access to the proposed basement cycle parking spaces.
- No justification for 180 no. CIE car parking spaces.
- Adequacy of cycling facilities on surrounding roads.
- Positive impact for community and Dublin in general.
- Traffic Impact and Parking Impacts.
- Hours of construction and construction access.
- Public engagement;
- Conditions in relation to the commitment to incorporate existing GAA and Boxing Clubs within the development (reference to PL29N.304710).
- Development contributions should be paid at an early phase of development so that they can become available to the local community to enhance facilities.
- Opportunity to address social deprivation in the Sherriff Street / North Wall Area.
- Unit mix and the number of studio units.
- Part V proposal (no. of studio apartments) does not meet need for family accommodation.
- Question lease of Part V units.
- Impact of proposed building heights on existing local housing.
- Fire Safety.
- Need to address social and economic regeneration.

8.2. I have considered all of the documentation included with the above third-party submission.

9.0 Planning Authority Submission

9.1. DCC has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 that is contained on the file. It summarises observer comments as per section 8(5)(a)(i) and the views of the elected members of the Central Area Committee, as expressed at their meeting of 12th Nov. 2019 and subsequent to the meeting. The planning and technical analysis is in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i). The key issues raised in the submission are summarised below.

9.1.1. PA Comment on Principle and Quantum of Development

The development is acceptable in principle, subject to the remainder of the site being redeveloped for non-residential uses. The density is relatively high but can be considered at this location, subject to good design and amenity considerations. The plot ratio and site coverage are acceptable.

9.1.2. PA Comment on Unit Mix, Open Space, Amenities, Part V and Childcare

- Concern in relation to the high proportion of studio and 1-bed units. Recommended that the unit mix should provide a maximum of 60% studio and 1 bed units. Details of communal amenities should be agreed with the PA. No objection to the non-provision of a creche facility.
- In relation to private open space, the applicant has availed of flexibility under SPPR 8 of the Apartment Guidelines for BTR Schemes, to provide the majority of open space as semi-private, communal open space. This is acceptable in principle. Overall quantum of communal space and amenities is acceptable and the use of a high-level walkway to connect spaces is welcomed. The quality and usability of communal open spaces is questioned due to climatic conditions (sunlight & daylight and wind). In particular, the amenity of the podium courtyards serving Block B is questioned (more detailed commentary under micro-climate).
- The Development Plan requires public open space at a rate of 10% of site area - 2,880 sq.m. The applicant has not submitted evidence of compliance with the public open space standard. Reservations on the quality of public open space as sunlight and daylight access has not been assessed. It is

expected that significant areas will be in shadow. Parks and Landscape section seek a zone of active recreational use / event zone, opportunities for vertical greening of the highline structure, public art and more detailed design considerations for landscaping.

9.1.3. PA Comment on Building Height and Visual Impact

- At a city-wide scale, the CE's Report concludes that the proposed development would not have a detrimental impact on the character and setting of key landmarks and views and that the proposal will have no impact on the character or setting of the majority of ACA's identified in the Development Plan.
- The comments contained in the City Architects Report differ in some respects. The height and cluster of taller buildings is accepted at this location. Concern is expressed in relation to the bulk massing and intensity of development arising from a cluster of taller buildings. The Report notes that the development does not meet the specific qualitative criteria for taller buildings (50m+) in the Development Plan with reference to slenderness ratio, massing, amenity, elevational treatment and materiality).

In relation to long-range and mid-range views the City Architects Report refers to: the impact on views of the Dublin Convention Centre and Samuel Becket Bridge icon buildings used to market the city (not illustrated); the impact on historic views from Talbot Street and North Earl Street east towards Connolly Station (view no. 4 and 5). The City Architects Report and Conservation Officer's Report state that the development will impact on the skyline and diminish the prominence of the station tower. The Reports express similar concerns in relation to the spire of the St. Laurence O'Toole Church (view no.9). In relation to the local context (views no. 3, 22, 24, 25, 26 and 27) the Report outlines concerns in relation to the scale of the blocks and the architectural detailing and material finishes. The Report concludes that the development does not sufficiently demonstrate a resolve in its relationship to the surrounding context to the north and east. The Report concludes that overall the bulk and massing of the development has negative impacts on the quality of residential amenity, the public realm and the skyline. In relation to

architectural detailing it is concluded that there is little attempt to provide legible articulation of the many facades.

- The CE's Report concludes that the provision of a landmark building is in accordance with Development Plan policy. Comments of the City Architects Department and Conservation Officer in relation to the impact on Views 4 and 5 (from Talbot Street and North Earl Street looking eastward towards Connolly Station Tower) are noted, but it is considered that on balance the prominence of Connolly Station Tower would be altered by any future development on the site that incorporates high density development and height as prescribed within the Development Plan. Similar comments also relate to the view of St. Laurence O'Tool Church as illustrated on View 9.
- In relation to the impact at a neighbourhood level the CE's Report states that the site presently contributes little to the character of the area and represents an underutilisation of a strategically located brownfield site. The proposed development would significantly improve pedestrian permeability and provide a new public space surrounded by new blocks with the potential to deliver a positive contribution to place making in the area. The CE's report notes that the proposed development would read as the dominant element in local views and that the character of the area would be significantly altered. The applicant's argument that this could be said of any redevelopment of the site that incorporates higher density and height. Concerns raised in the City Architects Report in relation to the relationship to surrounding context are generally shared by the Planning Department. In some instances, it is considered that issues raised could be addressed by means of revisions to facade treatments, materials and potential redesign. The B complex with intense massing of blocks and repetitive form in tight proximity of each other, poses a significant problem in relation to the impact on the quality of external amenity spaces. On foot of these concerns, the CE's submission recommends that Block B2 be omitted by condition.
- The CE's Report states that the proposal provides for variety in terms of block design and elevational treatment and materials palette - all materials will need to be of a high quality, durable and reflective of the character of the area and the industrial / railway heritage of the site. Details of the materials, colours

and textures of all external finishes should be agreed in writing with the PA. A detailed condition requiring materials to be erected on site for inspection is recommended in this instance.

PA Comment in relation to Micro-Climate

- While the submitted Sunlight and Daylight Analysis states that 98% of rooms tested have an ADF above BRE Recommendations; and that of the 15 amenity spaces assessed 12 surpass BRE recommendations, there are concerns in relation to deficiencies in the information provided.
- The PA detailed specific additional information to be provided with the final Sunlight and Daylight Assessment at pre-application stage. Revisions have been made, to include removal of overhanging balconies, increased glazing at lower levels, greater distances between buildings, removal of north facing apartments and BRE have been asked to comment on the scheme. Diagrams indicating levels of light penetration to all habitable rooms at lower levels in Blocks B1, 2 and 3 and C1, 2 and 3, requested by the PA, have not been provided. The sunlight and daylight assessment relate to Floors 4 upwards.
- The cumulative figure for sunlight and daylight access to communal spaces relies on the level of light to upper level roof terraces and disguises deficiencies in lower level spaces.
- The PA considers that insufficient information has been provided to undertake a full review of the quality of the proposed residential units at lower level and open space provision in terms of access to daylight and sunlight. It is anticipated that the residential amenities of small, predominantly single aspect units will be seriously compromised by the lack of direct sunlight available. While it is acknowledged that mitigation measures have been introduced to maximise direct light to the units, sufficient evidence has not been submitted to demonstrate that these units will enjoy good levels of both daylight and sunlight. The proposal would require further design and revision and it is recommended that Block B2 is removed above podium level to address the concerns.

- The pedestrian comfort report states that poor wind conditions will be experienced within the proposed podium spaces in Block B. The primary reason is the orientation of these spaces, which makes them susceptible to wind tunnelling from both westerly and southerly winds – dominant directions in Dublin.
- In relation to the surrounding area, the PA accepts the case made within the application that the proposed development on an overall basis will have a similar impact on adjoining site boundaries to the previous development permitted on the site.
- The shadow analysis in Section 5 of the Report illustrates that the proposed public open space at ground level would be in shadow in the majority of instances. No sunlight / daylight analysis is provided for this space.

PA Comment on Access and Transportation

- The site is an opportune site for an integrated land-use and transport development hub. Concerns in relation to the proposed access ramp serving the residential car parking and Irish Rail / CIE car parking and fire tender access. The submitted documents are inadequate and unclear in relation to the operation of the access ramps. The access / egress arrangements appear to have altered from preapplication stage. The two-way access has been replaced with a single lane vehicular access and dedicated two-way cycle lane. Access is to be managed via a traffic light shuttle system. The fire tender auto-track drawing shows required turning movements within the area of the third-floor car park. The layout of the 3rd floor car park should have been included in order to allow for a full assessment. Concerns raised in relation to the operation of the access / egress to the basement and the potential for queueing on the adjoining street network. Concerns are also raised in relation to the details at ground level between the entrance from Oriel Street Upper and the ramp in the public realm plaza, the lack of segregation between pedestrian and vehicular traffic, the concentration of uses in this area and the potential for conflicts to arise. It is also noted that the Road Safety Audit has not evaluated the operation of this ramp and focuses on the external streets. The report concludes that current

arrangements would create an unacceptable traffic impact and a traffic hazard and that a redesign of the access arrangements is required that would have a significant impact on the overall design of the scheme. The division has no objection to no parking provision at this location.

- The PA has concerns in relation to the proposed Irish Rail / CIE car parking spaces which are not included in the development description or appropriately assessed within the application documentation. The case made in the legal opinion is noted but the PA has concerns in relation to the failure to assess the use and impact of the car park. It is the opinion of the PA that the provision of a commercial car park as part of the subject development constitutes development and requires planning permission. The car park raises planning considerations in terms of compatibility with the proposed development which are not appropriately identified or addressed within the application. It is recommended that, in the event of a grant of permission, that the car park is omitted from the development.

PA Comments on Architectural Conservation and Archaeology

- The Report of the Conservation Officer indicates that the demolition of parts of the boundary wall of Connolly Station (Protected Structure) and Oriel House and associated loss of historic architectural fabric is regrettable but indicates no objection to same.
- The Report of the Archaeology Section notes that the site is one of archaeological potential and concurs with the mitigation measures detailed in the EIAR.

PA Comments on submission from Irish Aviation Authority

- Having regard to the submission from the Irish Aviation Authority it is not clear to the PA if there are outstanding issues in relation to the proposed 23 storey landmark building. Other concerns raised within the submission could be addressed by means of condition.

10.0 Prescribed Bodies

10.1. Irish Aviation Authority

Applicant / developer should engage with Dublin Airport to assess whether the proposed permanent structure and any crane operations to not impact on flight procedures at Dublin Airport. Recommends a condition, in the event of a grant of permission, that the applicant contact IAA prior to the commencement of crane operations, with 30 days prior notification.

10.2. Irish Water

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

10.3. Transport Infrastructure Ireland

- TII's Code of engineering practice for works on, near, or adjacent to the Luas light rail system is available at www.luas.ie/work-safety-permits.html.
- The development falls within the area of an adopted Section 49 levy scheme for Luas (Luas Red Line Docklands Extension (Luas C1). Apply a S49 condition in the event of a grant of permission.

10.4. Commission for Railway Regulation

- Iarnrod Eireann should be consulted to ensure that risk of railway trespass is not increased during works or when works are completed.
- The party undertaking the construction should ensure that works which may affect the safe operation of the railway are undertaken with the consultation of Iarnrod Eireann and in accordance with RSC Guidelines RSC-G-010-A. Care should be taken with works near the railway boundary that may increase loading on cuttings, affect stability of embankments or change the water table / drainage.
- The party undertaking works should consult with Iarnrod Eireann regarding road-rail interfaces on access routes which may have increased flow or

abnormal loads during the construction phase and upon completion of the project.

- Any issues raised by Iarnród Éireann should be addressed.

10.5. National Transport Authority

The points raised in the submission can be summarised as follows:

- Support proposed development in principle as it represents consolidation of development at a high density into Dublin City Centre in accordance with the GDA Transport Strategy.
- It is important that the level of accessibility of Connolly Station is exploited to the maximum extent possible by focusing a high intensity of development at this location.
- The overall Masterplan for the site will deliver a quantum and intensity of development that would be deemed appropriate for a site with such a level of public transport accessibility, and where the potential exists for residents and workers to choose walking and cycling as modes of travel.
- The NTA in association with Irish Rail are in the process of developing a project for increasing the capacity of Connolly Station in order to cater for a greater number of train services that are being planned as part of the DART Expansion Programme and as further capacity is added to the national and regional rail network. The NTA are satisfied that the transport requirements at Connolly will be catered for by the proposed development.

10.6. Department of Culture, Heritage and the Gaeltacht – Archaeology

No objection subject to the implementation of proposed archaeological mitigation measures. Recommended that the applicants engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the report for archaeological monitoring of all groundworks (EIAR, V2, Section 13.5). The archaeological method statement for mitigation to be agreed with the DCHG.

10.7. An Taisce

- Public bike parking at Connolly Station;
- Access to the proposed basement cycle parking spaces.

- No justification for 180 no. CIE car parking spaces.
- Adequacy of cycling facilities on surrounding roads.

11.0 Assessment

11.1.1. The SHD site is a brownfield site that forms part of the Connolly Railway Station complex. The existing uses on site include a large surface car park for customers and staff of Irish Rail, railway sliding's, maintenance facilities, administration and storage buildings. The site is at a strategic location in the city given its proximity to Connolly Station (mainline rail, DART and LUAS services), Busaras (national bus services) and Dublin Bus services along Amiens Street. The site is also in the Dublin Docklands Strategic Development Regeneration Area (SDRA). The masterplan for this site provides for a mixed-use development comprising residential, commercial, office and hotel floorspace. The subject application seeks permission for the construction of 741 no. Build to Rent apartments; residential support facilities and amenities (1,444sq.m); and retail, commercial and community floorspace (3,142sq.m) in 8 no. blocks ranging in height from 4 to 23 storeys. An internal GFA of 68,535 sq.m is proposed (excluding basement). The submitted documentation states that the other commercial aspects (comprising two office blocks and a hotel block) will form part of a future planning application to Dublin City Council under Section 34 of the Planning and Development Act. The commercial blocks detailed in the masterplan are located at the southern end of the site with frontage onto Sherriff Street Lower, Commons Street and Oriel Street. The application documentation states that the SHD application includes the infrastructure for the entire site including main pedestrian streets and connections to the adjoining street network, drainage infrastructure and associated services.

11.1.2. I consider that the key issues for consideration by the Board in this case are as follows: -

- Principle and Quantum of Development
- Building Height and Visual Impact
- Quality of Residential Development
- Impacts on Residential Amenities
- Cultural Heritage

- Traffic and Transport
- Drainage, Flood Risk and Site Services
- Other Issues

These matters are considered separately below. Furthermore, I have carried out Environmental Impact Assessment and Stage 1 Appropriate Assessment in respect of the proposed development, as detailed in Sections 12.0 and 13.0 below.

11.2. Principle and Quantum of Development

- 11.2.1. The site is zoned Z5 in the Dublin City Development Plan 2016-2022 with an objective “to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity”. Section 14.8.5 of the written statement states that *“the primary purpose of this zoning is to sustain life within the centre of the city through intensive mixed-use development, to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night...”*.

I am satisfied that the proposed development is consistent with the Z5 zoning objective and that together with the ‘commercial’ uses identified within the masterplan will provide for intensive mixed-use development, as envisaged under the zoning objective. Furthermore, the 2018 Apartment Guidelines clearly support Build to Rent apartment developments, highlighting the role that they can play in addressing the need for housing.

The plans show 135 no. car parking spaces at a deck level in Block B (Level 03) to serve CIE. The submitted details state that the development agreement pertaining to the site requires 180 no. spaces to be maintained on the site for CIE’s use and that this is ‘a restrictive covenant’ on the site. A further 45 no. spaces are to be provided for CIE under a future Section 34 application. The response to the ABP opinion states that this floor area does not represent ‘other uses’ for the purposes of Section 3 of the Planning and Development (Housing and Residential Tenancies) Act 2016, as this use exists within the site and the proposed layout represents a rationalisation and consolidation of the existing use. The response is accompanied by a legal opinion

that addresses this issue. I accept the argument presented by the applicant and am satisfied that the application before the Board falls within the definition of Strategic Housing Development.

11.2.2. In terms of the quantum of development proposed, the site is at a location suitable for higher densities in accordance with the 'Guidelines on Sustainable Residential Development in Urban Areas' and Section 4.5.3 of the Dublin City Development Plan which promotes intensive mixed-use development on well located urban sites and higher densities within SDRA's and in the catchment of high capacity public transport. The proposed residential density exclusive of the proposed retail, commercial and community uses is 257 units / ha. I consider that the proposed development would support consolidation and densification at this strategic location within the city centre, close to public transport, employment and services.

On Z5 lands, the indicative plot ratio detailed in the Development Plan is 2.5 to 3.0, while the indicative site coverage is 90%. The submitted Planning Statement states that the proposed development has a plot ratio of 2.8 and a site coverage of 22.8%. It is noted that the full implementation of the applicant's masterplan would give rise to a plot ratio of 3.75. The PA opinion notes that these figures appear low. I attribute this to the fact that a proportion of the site is above the railway sliding's. When the sliding area is excluded (.83 ha) I calculate a plot ratio of 3.3. The Development Plan allows for a higher plot ratio in certain circumstances, including (inter alia) at locations adjoining major public transport where an appropriate mix of residential and commercial development is provided and to facilitate redevelopment in areas in need of urban renewal. The proposed development meets all of these criteria and I consider the site coverage and plot ratio to be acceptable in this context. I would note that the PA also consider the proposed mix of uses, density, plot ratio and site coverage to be acceptable.

11.3. Building Height and Visual Impact

11.3.1. Context

The site is a large brownfield site to the rear of Connolly Station. It is to the east of Amiens Street and to the north of the IFSC, Gorge's Dock and North Lott's areas. The IFSC, Gorge's Dock and North Lott's to the south contain low to medium rise

commercial and residential development. There is low density two and three storey housing and community uses to the east and north of the site. Connolly Station to the immediate west comprises the station building and associated platforms.

Amiens Street and the north inner-city west of Connolly Station comprises a mix of uses with variation in terms of building typologies, densities, scale and architecture. There are streets, spaces and buildings of heritage value in the area along Seville Place, Amiens Street and west of Amiens Street (inc. Protected Structures detailed on CDP Map E). Dublin's Georgian Core extends to Gardiner Street to the west (CDP Fig. 17). The Custom House, the City Quays and the River Liffey are c. 430 metres to the south of the site. O'Connell Street and O'Connell Bridge are c. 850 metres to the west of the site.

Locally the site has a high degree of disconnect from its surroundings due to the presence of high walls and structures along the site boundaries. Levels within the site have been built up to match the level of the railway tracks and the main station to the west and are above the level of the surrounding streets. The rail corridor to the west is elevated above street level and there are railway bridges and platforms on Seville Place and Sherriff Street Lower immediately west of the site that create a visual barrier within the streetscape. The modern office building to the immediate south has no windows or entrances onto Sherriff Street Lower at street level.

11.3.2. Building Height

It is proposed to introduce a cluster of tall and midrise buildings in a predominantly low-rise context. The Dublin City Development Plan recognises the quality of Dublin as a low-rise city. There is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. The plan states that any new proposal must be sensitive to the historic city centre, the river Liffey and quays, Trinity College, Dublin Castle, the historic squares and the canals. The plan also states that it is important to protect and enhance the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city and create opportunities for place-making and identity. The plan seeks to cluster midrise and taller buildings. The Building Height in Dublin Map (Chapter 16 Fig. 39) identifies four locations for high rise buildings of 50m+, including Connolly Station. The development plan states that in all cases, proposals for taller buildings must respect

their context and address the assessment criteria set out in Section 16.7 of the Development Plan (Section 6.0 Relevant Planning Policy refers). The Urban Development and Building Height Guidelines (2018) support increased building height and density in locations with good public transport accessibility and in town and city cores to secure the objectives of the NPF and Regional Spatial and Economic Strategies. Section 3.2 of the Guidelines sets out development management criteria for taller buildings.

The proposed building heights range from 4 to 23 storeys and can be summarised as follows:

Block No.	Height	Storeys	Development Plan Height Class
B1	54.917 m	15	Tall (50m+)
B2	54.917 m	15	Tall (50m+)
B3	51.767 m	14	Tall (50m+)
C1	79.450 m	23	Tall (50m+)
C2	39.615 m	11	Midrise (Up to 50m)
C3	39.650 m	11	Midrise (Up to 50m)
D1	53.392 m	15	Tall (50m+)
D2	30.950 m	8	Midrise (Up to 50m)

A total of 5 no. tall buildings (50m+) are proposed and the tallest building (C1) is identified as a landmark building. The scheme incorporates 3 large blocks at ground level that separate into 8 no. sub blocks at upper levels (B1, B2, B3, C1, C2, C3, D1 and D2). The higher blocks are located centrally within the site and along the rail corridor (C1, B1, B2, B3 and D1) with building heights steeping down to 5 storeys at the interface with Oriel Street and Oriel Place adjacent to existing housing.

11.3.3. Visual Impact Assessment

The assessment of visual impacts relies on the VIA contained in Chapter 5 of the EIAR, the Built Heritage Assessment contained in Chapter 14 of the EIAR, on the

photomontages submitted and on observations during site inspection. The Photomontages and the VIA illustrate and evaluate potential townscape and visual impacts on long and short-range views. The viewpoints include:

- Views from the east (East Wall, Dublin Port, Point Square, Alfie Byrne Road) and from the north (North Strand Road / Annesley Bridge and North Circular Road / Portland Row)
- Views from the River Liffey and the Quays, at locations between O'Connell Bridge and the Eastlink Bridge including a view from Gorge's Quay opposite the Custom House.
- Views from O'Connell Street, North Earl Street and Talbot Street / Gardiner Street to the west.
- Local views from Amiens Street to the west, Gorges Dock to the south, Coburg Place to the north, Seville Place to the east and Oriel Street Upper and Commons Street to the South.
- The Built Heritage Assessment considers a further 15 no. sensitive views (Figure 14-5 refers). This includes historic sites on the southern side of the city that are not considered in the VIA, such as College Green, Trinity College, Nassau Street, Georgian Mile, St. Stephen's Green and Merrion Row.

I am satisfied that the selected viewpoints are a representative sample and accept the methodology used in the VIA.

Building heights of 50 metres + are acceptable in principle on the subject site. The photomontages show that the development will be viewed as a collection of higher buildings on long range and mid-range views with the proposed 23 storey tower block creating a central feature. The substantial massing of the taller buildings is evident. The VIA makes the case that in long distant and mid distant views the development would be visible but would result in a low to medium magnitude of change. It is argued that the proposal would add visual interest, make a positive contribution to the skyline and improve legibility. The cumulative impacts with proposed commercial blocks that are to form part of a future application is considered. For the most part no changes arise when all blocks are included, save in the case of local views from Church Road East Wall, Amiens Street opposite

Connolly Luas Stop and Commons Street, where the significance of effect increases marginally but remains positive overall.

The PA Opinion includes the Chief Executives Report and the Reports of Internal Departments. The CE's Report concludes that at a citywide scale the proposed development, while visible, would not have a detrimental impact on the character and setting of key landmarks and views. The Report also states that it is considered that the proposal will have no impact on the character or setting of the majority of ACA's within the Development Plan. The City Architect's Report expresses concern in relation to the overall bulk, massing and intensity of the blocks and the failure to adhere to the slenderness ratio detailed in Section 16.7 of the Development Plan. The Reports of the City Architect and Conservation Officer express concern in relation to the impact on a historic line of vision from Talbot Street and North Earl Street east towards Connolly Station (view no. 4 and 5) stating that the development will diminish the prominence of the station tower¹ in the foreground. The Reports express similar concerns in relation to the impact on the spire of the St. Laurence O'Toole Church² (view no.9) located along Seville Place c. 160 metres east of the site. The CE's Report acknowledges these concerns and concludes that any high-density scheme on the subject site would alter the prominence of the tower at Connolly Station and the spire of St. Laurence O'Toole Church. The City Architect also raises concerns in relation to the potential visibility of the development in the background of views of the Convention Centre and Samuel Becket Bridge (iconic structures within the city) noting that this viewpoint is not considered.

I have inspected the site and viewed it from a variety of locations across the north and south city area including the docklands. I have also reviewed the documentation on the file. In relation to long-range and medium range views I would concur with the PA's view that the proposed development, while visible, would not have a detrimental impact on the character and setting of key landmarks and views within the city. I am also satisfied that the proposed development will not impact on the character or setting of ACA's. I am of the view that the proposal to construct a cluster of taller buildings, will add visual interest, make a positive contribution to the skyline and improve legibility within the inner-city area.

¹ Part of RPS no. 130 Connolly Station.

² Part of RPS 7495 St. Laurence O'Toole Church.

There is greater potential for visual impacts at a more local level. The City Architect's Report raises concerns in relation to the response to the local context and includes specific comments on views from Mayor Street, Coburg Place, Seville Place, Oriel Street Upper and Sherriff Street (Views 22, 24, 25, 26 and 27). Concern is expressed in relation to the mass and scale of blocks relative to the existing context to the north and east, the aesthetic quality of the blocks and the 'random' collection of building scales. The Report concludes that the development does not sufficiently demonstrate a resolve in the relationship to its surrounding context to the north and east and that it would have negative impacts. The CE's Report states that the concerns raised by the City Architect are generally shared by the Planning Department. The CE's Report states that in some instances, the issues raised could be addressed by means of revisions to façade treatments, materials and potential redesign.

It is clear that the proposed development will read as the dominant element in local views (including views 3, 21, 22, 24, 25, 26 and 27) and that the character of the area will be altered. I consider the transition in scale to be significant and the associated visual impact to be high. Notwithstanding this, I consider the development to be acceptable having regard to the mixed and evolving character of this area. I consider the urban form and massing approach to be reasonable given the scale of development proposed. The proposed development will make a positive contribution to the area in terms of place making, streetscape and connectivity. I consider the aesthetic quality of the scheme to be acceptable overall. The use of contemporary design; variety in terms of scale, height, elevational treatment and materials palette; in addition to the retention and use of historic features, creates an aesthetic quality and distinctive character for the scheme. I would concur with the PA's view that greater detail is required in relation to the materials, colours and textures of all external finishes. In this regard, I would note the comments contained in the Report of the City Architect in relation to the benefit of using distinct vertical sections in taller buildings and in relation to the need for durable materials that will weather well. I am satisfied that the materials strategy can be agreed with the PA prior to the commencement of development and recommend that a detailed condition is attached in relation to this matter.

In conclusion, the SHD site is a strategic site located adjacent to one of the most significant public transport interchanges in the country and adjacent to an

employment location of international significance (IFSC and Docklands). It is one of only four locations identified for taller buildings in the City Development Plan and is at a remove from key landmarks and significant historic sites. The submission of the NTA, states that it is important that the level of accessibility is exploited to the maximum extent possible by focusing high intensity development at this location. I am satisfied that this has been achieved under the subject scheme. I am also of the view that the height, scale and massing of the development is acceptable in townscape and visual terms. While the scheme is of a greater scale and intensity than the surrounding development, the proposed development is of a scale that will contribute to the physical and social regeneration of this area and I am satisfied that on balance, any negative impacts arising from the scale would be outweighed by positive impacts in terms of place making, regeneration and housing provision. Impacts on residential amenity are considered separately below.

11.3.4. Public Realm

The public realm at street level comprises ground level entrance plazas, street connections and a public square. The streets and spaces have direct and active frontage at street level in the form of retail / commercial and community uses and residential accesses. It is proposed to create pedestrian and cyclist entrances from Sherriff Street Lower and Commons Street to the south; from Oriel Street Upper to the east; and from Seville Place to the north. The 'streets' are c. 18 metres wide and as such provide a movement and recreational function. These streets connect at 'Connolly Square' a public space of 2000sq.metres that is located centrally within the site. Streets and spaces at ground level will be accessible to the public at all times. There is an upper level of circulation at Level 01 for residents of the scheme called the 'high line' that connects semi-private open spaces and communal facilities in Blocks B, C and D. This includes bridge structures over street level and underpasses within the blocks.

The City Architect's Report states that the scheme would have benefited from greater visibility into and through the scheme from Sherriff Street Lower / Commons Street to Oriel Street Upper. While this would have been desirable, a direct connection is not critical to the success of the scheme in my view. The Report also notes that an opportunity for direct frontage onto Oriel Street Upper has also been missed. The scheme includes a substantial opening at the northern end of Oriel

Street Upper and there may be an opportunity to provide improved animation to the southern section of Oriel Street Upper under the future Section 34 application.

The PA documents state that there is inadequate detail in relation to the landscaping scheme. While I would concur that the details provided are largely conceptual, I consider the approach to be generally acceptable and am satisfied that any outstanding matters can be adequately addressed by way of condition.

11.3.5. Microclimate Impacts – Daylight & Sunlight and Wind

This section is concerned with the microclimate within the proposed development. The sunlight performance of communal amenity spaces is considered in Section 3.0 of the Daylight, Sunlight and Overshadowing Performance Report submitted with the application. BRE guidance recommends for open spaces that at least 50% of the area should receive at least 2 hours of sunlight on 21st March. The assessment concludes that overall, 68% of the upper level amenity spaces will receive more than 2 hours of sunlight on 21st March. This combined figure relies on the performance of upper level terraces and roof gardens, with a lower level of compliance at podium level. This is particularly apparent in Block B where two of three courtyard spaces fall below the BRE Standard at 28% and 29% respectively. If the podium level spaces in Block B are considered cumulatively 41% of the spaces meet the 2-hour standard. The primary amenity spaces at Level 01 in Blocks C and D meet the standard.

In relation to the average daylight factor for individual units the units considered were at Level 04 and Level 06 in Blocks B, C and D. Level 04 is the lowest level of residential accommodation in Block B, while residential units in Blocks C and D start at level 02. The submitted details state that the majority of units considered meet the BRE standards for a high-density scheme, with some units in Block D falling below the recommended standard.

A Pedestrian Comfort Study indicates that the low-level podium spaces in Block B would experience poor wind conditions. This is due to the orientation of these spaces relative to the dominantly westerly and southerly winds, which makes them susceptible to wind tunnelling. Similar impacts are shown for Block C terraces at levels 10 and 22 and a covered passage in Block D at level 07 and in the roof top space.

The City Architect's Report states that the massing of the finger blocks in Block B in tight proximity of each other, poses a significant problem in relation to the impact on the quality of the external amenity spaces. The PA opinion suggests that Block B2 could be omitted in full to improve daylight penetration to amenity spaces and into the single aspect units in Block B3 and to address wind issues.

The quality of the communal amenity areas is important in this development as most units have no private balconies or terraces and rely on the communal areas – as discussed in Section 11.4 below. The assessments indicate that the quality of some spaces in Block B is compromised due to the lack of sunlight penetration and wind impacts. Furthermore, the level of daylight access to the more central units within Blocks B2 and B3 is relatively low due to the tight proximity of the finger blocks. However, the Daylight, Sunlight and Overshadowing Performance Report (p13) shows that of the 15 no. open spaces assessed 12 no. spaces surpass the BRE recommendation. The units in Block B have access to open space spaces that significantly exceed the BRE standard including a large courtyard space to the south of Block B1. In relation to the daylight performance of units I would note that all units tested, with the exception of four rooms in Block D2, are deemed to meet the BRE recommendations. The scheme has been reviewed by BRE on a commercial basis. The response contained in Appendix 1 of the Daylight, Sunlight and Overshadowing Performance Report states that the reported ADF values are reasonable. The letter notes that four rooms in Block D2 would have lower values of ADF than the recommended minimum for living rooms or bedrooms and that this is a very limited number of failures for the size of the development. On balance I am of the view that the removal of Block B2 (90 no. units) is not warranted on amenity grounds and that its omission could potentially give rise to other unforeseen impacts for the development strategy for the site. I recommend that mitigation measures are employed within Blocks B, C and D to address wind impacts and that these measures are agreed with the PA prior to the commencement of the development.

11.3.6. The sunlight performance of the public open space 'Connolly Square' has not been assessed. Shadow diagrams contained in Section 5 of the Daylight, Sunlight and Overshadowing Performance Report suggest that this space would be in shade for substantial periods. However, the shadow analysis includes the future commercial blocks to the south. Under the subject scheme there are no substantial obstructions

to the south of this space, and I consider it reasonable to assume that sunlight will penetrate the area over substantial periods of the day.

11.3.7. Height and Visual Impacts Conclusion

Having regard to the above assessment, it is considered that the development will be satisfactory in terms of visual impacts, public realm and the quality of amenity spaces provided. The height and design of the scheme is therefore acceptable.

11.4. **Quality of Residential Development**

The following assessment considers the quality of the proposed BTR Scheme with regard to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated Urban Design Manual; and the Dublin City Development Plan 2016-2022.

11.4.1. Housing Mix

The development provides the following housing mix:

Unit Type	No. of Units	%
BTR Studio	228	30.8
BTR 1-Bed	256	34.5
BTR 2-Bed	251	33.87
BTR 3-Bed	6	>1
TOTAL	741	100%

The PA's Report expresses concern in relation to the high proportion of studio and one bed units. The applicant has submitted a Residential Needs Analysis, that makes a case for the high proportion of studio and one bed units based on the

demographic profile of the area and the site's location. The mix is considered satisfactory in the context of SPPR 8 of the 2018 apartment guidelines which indicates that for BTR developments there is no restrictions on dwelling mix. The proposed housing mix is, therefore, acceptable in my view.

11.4.2. Apartment Design and Layout

The 2018 Apartment Guidelines set out technical design standards for new apartments. SPPR8 of the guidelines allows for a relaxation of some standards for Built to Rent schemes. Flexibility can apply in respect of storage and amenity space on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. There is an obligation on the project proper to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity. Furthermore, the requirement to exceed the minimum floor area standards by 10% and the requirement for a maximum of 12 apartments per floor can be relaxed in BTR schemes.

The submitted Housing Quality Assessment indicates that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines.

Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three-person apartments. The submitted documentation includes the number of persons per unit and indicates that all of the two bed units cater for four persons.

SPPR 4 requires a minimum of 33% dual aspect units in more central and accessible urban locations and a minimum of 50% in suburban or intermediate locations. The subject site is in a more central and accessible location. A total of 42% of the proposed apartments are dual aspect, well in excess of this requirement.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. While SPPR 8 allows for a relaxation in relation to this standard for BTR schemes, the requirements of SPPR 6 are met within all blocks.

Appendix 1 of the Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living /

dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The submitted schedule of areas indicates that all apartments meet or exceed the minimum storage area, floor area and aggregate floor area and width standards.

11.4.3. Communal Facilities and Services

11.4.4. Section 5.5 of the 2018 apartment guidelines states that dedicated amenities and facilities specifically for residents is a characteristic element of BTR schemes and that the provision of such facilities contributes to the creation of a shared environment where individual renters become more integrated and develop a sense of belonging with their neighbours in the scheme. The proposed development incorporates residential amenities and recreational areas at Level 01 with a stated GFA of 1,444sq.m. This includes a gym (250.6 sq.m), residents yoga and spin room (60.6 sq.m), games room (72.7 sq.m), a resident's lounge (65.3 sq.m), work zones (75.5 sq.m & 39.8 sq.m), residents bar and lounge (194 sq.m), dining room (124.2 sq.m) and other spaces (126.8 sq.m & 325.5 sq.m). I consider the level of resident's amenities to be acceptable.

11.4.5. Open Space and Amenity Areas

The scheme generates a requirement for a total 4,003sq.m of private open space and 4,003sq.m of communal open space based on the minimum requirements detailed in Appendix 4 of the Guidelines as follows:

Unit Type	Apartments	Requirement per unit (sq.m.)	Total Requirement (sq.m.)
Studio	228	4	912
1 bed	256	5	1,280
2 bed	251	7 (4 person)	1,757
3 bed	6	9	54
Total	288		4,003 sq.m.

11.4.6. A total of 165 sq.m of private open space is provided in the form of balconies in the west facing units in Block D1 (c. 24 units). The remaining units do not have direct access to private open space. The applicant seeks to rely on flexibility offered under

SPPR 8 of the 2018 Apartment Guidelines which allows for flexibility in relation to the provision of private amenity space for individual unit's subject to the provision of compensatory communal support facilities and amenities within the development. The total area of communal open space is 8633 sq.m. The overall level of provision is consistent with the quantitative standards set out in the 2018 Apartment Guidelines for private and communal open space. In addition to this, the scheme incorporates internal communal amenity areas with a combined GFA of stated 1,444 sq.m and retail and community floorspace at street level that will benefit residents of the scheme. The applicant makes the case that the quantum of semi-private open space and communal amenities provided compensates for the absence of private balconies or terraces and that residents will enjoy an high standard of amenity overall. I am satisfied that there is good distribution and variety of semi-private spaces and internal residents' amenities within the scheme.

11.4.7. The Development Plan requires public open space to be provided at a rate of 10% of the site area where feasible. This would equate to approximately 2,880 sq. m. I am satisfied that the public realm (entrance plaza's, public plaza and connections) exceeds 10% of the site area. I am of the view that the level of public open space provision is, therefore, acceptable.

11.4.8. Quality of Residential Development Conclusion

To conclude, I consider that the design and layout of the development is satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

11.5. **Impacts on Residential Amenities**

11.5.1. Potential for impacts on residential amenities arises in relation to the existing housing in Oriel Hall to the north east of the site, on Oriel Street Upper to the east and on the northern side of Seville Place to the north.

11.5.2. The issue of visual impact is considered in Section 11.3 above. In terms of overlooking I would note that Section 16.10.2 of the Development Plan states that at the rear of dwellings, traditionally, a separation of about 22 m was sought between the rear of 2-storey dwellings but this may be relaxed if it can be demonstrated that

the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. I am satisfied that the minimum clearance is met and exceeded in most cases and that no adverse overlooking would arise due to overlooking.

11.5.3. In relation to 'daylight' impacts I refer the Board to Section 6.0 of the Daylight, Sunlight and Overshadowing Performance Report submitted with the application. The potential impacts on neighbouring buildings is measured using Vertical Sky Component (VSC) to sample windows. The neighbouring properties at Oriel Hall and Oriel Street Upper are currently almost completely unobstructed and have high VSC's, which is unusual given the inner-city context. The proposed development would have moderate to major adverse impacts on windows tested. The extant permission on the site approved under PA Ref. 11/2863 would also have a moderate to major adverse impact. The potential impacts are similar to or reduced when compared against a previous permission. I consider that the level of impact is to be expected of any redevelopment of the site for high density development and that it would not constitute reasonable grounds for refusing planning permission.

11.6. Architectural and Cultural Heritage

Archaeology

11.6.1. Archaeology is addressed in Chapter 13 of the EIAR. The site is not within a designated area of archaeological potential, nor does it contain recorded monuments. However, a review of the surrounding area identifies the zone of archaeological potential for Dublin City (RMP DU018-020) within c. 100 metres of the site and 3 no. recorded monuments, all scheduled for inclusion in the RMP, within c. 500 metres of the site. The site was also reclaimed from the estuary of the River Liffey from the 18th century giving the potential for archaeological remains. The PA's Archaeological Report notes that 'The Dublin City Industrial Heritage Record' lists three mid-19th century goods sheds on the site, with two remaining, and states that the subsurface remains of other features of industrial heritage interest may survive within the site. On the basis of the foregoing, the potential for subsurface archaeology cannot be excluded. It is proposed to undertake archaeological mitigation and monitoring of all excavation works. Both the DCHG and DCC's

Archaeological Section indicate no objection to the proposed development subject to the implementation of proposed mitigation measures.

Architectural Heritage

11.6.2. Architectural heritage is addressed in Chapter 14 of the EIAR and the Architectural Heritage Assessment submitted with the application. The site, in its current form, dates from the mid nineteenth century and the construction of the railway line and station at Amies Street. Connolly Station including all 19th century proportions of the main railway station complex is included on the current RPS (Ref. No. 130). Protected structures within the application site include the Vault at Seville Place, Wall at Oriel Street Upper and Sherriff Street Upper and the Workshop and Luggage Store facing onto Sherriff Street Lower. Oriel House, at the intersection of Commons Street and Oriel Street Upper, is an early 20th century office building associated with the railway administration. This structure is not listed on the RPS but is listed on the NIAH. The proposed development involves the demolition of modern administration and maintenance buildings, Oriel House and parts of the protected boundary wall. It is also proposed to take down a section of stone boundary wall onto Oriel Hall, and to reconstruct it in exactly the same location and presentation to facilitate the construction of a vehicular ramp. The application before the Board seeks to undertake remedial / refurbishment works only to secure the luggage hall and storage vaults on Sherriff Street Lower and to provide a new link via an existing vaulted structure from Seville Place. A separate Section 34 application for the commercial blocks will seek to construct new buildings above the former vaulted luggage store and vaults on Sherriff Street.

11.6.3. The application site is no longer required as part of the modern-day operations of the rail station and as such, has the potential to be redeveloped for urban land uses. Any redevelopment will involve the loss of historic fabric and alter the existing setting. The proposed development includes specific strategies for the repair, retention and adaption of historic structures within the site. The proposal to open up arched openings in the wall along Sherriff Street and to provide a connection to Seville Place will ensure that the 19th century building fabric of the wall and vault structure will remain intact and become an integral part of the new scheme. While a greater level of intervention is proposed to the stone wall along Oriel Street, I accept the applicant's argument that this wall does not possess significant architectural

special interest and that the opening up will have a positive effect on the surrounding streetscape. Oriel House is not included on the RPS. The structure occupies a strategic position within the local street network and the urban design and place making benefits of providing a new landmark structure at this location, outweighs any conservation benefits from retaining the 20th century structure. The Report of the PA's Conservation Officer indicates that the loss of some historic fabric is regrettable but does not object to the interventions proposed within the site on conservation grounds. I am satisfied that the proposed design approach, ensures that historic structures will be retained within the site and will be clearly distinguishable from the new development.

11.7. Traffic and Transport

11.7.1. Traffic and Transport are addressed in Chapter 6 of the EIAR and in the Traffic Impact Assessment. The site is at a highly accessible urban location in Dublin 1, adjacent to Connolly Station (mainline rail, DART and LUAS services), Busaras (national bus services) and Amiens Street (Dublin Bus Services and Bus Lanes). It is located to the north of Sherriff Street Lower, west of Oriel Street Upper and south of Seville Place. Amiens Street to the west and the Quays to the south are the main road corridors serving this part of the City. There are cycle lanes on Seville Place to the north of the site that connect into the wider city cycle network (TIA Fig. 7 refers) and footpaths and crossings on the surrounding local road network.

The site currently comprises a large surface car park with 390 no. spaces that serves Irish Rail Staff (c. 161 no. spaces) and train users (c. 229 no. spaces). Vehicular access to the site is currently from Sherriff Street Lower with an additional pedestrian access through Connolly Station for Irish Rail passengers and CIE staff accessing the car park and other facilities within the site. A new vehicular access is proposed from Oriel Street at the north eastern corner of the site. There are ramps within the site at street level that lead down to a basement level and up to a deck level in Block B that sits over the railway sliding's (Level 03). The basement level contains 58 no. car parking spaces, 640 cycle parking spaces, plant rooms and waste management facilities. The deck level contains 180 no. car parking spaces and a fire tender road to the site boundary with Connolly Station. Other non-vehicular accesses are

proposed from Oriel Street Upper, Sherriff Street Lower and Seville Place (via an existing vault structure) to create an internal street network.

11.7.2. Car and Cycle Parking

A total of 135 no. car parking spaces are to be relocated from the existing surface car park to a deck level to serve CIE. The submitted details state that the development agreement pertaining to the site requires 180 no. spaces to be maintained for CIE's use and that this is 'a restrictive covenant' on the site. Further spaces will be relocated for CIE use under the future Section 34 application. The Report of the PA's Transportation Section states that the applicant has failed to provide details on the operation of the existing CIE car park and that its continuance as a commercial commuter car park would be contrary to Development Plan policy. However, the applicant argues that the CIE car park is a long-established use at this location and that the proposed development effectively rationalises and consolidates the car parking provision within the site. I would accept the argument presented by the applicant. The relocation and rationalisation of the existing spaces facilitates the redevelopment and regeneration of the site for urban land uses.

A total of 58 no. car parking spaces are proposed at basement level to serve the proposed SHD scheme. This is a significant reduction on the number of spaces (and the basement area) proposed at pre-application stage. The spaces will be reserved for car club use. The applicant makes a case for the reduced level of car parking provision based on the guidance contained in the Apartment Guidelines 2018 (Section 4.19) to substantially reduce or wholly eliminate car parking in more central locations that are well served by public transport. I consider the level of car parking provision to be acceptable.

A total of 1,406 cycle parking spaces are proposed, with 640 no. spaces at basement level accessed via a dedicated cycle lane on the basement access ramp and other spaces within secure cycle parking areas within each block at street level. Section 4.17 of the apartment guidelines specifies a general minimum cycle parking standard of 1 cycle storage space per bedroom and visitor parking at a rate of 1 space per 2 residential units. This would equate to a requirement for 998 no. resident spaces and 370 no. visitor spaces within the scheme. The cycle provision exceeds the standards set out in the 2018 guidelines and is acceptable in my view.

11.7.3. Traffic and Transport Impact Assessment

The submitted TIA considers the impact of the overall masterplan on the local road network. The trip generation potential of the development is assessed using the TII (NRA) approved TRICS database. Surveys are selected from the database based on a range of factors including development type, size, location, public transport etc. I would note that the sites chosen in this instance had higher rates of car parking provision and thus, the estimated trip generation from the residential units is overestimated. The impact of the proposed development on 6 no. local road junctions is considered in the TIA³ for a base year of 2018, opening year of 2022 and a future year of 2037 (+15 years). The model shows that all junctions will continue to operate within capacity. I consider that the development will have a limited impact on the established traffic conditions at this urban location, given the limited number of car parking spaces proposed and the sites proximity to high capacity transport services and employment destinations.

The PA's Transport Section raises concerns in relation to access and egress arrangements to and from the site – including the use of a single vehicular access from Oriel Street Upper, and in relation to the detailed design of the access ramps (including the level of detail provided in relation to the ramps and associated roadways). The Report expresses concern in relation to: the over concentration of uses at the entrance from Oriel Street Upper and the potential for conflict between pedestrians, cyclists and vehicles; the potential for cyclist and vehicular conflicts on the basement ramp (one way shuttle for vehicles and two way cycle lane); and the potential for queuing on the local street network due to the shuttle system. I am of the view that the entrance, ramps and circulation areas are of an adequate width and scale to accommodate traffic movements associated with the proposed development. The issues raised by the PA are detailed design matters in my view that can be addressed within the parameters of the scheme as proposed. On this basis, I recommend in the event of a grant of permission that a condition is attached requiring detailed design matters to be agreed prior to the commencement of development.

³ North Wall Quay / Samuel Beckett Bridge / Guild Street; Guild Street / Seville Place / Sherriff Street Upper; Seville Place / Oriel Street; Amiens Street / Portland Row / North Strand Road / Seville Place; Amiens Street / Talbot Street; Sherriff Street Lower / Irish Rail Car Park Entrance.

11.7.4. Construction Traffic

It is submitted that the volume of traffic generated during construction will be lower than that generated during the operational phase. The construction phase, including traffic management arrangements, are addressed in the Construction Methodology & Phasing Management Plan. The TIA notes that this plan will be agreed with the PA and revised as necessary prior to the commencement of construction.

11.7.5. Traffic and Transportation Impacts Conclusion

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts and that any outstanding issues may be dealt with by condition.

11.8. **Drainage, Flood Risk and Site Services**

Surface and Foul Water Drainage and Water Supply

- 11.8.1. The public drainage network in the area comprise a network of combined public sewers (collecting both foul sewerage and surface water runoff). There are no dedicated foul or surface water sewers. All sewers in the vicinity of the site drain to an Irish Water pumping station on Mayor Street Lower Pumping which ultimately discharges (via rising main and gravity sewer) to the Ringsend WWTP. The combined sewerage network also includes Combined Sewer Overflows that discharge to the Liffey Estuary at North Wall Quay during extreme rainfall events.

Separate surface water and foul water systems are proposed within the site as detailed in the submitted Engineering Services Report. Storm water will run through SUDS storage features and flow control devices and run off will be limited to equivalent greenfield run off rates. The wastewater drainage system will collect all foul water generated on site. Three separate outfalls are proposed to the combined sewer, two at Sherriff Street Lower and one at Oriel Street Upper. In terms of water supply it is proposed to connect to the existing 9-inch water man on Sherriff Street Lower as the primary supply point. Due to the size of the proposed development, it is also proposed to provide a secondary connection to the existing 6-inch watermain on Oriel Street Upper.

A submission received from Irish Water confirms that subject to valid connection agreements being put in place between Irish Water and the developer, the proposed connections to the IW network can be facilitated.

11.8.2. Flood Risk Assessment

The application is accompanied by a Site-Specific Flood Risk Assessment. The site is located c. 380 m north of the River Liffey Estuary. CFRAMS data indicates that the site is within Flood Zone A / B for fluvial and tidal flooding but that it is in a defended area. The SFRA notes that the area has a long history of urban development and that it is reasonable to expect that flood defences will be maintained and that only a residual risk of flooding, in event of failure, will exist. Having regard to the inner-city location and the Z5 zoning of the site, I would concur with this view. It is proposed to manage the residual flood risk through mitigation. The proposed development has passed the Development Plan and Development Management Justification Tests in accordance with the requirements of the Flood Risk Management Guidelines. I considered the proposed development to be acceptable in the context of the Flood Risk Management Guidelines.

11.8.3. Drainage, Flood Risk and Site Services Conclusion

I am satisfied with the proposed foul and surface water drainage and water supply arrangements, subject to conditions.

11.9. Other

Childcare Facilities and Schools Demand

- 11.9.1. The 'Apartment Guidelines' (2018) provide an update to earlier guidance in relation to childcare provision. The guidelines recommend that the threshold for provision in apartment schemes should be established having regard to the scale and mix of units proposed, the distribution of childcare facilities in the area and the emerging demographic profile of the area. The guidelines recommend that 1 bed and studio units should generally be excluded from childcare requirements and, subject to location, that this may also apply in part or whole to units with 2 or more bedrooms. The guidance set out in Appendix 13 of the Dublin City Development Plan is generally consistent with that of the Childcare and Apartment Guidelines. The application is accompanied by a Childcare Capacity Assessment. It is proposed to

omit childcare provision. The assessment considers a study area within 1 km of the site. A total of 15 no. facilities are identified and the applicant states that there is sufficient capacity in the area to cater for demand arising from the proposed development. Having regard to the BTR nature of the scheme and to the predominance of studio, one bed and two bed units, I accept the conclusions of the Childcare Assessment.

Part V

11.9.2. The applicant has submitted Part V proposals for the lease of 75 no. apartment units or 10% of the proposed units to the planning authority. A schedule of estimated costs has been submitted. The report on file from DCC's Housing Dept., indicates no objection. One observer has raised concerns in relation to the proposal to lease the units as opposed to transferring them. However, as indicated in the 2018 Apartment Guidelines, the particular circumstances of BTR projects may mitigate against the acquisition or transfer of units and the leasing option may be more practicable. I am satisfied that the proposal is in accordance with the Part V options set out in DHPCLG Housing Circular 36/2015. It is recommended that a standard condition be attached in the event of a grant of permission in relation to Part V.

Aviation

The submission of the Irish Aviation Authority states that the developer should engage with Dublin Airport to assess whether the proposed permanent structure would impact on flight procedures at Dublin Airport. The application has not been referred to the Dublin Airport Authority. The site is outside of the Dublin Airport Outer Public Safety Zone detailed on the Dublin City Council Development Plan Map. The site is not within a flight path associated with Dublin Airport. I have consulted the Dublin Airport Aerodrome Safeguarding Map, dated July 2017. The site is in the Outer Horizontal Surface Elevation. The Map states that in this area a PA should consult with the airport licensee before granting permission for "all buildings, structures, erections and works exceeding 90 metres in height". The highest structure proposed in this instance is 79.450 metres above ground level. On this basis, I am satisfied that there is no conflict in respect of the safety or efficiency of air navigation. I recommend that a condition is attached in the event of a grant of

permission, that requires the applicant to contact the IAA prior to the commencement of crane operations, with 30 days prior notification.

11.10. Planning Assessment Conclusion

The development is acceptable in principle with regard to the zoning of the site in the Dublin City Development Plan 2016 – 2022. The housing density and mix are acceptable having regard to the zoning objective and to the strategic location of the site within Dublin City Centre and proximate to high capacity public transport, employment and services. The design and layout of the development is generally in accordance with relevant national and local policies on residential development and will provide a satisfactory standard of residential accommodation, while achieving a residential density that reflects the strategic nature of the site and the importance of consolidation on zoned and serviced lands within established urban areas. It is considered that the development will enhance pedestrian and cycle connectivity in the area and would not result in undue adverse traffic impacts. I am also satisfied that the development does not result in a significant flood risk at the development site or upstream or downstream. While some adverse impacts have been identified in the assessment at a local level in respect of visual and residential amenities, the identified impacts are not unduly significant in my view having regard to the urban context. Furthermore, I consider that overall the scheme would be likely to have a positive impact on the area.

12.0 ENVIRONMENTAL IMPACT ASSESSMENT

12.1. Introduction

The application is accompanied by an Environmental Impact Assessment Report (EIAR). The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations come into effect on 1st September 2018.

12.1.1. The development involves a total of 741 no. residential units, 10 no. retail and commercial units and other associated development on a site of 2.88 hectares in an urban area.

12.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure projects that involve:

- (i) construction of more than 500 dwelling units
- (iv) 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. The site is within and at the edge of the city centre mixed use zoning (Z5). The predominant land uses on lands to the west and south are retail and commercial and as such I consider the site to be within a business district for the purposes of EIA. Given the number of units proposed and the site area of 2.88 hectares, the development requires mandatory EIA.

12.1.3. The EIAR is laid out in three documents, the main document, appendices and the non-technical summary. Chapter 1 is an introduction which provides a description of the site, sets out the relevant legislation and the format and structure of the EIAR as well as outlining the experts involved in preparing the document and consultation undertaken. Chapter 2 provides a description of the proposed development. Chapter 3 provides detail with regard to the consideration of alternatives and difficulties encountered. Chapter 15 considers interactions and Chapter 16 provides a summary of mitigation measures.

The likely significant direct and indirect effects on the environment, as set out in Article 3 of the Directive, are considered in Chapters 4-14 under the following headings:

- Population and Human Health
- Landscape and Visual Impact
- Material Assets: Traffic and Transport

- Material Assets: Built Services
- Land and Soils
- Water and Hydrology
- Biodiversity
- Noise and Vibration
- Air Quality and Climate
- Cultural Heritage – Archaeology
- Built Heritage – Architectural

12.1.4. Article 3 (2) of the Directive requires the consideration of the effects deriving from the vulnerability of the project to risks of major accidents or disasters (or both) that are relevant to the project concerned. The risk of major accidents and / or disasters is dealt with in the specific chapters of the EIAR where relevant to the environmental factor under consideration. Having regard to the nature of the development proposed, the site's location within an urban area, the nature of the receiving environment and the climatic conditions that apply, I consider that the requirements under Article 3(2) are met.

12.1.5. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and the observers has been set out at Sections 7, 8 & 9 of this report. The issues raised are addressed below under the relevant headings, as appropriate, and in the reasoned conclusion and recommendation including conditions.

12.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

12.1.7. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 11.0 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

12.2. Consideration of Alternatives

12.2.1. The submitted EIAR outlines the alternatives examined at Chapter 3 (pursuant to Article 5(1)(d) of the 2014 EIAR Directive and Annex IV). The main alternatives studied were alternative locations, design and processes. The location site is considered suitable for high density residential development having regard to the strategic position of the site and the city centre zoning. The proposed development was considered in the context of the extant permission on the site and selected as the optimum design approach. A number of building and energy processes were considered. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

12.3. Assessment of Effects

12.3.1. Population and Human Health

Chapter 4 of the EIAR addresses population and human health. The issue of impact on population has been raised in third party submissions. The EIAR considers potential effects in the context of land use, human health, population and economic activity and amenity. Potential impacts on population and human health arising from other factors are dealt with in the relevant sections of the EIAR and in the interactions section.

The receiving environment comprises a mixture of commercial, office, retail and housing development. The scheme before the Board is primarily residential with associated uses. It is part of a larger mixed-use scheme detailed in the submitted masterplan for the site.

There will be positive land use impacts during construction due to the redevelopment of an underutilised brownfield site and employment and economic activity generated by the development. Some negative impacts may arise from increased noise and dust, traffic and health and safety impacts, as addressed in the relevant sections of the EIAR. I am satisfied that construction stage impacts will be slight and short-term in nature and that impacts will be mitigated to an acceptable level by the measures detailed in the relevant sections of the EIAR. In terms of cumulative impacts during

construction, I would note that there are similar developments permitted or under construction in the vicinity, as detailed in Section 1.11 of the EIAR. The risks outlined above can be similarly avoided, managed and mitigated through good construction management practices and cumulative impacts are not likely to arise.

During the operational phase, there will be positive impacts arising from the delivery of housing. The planning assessment concludes that there will be some impacts on the wider area due to overshadowing and visual impacts but that the impacts would not be significant. I consider that the impact of the scheme will be positive overall and that any adverse impacts will be mitigated to an acceptable level by the design and management mitigation measures proposed within the scheme. The potential for cumulative impacts during the operational phase is largely positive as the developments is consistent with the policies and objectives of the Development Plan for the area. Some negative impacts could arise from cumulative demands on local infrastructure.

I have considered all of the written submissions made in relation to population and human health. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health. I am also satisfied that cumulative effects are not likely to arise.

12.3.2. Landscape and Visual Impact

Chapter 5 of the EIAR addresses visual and landscape impacts, while Chapter 14 Built Heritage addresses the impact on sensitive historic views. The potential landscape and visual impacts have been described and assessed under the planning assessment in Section 11.3 above (Building Height and Visual Impact) and are summarised below. The issue of visual impact and scale has been raised in third party submissions.

The site is a brownfield site that comprises a large surface car park, maintenance facilities, administration and storage buildings. The proposed development comprises 8 no. contemporary blocks of 4 to 23 storeys.

The submitted EIAR states that the construction phase visual impacts would be significant and negative, but temporary in nature. I consider that the impacts would be more moderate in nature given the sites current state, moving to positive as the development emerges on site. During the operational stage, the proposal to redevelop and open up a brownfield site for urban uses and to provide connections through the site will have a positive visual impact. The photomontages submitted with the application show that on long-range and mid-range views the development will be viewed as a collection of higher buildings. The VIA makes the case that in the mid distant and long distant views the development would be visible but would result in a low to medium magnitude of change and that the proposal would add visual interest, make a positive contribution to the skyline and improve legibility on these views. I accept the findings. At a neighbourhood level there will be a transition in scale between the proposed development and existing development to the east and north. The development will read as the dominant element in local views and the character of the area will be altered. The visual impact at the local level will therefore be significant. However, I consider the urban form and massing approach to be reasonable having regard to the evolving character of this area. The development will make a positive contribution to the area in terms of place making, streetscape and connectivity. The use of contemporary blocks; variety in terms of scale, height, elevational treatment and materials palette; provides an aesthetic quality in my view. I consider the visual impact at the neighbourhood level to be significant but positive overall.

Cumulative visual impacts would arise in conjunction with the development of the overall masterplan and in conjunction with other developments that are approved or under construction in the wider city centre area (EIAR Section 1.11 refers). The photomontages show the cumulative impact with future commercial blocks that are to form part of a future application under Section 34 of the Act. For the most part no changes arise when all blocks are included, save in the case of views from Church Road East Wall, Amiens Street opposite Connolly Luas Stop and Commons Street, where the significance of effect increases marginally but remains positive overall. I consider the potential cumulative impacts to be positive in the context of an evolving city.

I have considered all of the written submissions made in relation to Landscape and Visual Impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Landscape and Visual Impact. I am also satisfied that any cumulative effects arising would be positive.

12.3.3. Material Assets: Traffic and Transport, Built Services & Waste

Traffic and Transportation

Traffic and Transport impacts are addressed in Chapter 6 of the EIAR and in the Traffic Impact Assessment. The potential Traffic and Transport impacts have been described and assessed under the planning assessment in Section 11.7 above and are summarised below. The issue of traffic impact has been raised in third party submissions.

The site is at a highly accessible urban location. A total of 58 no. car parking spaces are proposed to serve the proposed SHD development; a total of 135 no. car parking spaces are to be retained within the site to serve CIE; and a total of 1,406 cycle parking spaces are also proposed.

During the construction phase, it is envisaged that traffic impacts would arise from staff accessing the site and deliveries. I am satisfied that construction phase traffic and transport impacts would be negligible and short term in nature. The submitted TIA models the impact of the proposed development on 6 no. local road junctions during the operational phase. The model shows that all junctions will continue to operate within capacity. I consider that the proposed development would have a minimal and negligible impact on the local road network. There is potential for cumulative impacts with the proposed office and hotel floorspace on the site and other developments in the area. The TIA considers the cumulative impacts and indicates that the proposed development would not make a significant contribution to cumulative impacts.

Material Assets: Built Services

Built Services impacts are addressed in Chapter 7 of the EIAR. This includes surface water drainage, wastewater drainage, water supply and utilities (electricity, gas, telecommunications). The potential impacts on surface water drainage, wastewater drainage and water supply have been described and assessed under the planning assessment in Section 11.8 above and are summarised below.

The area is served by a network of combined surface and wastewater sewers and water mains. There are no natural water courses in the vicinity of the site. There are a number of utilities located in the area including electricity, gas, and telecommunications – to include telecommunications structures within the site. Best practice will be implemented during the construction and operational phases to ensure that existing services are not impacted. Subject to appropriate mitigation and management no significant construction or operational phase impacts, or cumulative impacts are envisaged.

Material Assets: Waste Management

Waste Management is not addressed in the submitted EIAR. However, the application is accompanied by a Construction and Demolition Waste Management Plan. Operational waste management is addressed in Section 2.4 of the Building Life Cycle Report and in the Architects Design Statement (p47).

During the construction phase the proposed development would generate typical construction and demolition waste. Based on previous testing it is anticipated that the soils to be removed comply with the non-hazardous landfill acceptance criteria. The submitted Outline Construction & Demolition Waste Management Plan sets out the types of waste that are likely to arise and provisions for the management of same. The effects on the environment will be short-term and neutral.

During the operational phase waste will be generated from residential and commercial uses on site. The waste will be primarily domestic in nature and can be managed in accordance with an Operational Waste Management Plan and by the site management company. Dedicated waste storage areas are provided at basement level and will be collected by waste contractor. No significant impacts or communal impacts are anticipated.

Material Assets Conclusion

I have considered all of the written submissions made in relation to material assets. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets. I am also satisfied that cumulative effects are not likely to arise.

12.3.4. Land and Soils

Chapter 8 of the EIAR describes the potential impacts on the geological and hydrological environment. The SHD site is a brownfield site. The site has been raised and comprises c. 7 metres of made ground. The subsoils are predominantly Limestone Till (Carboniferous). This is the dominant subsoil type in the region and is a dense soil with low permeability. The bedrock comprises – the Dublin Urban Ground Water Body - a Calp Limestone that is locally important and of 'low' vulnerability. The groundwater status within the aquifer is 'Good' and recharge rates are low. Groundwater flow in the area is towards Dublin Bay.

During construction the change in land use from light industrial to mixed use urban development is considered to be positive. It is proposed to excavate the site to basement level (-2.585m OD). During the construction phase the main potential for impact arises from the removal of soils, excavation, piling works and accidental leaks or spillages of contaminating substances. Based on previous testing it is anticipated that the soils to be removed comply with the non-hazardous landfill acceptance criteria. The basement will be in the glacial till layer. While the basement will sit below the water table (0m OD) changes to the wider water environment are not anticipated and mitigation will be employed during construction (inc. de-watering) to manage the water environment and avoid pollution. Onsite pre-treatment of ground water may be required prior to discharge to the public sewer. During the operational phase, there is limited impact on the geological environment. Likely significant impacts on land are soil are not envisaged.

Cumulative impacts arising from further development within the site and on sites in the area can be similarly avoided, managed and mitigated through good construction management practices and I am satisfied that cumulative impacts are not likely to arise.

I have considered all of the written submissions made in relation to land and soil and the relevant contents of the file including the EIAR. I am satisfied that impacts identified on land and soil would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soil. I am also satisfied that cumulative effects are not likely to arise.

12.3.5. Water and Hydrology

Chapter 9 of the EIAR deals with water and hydrology.

The site is within the Dublin Bay (HA09) surface water sub-catchment. This is the most urbanised surface water sub-catchment in Ireland and as such, the water bodies within it are subject to prolonged and sustained pressure from pollution.

The area is served by combined public sewers and watermains. There are no watercourses in the immediate vicinity of the site. At present discharge is collected within the site and discharged to the public network without flow control or attenuation. The runoff from the car park area runs through hydrocarbon separators.

During the construction phase there is potential for contaminants such as silt or hydrocarbons to enter the surface water systems and impact on the natural water environment. Best practice design and construction practices will be implemented during the construction phase to avoid / mitigate potential impacts.

The potential impacts on water during the operational phase relate to surface water and wastewater flows to combined sewers. Discharges from the site will ultimately drain to the Ringsend WWTP. There are Combined Sewer Overflows on the receiving sewerage network that discharge to the Liffey Estuary at North Wall Quay. Surface water flows will be managed and reduced to greenfield levels by use of on-site SuDS and storage features and run-off will run through interceptors to remove any potential contaminants. While foul water volumes will increase the discharges will be managed. Irish Water indicate that connections to foul and water networks are feasible.

CFRAMS data indicates that the site is within Flood Zone A / B for fluvial and tidal flooding but that it is in a defended area. The application is accompanied by a Site-

Specific Floor Risk Assessment. Given the urban context, it is reasonable to expect that flood defences will be maintained and that only a residual risk of flooding, in event of failure, will exist. It is proposed to manage the residual flood risk through mitigation. The proposed development has passed the Development Management Justification Tests.

In terms of cumulative impacts on water, I would note that there are a number of similar developments permitted or under construction on sites in the vicinity that would carry similar risks. I am satisfied that the risks outlined above can be similarly avoided, managed and mitigated through good design / construction management practices and that cumulative impacts are not likely to arise.

I have considered all of the written submissions made in relation to water. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water. I am also satisfied that cumulative effects are not likely to arise.

12.3.6. Biodiversity

Chapter 10 of the EIAR describes the potential impacts on biodiversity. An ecological evaluation and impact assessment is supported by desktop study and field surveys that were undertaken by a suitably qualified ecologist. The site is predominantly composed of hard standing and artificial surfaces with very little vegetation, save for areas of amenity grassland and tree planting.

The impact of the proposed development on European sites is addressed in detail in Section 13.0 of this report. The site does not overlap or adjoin any European or nationally designated sites and the closest sites are in Dublin Bay at a distance of 3.4 km. A potential hydrological pathway between the site and European sites in Dublin Bay is identified due to surface water and foul water connections. However, having regard to the nature and scale of the development and the level of separation, it is concluded that the proposed development is not likely to have significant effects on any European site, whether considered alone or in combination with other projects.

The site consists of buildings and artificial surfaces and is considered to have a low biodiversity value. There are no habitats of conservation significance within the site and no alien invasive species were identified during survey. The only ecological receptor where potential impacts are identified is common bird species. A number of common bird species were noted during survey; however, no breeding or nesting birds were observed. I consider that there is potential for direct impacts on birds and their nests during the construction phase arising from site clearance works. Bat surveys found no evidence of roosting bats and a low level of bat activity generally. No foraging was noted, with two species were recorded commuting through the site. I consider that there is also potential for some direct impacts on bats and bat roosts during the construction phase arising from site clearance works. The potential impacts can be adequately mitigated. No operational phase impacts or cumulative impacts are predicted.

I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

12.3.7. Noise and Vibration

Chapter 11 of the EIAR addresses Noise and Vibration impacts. The EIAR considers existing baseline noise levels in the area, predicted construction and operational noise levels and the predicted changes.

The dominant noise sources in the area are traffic noise with a high baseline noise environment recorded during surveys of the area (daytime levels of 72.6 to 63.4 $L_{Aeq, 16 hr}$; and night time levels of 68.6 to 51.8 $L_{Aeq, 8 hr}$).

During construction there is potential for noise and vibration impacts arising from construction activities. Noise impacts at the nearest noise sensitive receptors are forecast for the various stages of construction using the methodology described in TII's Good Practice Guidance for the Treatment of Noise during the Planning and

Design of National Road Schemes (2014)⁴. I consider this approach to be reasonable. The predicted noise levels range from 61.1 dB LAeq to 49.7 dB LAeq. The levels are considered worst case and are expected to last for a short period. The predicted noise levels are lower than the construction noise limits detailed in the TII Guidelines, are lower than the existing background daytime noise levels at all stages after earthworks and are generally in line with appropriate limits for daytime hours (c. 55 dB). The potential impacts would be mitigated by mitigation measures detailed in the EIAR, such as limiting construction hours, using quieter construction methods and locating plant / haul routes away from noise sensitive receptors. Vibration levels are not expected to be significant. I am satisfied that noise and vibration impacts arising during construction would be temporary and short-term in nature and that adequate mitigation measures are proposed to reduce the level of impact.

During the operational phase, there are no significant noise sources within the proposed site that would affect existing residential properties. The EIAR considers the potential impact of transport noise on the proposed development (inc. properties in Block B that are closest to the rail corridor). For dwellings the worst-case noise levels, based on the sample of noise sensitive receptors detailed in Table 11-9, is predicted to be 64.8 dB LAeq, 16 hour, for day time and 58.1 LAeq, 16 hour for night time. Based on a typical 15 dB reduction for an open window and the worst case external ambient sound levels measures on site, internal sound pressure levels for future occupants are expected to be in the region of 50 dB LAeq, 16 hour during the day and 43 dB LAeq, 8 hour at night, which is within acceptable limits. Mitigation measures, such as the use of acoustic ventilation systems are proposed. The scheme is designed to mitigate potential significant noise impacts on external spaces. I would concur with the view set out in the PA's Report that further clarity is required in relation to the proposed mitigation measures in the interest of residential amenity. This issue can be adequately addressed by condition. Cumulative impacts arising with the later phases of the development within the site will be the subject to future noise modelling.

⁴ The predicted noise levels are specific to the proposed construction activities and are not cumulative with the existing noise environment from other surrounding sources.

I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration. I am also satisfied that cumulative effects are not likely to arise.

12.3.8. Air Quality and Climate

Chapter 12 deals with Air Quality and Climate.

The site is located in an urban area where background sources of pollutants includes industrial, domestic and rail emissions. Table 12.4 of the EIAR sets out a review of typical air quality monitoring data for the Dublin Conurbation.

The EPA monitors air quality at a number of locations. The closest monitoring station to the site is at Coleraine Street, where continuous monitoring is undertaken for Sulphur Dioxide and Nitrogen Oxides. The greatest potential for impact to air during the construction phase of the development is from dust, PM10 and PM2.5 particulates and nitrogen dioxide due to exhaust emissions from site plant and vehicles accessing the site. The potential impacts can be mitigated through good construction practices, as set out in Section 12.6.1 of the EIAR, and would be short-term and negligible in my view. In terms of climate there is potential for greenhouse gas emissions associated with the use of construction vehicles, generators etc, but given the scale of the development it is considered that impacts would be negligible and short-term during construction. The primary source of air and climatic emissions during the operational phase would be from traffic related emissions. The buildings are to be in accordance with the Building Regulations near zero energy building standards. Given the limited car parking proposed it is considered that any impact would be imperceptible.

I have considered all of the written submissions made in relation to air and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts in terms of air and climate. I am also satisfied that cumulative effects are not likely to arise.

12.3.9. Cultural Heritage –Archaeology and Built Heritage

Archaeology is addressed in Chapter 13 of the EIAR and Architectural Heritage is addressed in Chapter 14. The potential impacts have been described and assessed under the planning assessment in Section 11.6 above and are summarised below. The issue of impact on cultural heritage is raised in submissions received.

Archaeology

While there are no known archaeological sites or artefacts within the site, there is archaeological potential within the area. The site is close to the zone of archaeological potential for Dublin City RMP DU018-020 (c. 100 m), there are recorded monuments within c. 500 metres of the site and there may be subsurface remains of mid-19th century goods sheds that previously stood on the site.

Furthermore, the site was originally within the estuary of the River Liffey and was reclaimed from the 18th century onwards given the potential for artefacts from this period to be found within the site.

The potential for impacts on previously undiscovered archaeology during the construction phase cannot be excluded. It is proposed to undertake archaeological monitoring of all excavation works and to undertake further archaeological mitigation (e.g. preservation in situ or by record) should features of archaeological potential be discovered. I consider that any potential adverse impacts will be mitigated to an acceptable degree by the proposed mitigation measures. No occupational phase impacts or cumulative impacts are anticipated.

Architectural Heritage

Architectural Heritage is addressed in Chapter 14 of the EIAR and in the Architectural Heritage Assessment submitted with the application. The potential impacts on architectural heritage have been described and assessed under the planning assessment in Section 11.6 above and are summarised below. Visual Impacts on historic sites is addressed under Landscape and Visual Impacts above and in Section 11.3 of the planning assessment.

The site, in its current form, dates from the mid nineteenth century and the construction of the railway line and station at Amine Street. Connolly Station (including all 19th century proportions of main railway station complex) is included in the current RPS (Ref. No. 130). Within the application site the Vault at Seville Place, Wall at Oriel Street Upper and Sherriff Street Upper and the Workshop and Luggage Store facing onto Sherriff Street Lower are Protected Structures. Oriel House, an early 20th century office building at the intersection of Commons Street and Oriel Street Upper, is listed on the NIAH.

There is potential for impacts on architectural heritage during the construction phase. The proposed development involves the largescale redevelopment of the site for high density urban development. It would involve the demolition of Oriel House listed on the NIAH and alterations to and removal of sections of the protected boundary wall. The existing vaulted luggage hall and storage vaults on Sherriff Street Lower will be retained, refurbished and incorporated into the building works. The proposed development includes specific strategies for the repair, retention and adaption of historic structures and significant impacts are not anticipated. In the operational phase, the completed development will significantly alter the existing setting of historic buildings. The proposal to integrate the existing structures into the development will ensure that the structures remain largely intact, that they will have a long-term purpose and be clearly distinguishable from the contemporary elements of the new scheme. While a greater level of intervention is proposed to the stone wall along Oriel Street (large opening) and at Oriel Hall (rebuilding of a section to facilitate the construction of a ramp), I accept the applicant's argument that this wall does not possess significant architectural special interest and that the opening up will have a positive effect on the surrounding streetscape. I consider that any potential adverse impacts arising from the construction and operational phases will be mitigated to an acceptable degree. In terms of cumulative impacts, a separate Section 34 application for office blocks and a hotel block, will involve the construction of new buildings above the former vaulted luggage store and vaults on Sherriff Street and include refurbishment and interventions to facilitate the new buildings. The impact of that development will be considered under the future application.

I have considered all of the written submissions made in relation to cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated

by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have unacceptable direct or indirect impacts in terms of cultural heritage. I am also satisfied that cumulative effects are not likely to arise.

12.4. Interactions between Environmental Factors

12.4.1. Section 15 of the EIAR summarises the interactions between environmental factors. I consider that the primary interactions can be summarised as follows:

- Population and Human Health – Traffic and Transport; Noise & Vibration; Air and Climate; and Landscape and Visual.
- Landscape and Visual – Population and Human Health; Biodiversity.
- Traffic and Transport – Noise and Vibration; and Air Quality and Climate.
- Built Services – Population and Human Health; Land and Soils; and Water.
- Land and Soil – Water; Biodiversity; Cultural Heritage.
- Water – Land and Soils; Biodiversity.
- Biodiversity – Land and Soils; Water.
- Noise and Vibration – Population and Human Health; Traffic and Transport.
- Air Quality and Climate – Population and Human Health; Traffic and Transport; Built Services.

12.4.2. The various interactions have been described in the EIAR and have been considered in the course of this EIA.

12.5. Reasoned Conclusion on the Significant Effects

12.5.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population due to the increase in the housing stock.

- A direct negative effect on sunlight and daylight which could interact with population and human health.
- A direct negative effect on the landscape and visual environment by the change in the use and appearance of a relatively large site from brownfield to residential and commercial. Given the location of the site within Dublin City this is considered to be a direct positive effect on the receiving environment overall.
- A direct effect on cultural heritage due to the proposed alterations to existing built heritage features within the site and the impact on views of protected structures.
- Potential negative effects arising from noise and vibration and air during construction. These effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the EIAR.
- Potential negative indirect effects on water during construction and operational phases which will be mitigated through construction management and by the proposed surface water management and attenuation system with respect to stormwater runoff, the drainage of foul effluent to the public system, and flood mitigation measures and which will be mitigated during construction by appropriate management measures.

12.5.2. The proposed development is not likely to have adverse effects on traffic and transport, built services, land and soil and biodiversity. Further it is not likely to increase the risk of natural disaster.

12.5.3. The likely environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. While long-term negative impacts are likely to arise as a result of daylight and sunlight impacts during the operational phase, I consider that the positive impacts of the development outweigh any negative impacts arising. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

13.0 Appropriate Assessment Screening

13.1.1. The application is accompanied by an AA Screening Report. It provides information on and assesses the potential for the proposed development to significantly affect

European sites. AA is required if likely significant effects on European sites arising from the proposed development, either alone or in combination with other plans or projects, cannot be ruled out at the screening stage. The report describes the site and the proposed development and considers the potential for impacts on the qualifying interests of European sites. In addition to the AA Screening Report, I have referenced the EIAR, Engineering Reports and other documentation submitted with the application.

Description of the Development and the Site

- 13.1.2. Permission is sought for a mixed-use urban development of 741 no. BTR apartments with associated retail and community uses over a proposed basement level. The site, with a stated area of 2.88 ha, is located to the rear of Connolly Station, Sherriff Street Lower, Dublin 1. The site comprises the existing Connolly Station surface car park and attendant buildings; (b) the air rights to a 0.83 ha area above the existing rail sides; and (c) 0.07 ha of land providing access to Seville Place and Sherriff Street Lower. It is bound by Connolly Station to the north west, Sheriff Street Lower/Commons Street to the south and Oriel Street Lower to the east. The site has been raised above the level of the adjacent streets and contains a number of historic structures (vaulted luggage hall and storage vaults and stone boundary walls) and more modern administrative and maintenance buildings. It consists of artificial surfaces and areas of hard standing. Surface water runoff and foul effluent will discharge to the existing combined public sewer and the development will connect to the public water supply. The proposed development includes a new surface water drainage system which is designed in accordance with SUDS principles and includes flow control devices to limit discharge from the site. Foul effluent will drain, via the public network to the Ringsend WWTP and will ultimately be discharged to Dublin Bay. There are no watercourses in the vicinity of the site.

Zone of Influence

- 13.1.3. The site is not within or necessary to the management of a European site. There are no species or habitats of conservation significance within or in the immediate environs of the site and the site has a low biodiversity value comprising artificial surfaces and buildings for the most part. The development has a potential impact pathway to European Sites within Dublin Bay via the combined surface water and

foul water network. I consider that the water demand of the scheme is not significant and that impacts on any upstream water bodies (e.g. Poulaphouca Reservoir SPA) can be excluded at the preliminary stage.

13.1.4. In view of the potential hydrological connection to sites within Dublin Bay, I consider that the potential for effects on sites within the Dublin Bay coastal waterbody need to be considered at the Screening Stage. There are no hydrological or ecological pathways to any other European sites due to the separation distances involved and the absence of any ecological / hydrological or other potential impact pathways. I am, therefore, satisfied that likely significant impacts can be excluded in respect of all other European Sites at the preliminary stage.

13.1.5. Potential Effects on Designated Sites

13.1.6. There are 4 no. European sites that are downstream of the proposed development as follows:

Site Name (Site Code)	Distance to Development Site	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (004024)	1.2 km (approx.)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]

South Dublin Bay SAC (000210)	2.8 km (approx.)	<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>
North Dublin Bay SAC (000206)	c. 4.2 km (approx.)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
North Bull Island SPA (Site Code 004006);*	c. 4.2 km (approx.)	<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>

		Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]
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13.1.7. The potential for significant effects on the qualifying interests of the European sites listed above as a result of surface and foul waters generated during the construction and operational stage can be excluded. This conclusion is based on the fact that:

- During the construction stage surface water will be attenuated and part treated within the site and the nature of any discharges is temporary.
- Should a pollution event occur during the construction phase due to the accidental spillage or release of contaminants this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be a reduction in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated and part treated within the site.
- Foul and surface waters will discharge to the existing combined foul and surface water network and will travel to Ringsend WWTP for treatment prior to discharge to Dublin Bay; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards, further upgrade is planned and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus would not impact on the overall water quality within Dublin Bay.
- There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no

significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

- I would also note that the EPA in 2018 classified water quality in Dublin Bay as 'unpolluted'.

13.1.8. In Combination or Cumulative Effects

The potential for in combination impacts can also be excluded. I base my judgement on the following:

- Coastal waters in Dublin Bay are classed as 'Unpolluted' by the EPA;
- Sustainable development including SUDS for all new development is inherent in objectives of all development plans within the catchment of Ringsend WWTP;
- The Ringsend WWTP extension is likely to be completed in the short – medium term to ensure statutory compliance with the WFD. This is likely to maintain the 'Unpolluted' water quality status of coastal waters despite potential pressures from future development;
- At the time of writing there was no proven link between WWTP discharges and nutrient enrichment of sediments in Dublin Bay based on previous analyses of dissolved and particulate Nitrogen signatures; and
- Enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

AA Screening Conclusion

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed

development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000210 (South Dublin Bay SAC), European Site No. 000206 (North Dublin Bay SAC), European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), or any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 Recommendation

14.1. Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

15.0 Reasons and Considerations

Having regard to the following:

1. The location of the site in the established urban area of Dublin City and in the Dublin Docklands Strategic Development Regeneration Area and adjacent to Connolly Station (mainline rail, DART and LUAS services), Busaras (national bus services) and Dublin Bus services along Amiens Street and;
2. The policies and objectives in the Dublin City Development Plan 2016-2022;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018;
6. The Design Manual for Urban Roads and Streets (DMURS);
7. The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
8. The pattern of existing and permitted development in the area;
9. The planning history within the area,
10. The submissions and observations received, and

11. The Inspector's report.

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

DECISION QUASHED

16.0 Recommended Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th day of October 2019 by McCutcheon Halley Planning Consultants on behalf of Oxley Holdings Limited.

Proposed Development:

The development will consist of:

- i. the demolition of 4 no. structures with a combined gross floor area of 3,028sq.m;
- ii. the construction of 741 no. Build to Rent (BTR) residential units in 8 no. apartment blocks ranging in height from 4 storeys to 23 storeys with lower height buildings located adjacent to the northeast and east site boundaries, with a cumulative gross floor area of 68,535sq.m comprising;
 - a. Block B1 (maximum building height 54.917m, total gross internal floor area 11,260sq.m, Apartment Mix: Studio: 25, 1-bed: 37, 2-bed: 51);
 - b. Block B2 (maximum building height 54.917m, total gross internal floor area 10,831sq.m, Apartment Mix: Studio: 20, 1-bed: 35, 2-bed: 51);
 - c. Block B3 (maximum building height 51.767m, total gross internal floor area 9,766sq.m, Apartment Mix: Studio: 22, 1-bed: 60, 2-bed: 27, 3-Bed: 1);
 - d. Block C1 (maximum building height 79.450m, total gross internal floor area 12,705sq.m, Apartment Mix: Studio: 84, 1-bed: 40, 2-bed: 41);
 - e. Block C2 (maximum building height 39.615 m, total gross internal floor area 4,890 sq.m, Apartment Mix: Studio: 9, 1-bed: 33, 2-bed: 3, 3-Bed: 4);
 - f. Block C3 (maximum building height 39.650 m, total gross internal floor area 6,775sq.m, Apartment Mix: Studio: 40, 1-bed: 18, 2-bed: 23);
 - g. Block D1 (maximum building height 53.392 m, total gross internal floor area 8,418 sq.m, Apartment Mix: Studio: 10, 1-bed: 25, 2-bed: 44, 3-Bed: 1);
 - h. Block D2 (maximum building height 30.950 m, total gross internal floor area 3,890 sq.m, Apartment Mix: Studio: 18, 1-bed: 8, 2-bed: 11);

- iii. residential support amenities including 1 no. gym, a resident's lounge, work areas, meeting rooms, dining rooms, recreational areas with a combined GFA of 1,444 sq.m;
- iv. iv. change of use from club house to pedestrian passageway of the existing vault (137sq.m GFA) fronting Seville Place, a Protected Structure (RPS No. 130);
- v. a basement of 7,253.4 sq.m with a new vehicular access from Oriel Street Upper incorporating residents' car parking (58 no. spaces), residents cycle parking (640 no. spaces) 7 no. plant rooms (combined 2,228sq.m), waste management facilities (393 sq.m)
- vi. 766 no. covered cycle parking spaces for residents and visitors, concierge office (233 sq.m) and waste management facilities (126 sq.m);
- vii. 'other uses' including 10 no. units providing retail, commercial, and community use with a combined GFA of 3,142 sq.m;
- viii. A total of 18,562 sq.m of hard and soft landscaping comprising a c.2,000sq.m public plaza and other public / communal and private open space located throughout the development;
- ix. A service and emergency vehicle only access ramp from the Oriel Street Upper site entrance to serve CIE's transport needs at Connolly Station;
- x. Enabling works of a non-material nature to safeguard the existing vaults (Protected Structures - RPS No. 130) that form part of the subject site fronting Sheriff Street Lower, Oriel Street Upper, and Seville Place during the construction phase;
- xi. All associated ancillary development works including drainage, 6 no. electricity substations, pedestrian access; and
- xii. Works to the Masonry wall fronting Oriel Street and the Vaults fronting Seville Place (both a Protected Structure) consisting of the creation of a new vehicular and pedestrian entrance.

The application contains a statement setting out how the proposal is consistent with the objectives of the Dublin City Development Plan 2016 – 2022.

An Environmental Impact Assessment Report (EIAR) has been prepared in respect of the proposed development.

Decision: Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

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

Reasons and Considerations

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

1. The location of the site in the established urban area of Dublin City and in the Dublin Docklands Strategic Development Regeneration Area and adjacent to Connolly Station (mainline rail, DART and LUAS services), Busaras (national bus services) and Dublin Bus services along Amiens Street and;
2. The policies and objectives in the Dublin City Development Plan 2016-2022;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018;
6. The Design Manual for Urban Roads and Streets (DMURS);
7. The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
8. The pattern of existing and permitted development in the area;
9. The planning history within the area,
10. The submissions and observations received, and
11. The Inspector's report.

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information for the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Significant direct positive effects with regard to population due to the increase in the housing stock.
- A direct negative effect on sunlight and daylight which could interact with population and human health.
- A direct negative effect on the landscape and visual environment by the change in the use and appearance of a relatively large site from brownfield to residential and commercial. Given the location of the site within Dublin City this is considered to be a direct positive effect on the receiving environment overall.
- A direct effect on cultural heritage due to the proposed alterations to existing built heritage features within the site and the impact on views of protected structures.
- Potential negative effects arising from noise and vibration and air during construction. These effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the EIAR.
- Potential negative indirect effects on water during construction and operational phases which will be mitigated through construction management and by the proposed surface water management and attenuation system with respect to stormwater runoff, the drainage of foul effluent to the public system, and flood mitigation measures and which will be mitigated during construction by appropriate management measures.

The Board concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density

of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Matters Considered

18.0 Conditions

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

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

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

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

3. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or

legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. 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.

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

Reason: In the interests of orderly development and clarity.

5. All mitigation measures identified in the EIAR, in the Flood Risk Assessment and in other particulars submitted with the application shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.

6. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings.

7. The following details shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development:

- (a) Details of the materials, colours and textures of all the external finishes to the proposed buildings. A sample panel of the principle finishes to each block shall be erected on site for the consideration of the planning authority. Construction materials and detailing shall be of high quality and shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.
- (b) Details of mitigation measures to address the impacts of wind on the sitting criteria of communal open spaces in Blocks B, C and D as indicated in the submitted 'Pedestrian Comfort CFD Report'.
- (c) Details of a maintenance strategy for materials within the proposed development.
- (d) Details of all signage and shopfronts associated with the development.
- (e) Details of boundary treatments and details of the proposed highline bridge structures to include proposals for the treatment of the undercroft of the bridge structure.
- (f) Details for the provision of 24-hour access through the site from Sherriff Street Upper, Oriel Street Lower or Seville Place. No gates shall be erected at entrances to the site from Sherriff Street Upper, Oriel Street Lower or Seville Place.
- (g) An updated public lighting strategy for the development (including the connection from the site to Seville Place via the vaults structure). The revised lighting plan shall address the mitigation measures detailed in the EIAR.
- (h) Final layouts to address anomalies in the layout illustrated at ground, first floor and second floor on drawings RKD-XX-00-DR-A_1004, 1005 and 1006, on Drawings RKD-00-00DR-A-1004, 1005 and 1006, and anomalies in relation to access to roof gardens and terraces.

Reason: In the interests of orderly development, visual amenities, permeability, connectivity and good urban design.

8. (a) Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.
- (b) No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorized by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To prevent unauthorized development.

9. The following requirements in terms of traffic and transportation shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (a) Detailed design proposals for the vehicular access and circulation within the site to ensure the safe and efficient movement of vehicular traffic, to minimise the potential for queuing on the adjoining public road network and to reduce the risk of vehicle, pedestrians and cyclist conflict within the site.
 - (b) An independent road safety audit of the revised design.
 - (c) Mobility Management Plan and Car Parking Strategy.
 - (d) Details of works to the public road to facilitate the proposed development. All works to the public roads / footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the Planning Authority.
 - (e) All car parking spaces shall be provided with electric vehicle charging points.
 - (f) All car parking spaces at basement level serving the SHD development shall be designated for car share use.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

10. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

11. 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.

12. The developer shall facilitate the preservation, recording and protection of architectural heritage features that exist within the site.

- (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained structures and/or fabric.

- (b) Where historic fabric is to be altered or removed, the structures are to be recorded in accordance with the Heritage Council's policy for recording industrial archaeology, a permanent record of which shall be provided to the Local Authority and the Irish Architectural Archive.
- (c) The following information should be provided for the written agreement of the Local Authority:
- (i) Detailed architects and structural engineers section drawings including details of underpinning and retaining walls should be provided for all key interfaces / junctions between the proposed works and the existing elements of the Protected Structures that will be affected by the construction of the new basement and vehicular ramp, new entrance from Seville Place and other parts of the buildings.
 - (ii) Detailed methodology shall be provided for the temporary dismantling and reconstruction of the boundary wall onto Oriel Hall.
 - (iii) Detailed methodology shall be provided for the removal of part of the boundary wall onto Oriel Street Upper in accordance with the details shown on the submitted plans and particulars.
 - (iv) Detailed schedule to be prepared for all salvaged material, and confirmation of where this fabric will be incorporated into the proposed development.

Reason: In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

13. Measures in relation to the protection of bats and birds and in relation to the control of alien invasive species listed under Schedule 3 of SI NO. 477 of 2011, that may exist within the site shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.

Reason: In the interest of wildlife protection.

14. The applicant or developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. (a) 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.
- (b) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works.
- (c) Foul and surface water systems shall be completely separate within the site with a combined final connection discharging to Irish Water's combined sewer network. A dead leg for future surface water connection shall be provided.
- (d) All surface water discharges from the development shall be attenuated to two litres per second per hectare.
- (e) All internal basement drainage must be lifted, via a pumping station, to a maximum dept of 1.5 m below ground level before being discharged to gravity from the site to the public sewer.
- (f) The outfall surface water manhole from the development shall be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

Reason: In the interest of public health and surface water management.

16. 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.

17. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets

and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

19. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

20. 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.

21. 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.

22. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1700 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

24. Prior to the commencement of the development the applicant shall contact the Irish Aviation Authority in relation to all crane operations, with a minimum of 30 days prior notification of their erection. Details of a suitable marking and lighting scheme as agreed with the Irish Aviation Authority shall be submitted to the planning authority prior to the commencement of

construction. Additional information regarding crane type (tower, mobile), elevation of the highest point of crane, dimensions of crane, ground elevation and location co-ordinate shall also be required by the Authority to allow for an aviation safety assessment.

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

25. (a) The development shall comply with TII's 'Code of Engineering Practice for Works on, Near or Adjacent to the Luas Light Rail System'.
- (b) The developer shall comply with the requirements of Iarnród Éireann in relation to works on or near a railway boundary.

Reason: To protect the safety and operational requirements of Luas, railway operations and public safety.

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

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

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths,

watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

28. The developer shall pay to the planning authority a financial contribution in respect of the Luas Red Line Docklands Extension (Luas C1) in accordance with the terms of the Supplementary Development Contribution Scheme, made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

29. 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.

Karen Kenny
Karen Kenny
Senior Planning Inspector
22nd January 2019

DECISION QUASHED