

Inspector's Report ABP-306181-19

Development Demolish light industrial / warehouse

buildings and construct a three to

seven-storey shared accommodation

building containing 132 units

Location 39-42 Hill Street & 36a North Great

George's Street, Dublin 1

Planning Authority Dublin City Council

Planning Authority Reg. Ref. 3546/19

Applicant(s) Hill Street Limited Partnership

Type of Application Permission

Planning Authority Decision Grant

Type of Appeal Third-Party

Appellant(s) 1. Kevin Harney; 2. Irish Georgian

Society; 3. James Joyce Cultural

Centre; 4. Tom & Adelaide McKeown; 5. An Taisce; 6. North Great George's

Street Preservation Society; 7.

Belvedere Court Management

Company CLG

Observer(s) 1. Transport Infrastructure Ireland;

2. Brendan O'Connell

Date of Site Inspections 11th March 2020 & 18th May 2020

Inspector Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.14ha and is located on the north side of Dublin city centre, fronting onto Hill Street and with a narrow secondary laneway access onto North Great George's Street. It is currently occupied by four adjoining buildings ranging in height from single to four-storeys, which are stated to have been used until the early 2000s for clothing manufacturing and storage. While signage remains on the front of the subject buildings, they do not appear to be in active use at present. The most northerly of the buildings includes a roller-shutter door with potential for vehicular servicing from the front. Informal parallel vehicular parking takes place along the pavement abutting the front of the buildings, while there is also on-street parallel parking and loading bays adjoining this pavement along Hill Street.
- 1.2. The surrounding area is primarily characterised by a mix of commercial, residential, and institutional uses. Adjoining to the southeast of the site is a four to five-storey block of apartments, stated to have been constructed in 2006 and known as 'The Courtyard'. Adjoining to the northwest along Hill Street is a two-storey commercial building, which does not appear to be in active use and was recently refused permission for a five-storey apartment development. Properties to the rear of the site onto North Great George's Street, include James Joyce House, a cultural facility, and No.36, including a variety of commercial type uses. These adjoining buildings on North Great George's Street are recorded as Protected Structures alongside many of the buildings in the adjacent red-brick terrace understood to date from the seventeenth century. Ground levels on site rise by approximately 1.1m from the southwestern boundary to the north eastern boundary, while ground levels in the immediate area rise steeply from Parnell Street moving northwards to Gardiner Row.

2.0 Proposed Development

- **2.1.** The proposed development would comprise the following elements:
 - demolition and removal of all light industrial, warehouse, workshop and associated buildings on site with a stated gross floor area (GFA) of 2,735sq.m;

- construction of a shared-accommodation / co-living building comprising six to seven-storeys onto Hill Street and three to five storeys to the rear, accommodating a total of 132 bed spaces, served by communal facilities, including a reception area, a laundry, a gym, a communal lounge/social space, co-working spaces, an activities room, storage areas and a publicallyaccessible café (79sqm) at ground-floor level and communal kitchens and living areas from ground to fifth-floor level;
- provision of an entrance off Hill Street and a secondary pedestrian and cyclist only entrance off North Great George's Street, including a replacement door;
- provision of a central courtyard space with covered parking shelter for 72 bicycles and an external terrace at sixth-floor level facing south, east and west;
- provision of plant, refuse collection, staff facilities and washrooms at ground floor, green roofs and plant at roof level, attenuation tank below central courtyard space and connections to all local services.
- **2.2.** The following tables set out the key elements of the proposed development:

Table 1. Stated Development Standards

Site Area	0.14ha
No. of bed spaces	132
Density	943 bed spaces per ha
Total GFA	4,980sq.m
Building Height (maximum)	7 storeys / 23.3m
Plot Ratio	3.6
Site Coverage	62%
Communal Open Space	767.5sq.m
Amenity Floor Area	340sq.m (roof & courtyard)
On-site Car parking	None
Bicycle Parking	72 spaces

2.3. In addition to the standard documentation and drawings, the planning application was accompanied by various technical reports and drawings, including the following:

- Planning Report;
- Design Statement, including Computer Generated Images (CGIs);
- Traffic & Transportation Statement;
- Preliminary Travel Plan;
- Construction Management Plan & Construction and Demolition Waste Management Plan;
- Drainage & Water Supply Report;
- Daylight & Shadow Analysis Report;
- Part L & NZEB Report;
- Information for Screening for Appropriate Assessment (AA);
- Conservation Assessment;
- Archaeological Assessment;
- Operational Waste Management Plan;
- Operational Management Plan;
- Co-Living Demand & Concept Report;
- Screening for Environmental Impact Assessment (EIA).
- **2.4.** In response to a further information request of the planning authority, the applicant submitted a Daylight Study.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission for the proposed development, subject to 17 conditions, which are generally of a standard nature, including the following:

Condition 5 – submit boundary treatments and a landscaping scheme;

Condition 6 – units shall be single occupancy and professionally managed;

Condition 7 – submit a covenant or legal agreement confirming ownership and operation by an entity for a minimum of 15 years;

Condition 13 – submit a shared accommodation management plan, including hours of operation;

Condition 16 – submit a construction management plan and a mobility management plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the planning authority (September 2019) noted the following:

- there is a requirement for this typology of residential accommodation in the city centre and the scale and height of the proposed development would be acceptable in this context, subject to high-quality design and the protection of residential amenities:
- given the limited historical merit of the existing buildings on site, their demolition is considered acceptable;
- a communal living / lounge area is not proposed on the upper floors;
- it would not be sufficient for 20 persons occupying individual rooms to be served by a shared 58sq.m kitchen area;
- overlooking from the external courtyard would arise for the three ground-floor units, which would also lack cooking facilities on this level;
- the proposed provision of external amenity areas, storage space, cycle
 parking and servicing off Hill Street, as well as the absence of on-site car
 parking, would be acceptable;
- the operation of the secondary established access off North Great George's Street could be specifically addressed as part of a revised operational management plan for the facility;
- a condition would be necessary requiring the developer to liaise with the planning authority in relation to agreeing terms for the disposal of the overhanging building design elements on Council property at Hill Street;

- the proposed development would not be overbearing, nor would it result in excessive overlooking between neighbouring properties, particularly considering the site's city centre context;
- further information is required with respect to the relationship of the proposed building with existing buildings, including the impacts on access to sunlight and daylight, and revised proposals are necessary to increase the floor areas of communal living space on all floor levels, as well as addressing concerns regarding privacy and living facilities for the three ground-floor units.

The recommendation within the Planning Officer's final report (November 2019) reflects the decision of the planning authority and noted the following:

- the proposed development would be largely in compliance with the recommended Building Research Establishment (BRE) standards for access to sunlight and daylight to neighbouring residences and would not have an unacceptable impact on the amenities of adjoining properties;
- the revised proposals would provide an acceptable standard of communal and recreation space.

3.2.2. Other Technical Reports

- Roads & Traffic Planning Division no objection, subject to conditions;
- Engineering Department (Drainage Division) no objection, subject to conditions;
- Archaeology, Conservation & Heritage Section refuse permission, otherwise adaptive reuse of the existing buildings, including references to historical plots, should be incorporated into the design and layout of the development and the scale and height of new buildings should be subservient to the protected structures to the rear.

3.3. Prescribed Bodies

- Minister for Culture, Heritage and the Gaeltacht no response;
- National Transport Authority no response;

- Transport Infrastructure Ireland (TII) Section 49 supplementary contributions may apply;
- Irish Water no response;
- An Taisce refuse permission, due to concerns regarding design, height and the scale relative to protected structures, conservations areas and planning policy.

3.4. Third-Party Submissions

3.4.1. A total of 15 third-party submissions were received during the consultation period for the application, 11 of which were from residents of North Great George's Street and the remainder were from the North Great George's Street Preservation Society, the Irish Georgian Society, Belvedere Court Management Company CLG and the James Joyce Cultural Centre. The issues raised are similar to those raised in the grounds of appeal and the observations to the appeal, and they are collectively summarised within the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Pre-planning discussions between representatives of the planning authority and the applicant regarding redevelopment of the appeal site for shared accommodation took place under Dublin City Council (DCC) references PAC 0584/19, 0147/19 and 0248/19 between December 2018 and June 2019. The following planning applications relate to the appeal site:
 - DCC Ref. 2140/06 following the withdrawal of an appeal (ABP Ref. PL29N.217998), permission was granted by the planning authority in August 2006 for the demolition of the buildings at 40 to 42 Hill Street and the construction of three buildings containing 35 apartments and a retail unit. The number of apartments was reduced in the final decision via attachment of condition 2, which decreased the height of block 1 on Hill Street to five storeys and blocks 2 and 3 abutting the rear boundaries to three storeys;

- DCC Ref. 2199/07 permission was granted by the planning authority in May 2007 for revisions to the permission granted under DCC Ref. 2140/06, primarily to address the requirements set in condition 2 of that permission;
- DCC Ref. 4659/07 permission was granted by the planning authority in November 2007 for revisions to the permissions granted under DCC Refs. 2140/06 and 2199/07, providing for 26 apartments and a retail unit, with minor alterations to the apartment layouts and building heights;
- DCC Ref. 3685/14 permission was granted in April 2015 for a change of use
 of the industrial buildings at 40 to 42 Hill Street to an English language school,
 involving the partial removal and reuse of the buildings on site.

4.2. Surrounding Area

- 4.2.1. Recent planning applications in the area are generally reflective of the urban character and the mix of uses within the area. The following applications relate to the adjoining properties to the appeal site:
 - DCC Ref. 4286/18 outline permission was refused by the planning authority in January 2019 for the demolition of the adjoining building to the northeast of the appeal site (No.38 Hill Street), and the construction of a five-storey building containing ten apartments, as the proposed development was considered excessive and as it provided only for single-aspect apartments;
 - ABP Ref. PL29N.237693 (DCC Ref. 3222/10) permission was refused by the Board in February 2011 for the change of use to a medical consultancy use of the second and third-floor apartments in No.36 North Great George's Street, a protected structure adjoining the appeal site to the northwest, as the proposed development would result in the loss of residential floor space protected under Development Plan policy;
 - DCC Ref. 4687/03 permission was granted by the planning authority in January 2004 for the demolition of the adjoining two-storey building to the southwest of the appeal site (No.43/44 Hill Street), and the construction of a five-storey building containing 56 apartments, three commercial units and an

underground car park. This permission was subsequently amended by permissions granted under DCC Refs. 2230/05 and 1094/06.

5.0 Policy & Context

5.1. National Planning Framework

5.1.1. Chapter 6 of the National Planning Framework addresses 'People, Homes and Communities', setting out that place is intrinsic to achieving good quality of life. Key policy objectives for housing in urban areas, such as central Dublin, are outlined under the National Planning Objectives 3b, 11, 13, 27, 33 and 35.

5.2. Ministerial & Other Guidelines

- 5.2.1. The following planning guidance documents, including Ministerial Guidelines are relevant:
 - Eastern and Midland Region Spatial and Economic Strategy (June 2019);
 - Urban Development and Building Heights Guidelines for Planning Authorities (2018);
 - Sustainable Urban Housing: Design Standards for New Apartments –
 Guidelines for Planning Authorities (2018);
 - Rebuilding Ireland: Action for Homelessness (2016);
 - Architectural Heritage Protection Guidelines for Planning Authorities (2011);
 - Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (BRE, 2nd Edition, 2011)
 - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009);
 - Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

5.3. Local Planning Policy

5.3.1. The majority of the appeal site is situated on lands with a zoning 'Z1 – Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022,

with a stated objective 'to protect, provide and improve residential amenities'. The rear portion of the site closest to North Great George's Street has a zoning 'Z8 – Georgian Conservation Areas' with a stated objective 'to protect the existing architectural and civic design character and to allow only for limited expansions consistent with the conservation objective'. This Z8 zoning overlaps a 'Conservation Area', while many of the neighbouring properties along North Great George's Street are included within the Record of Protected Structures (RPS) appended to the Development Plan, including the adjoining properties at No.35 (RPS Ref. 3197, James Joyce Cultural Centre) and No.36 (RPS Ref. 3198).

- 5.3.2. Under Policy QH1 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines, a number of which are listed in Section 5.3 above. Policy SC13 promotes sustainable densities in residential development proposals with due consideration for surrounding residential amenities. The following policies are considered relevant to this appeal:
 - Policy QH5 addressing housing shortfall through active land management;
 - Policy QH6 sustainable neighbourhoods with a variety of housing;
 - Policy QH7 promotion of sustainable urban densities;
 - Policy QH8 promoting the development of vacant and under-utilised sites;
 - Policy QH11 promotion of safety and security in new developments;
 - Policy QH13 new housing should be adaptable and flexible;
 - Policy QH17 support purpose-built, managed high-quality private-rented accommodation with a long-term horizon;
 - Policy QH18 support the provision of high-quality apartments;
 - Policy QH19 promote the optimum quality and supply of apartments.
- 5.3.3. Section 16.7.2 of the Development Plan sets out building height limits, including a24m restriction for residential developments in the subject inner city area.
- 5.3.4. Other relevant sections of the Development Plan include the following:
 - Section 4.5.3 Making a More Compact Sustainable City;
 - Section 4.5.9 Urban Form & Architecture:

- Section 9.5.4 Sustainable Urban Drainage Systems (SUDS);
- Section 11.1. Built Heritage;
- Section 16.2 Design, Principles & Standards;
- Section 16.10 Standards for Residential Accommodation;
- Section 16.38 Car Parking Standards (Zone 1 maximum of 1 space per residential unit).

5.4. Natural Heritage Designations

5.4.1. The nearest European sites, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA), which could potentially be affected by the proposed development, comprise the following:

Table 2. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
004024	South Dublin Bay and River Tolka Estuary SPA	2.1km	east
000210	South Dublin Bay SAC	3.8km	southeast
004006	North Bull Island SPA	5.2km	east
000206	North Dublin Bay SAC	5.2km	east
000199	Baldoyle Bay SAC	9.8km	northeast
004016	Baldoyle Bay SPA	10.1km	northeast
000202	Howth Head SAC	11km	northeast
003000	Rockabill to Dalkey Islands SAC	11.3km	east
000205	Malahide Estuary SAC	12.4km	northeast
004025	Malahide Estuary SPA	12.4km	northeast

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A total of seven third-party appeals opposing the decision of the planning authority were received, one of which included copies of a brochure recognising 40 years of the North Great George's Street Preservation Society. In conjunction with the third-party submissions, the issues raised in relation to the proposed development can be collectively summarised as follows:

Visual Impact

- the proposals are anomalous, insensitive and of excessive, over-dominant scale and height, relative to neighbouring streetscapes and properties, including protected structures along North Great George's Street, which forms part of a Georgian conservation area, whereas the historical function of Hill Street was as a subservient mews lane to North Great George's Street;
- the proposed development should be refused permission based on guidance within the Architectural Heritage Protection Guidelines for Planning Authorities, as well as policy CHC2 and the provisions of the Dublin City Development Plan 2016-2022, given the site context within the curtilage of protected structures, the impact on the historical cityscape and the opinion of the planning authority's conservation architect;
- the principle of demolishing the existing buildings and increased building heights is acceptable, but the proposed building needs to integrate with and enhance the architectural heritage of the area;
- building heights and lines should be guided by the transitional zone context and the adjoining buildings along Hill Street, as well as being no higher than three to four storeys;
- the impacts of the proposed development on the local architectural heritage should be undertaken based on the future designation of North Great George's Street as an Architectural Conservation Area (ACA) and not a standard conservation area:

Local Amenities

- for the occupants and users of neighbouring properties the proposed development would result in loss of outlook, restricted light, loss of privacy and excessive overlooking, including those at Belvedere Court, 29-34 North Great George's Street and the James Joyce Cultural Centre;
- the proximity and height of the proposed building would result in excessively overbearing impacts for residents to the rear;
- shared accommodation is not a suitable long term solution to housing in the
 city and discourages long-term family-living in the immediate area, where
 there is already an overconcentration of student accommodation and similar
 housing at present. Other suitable alternative housing solutions could
 comprise standard apartments, including social apartments;
- concerns raised regarding increased noise levels, including those arising from use of external amenity areas and the provision of a rear plantroom;
- potential for anti-social behaviour, particularly arising from reopening an uncontrolled former stable access off North Great George's Street;
- nuisance arising from odour emissions arising from cooking;
- refuse collection should only be from Hill Street;
- construction works would cause significant disruption and construction traffic should not use North Great George's Street as a route;

Design

- the housing typology, involving over 20 units sharing communal space would be unethical and the number of residents that should share kitchen facilities should be limited to between four and six, as would be the norm in other cities where this type of accommodation is available;
- it is unclear whether rooms would be single or double occupancy and how this would be managed;
- the proposed units would not receive sufficient natural lighting;

- the inadequate provision of communal and living space would lead to increased use of the upper floor external amenity area, which would encourage and facilitate social gatherings to the detriment of neighbouring residents, as well as increased late-night security, fire and safety risks;
- the implications of the works on the structural integrity of adjoining buildings and structures needs to be considered further;
- an absence of car parking and insufficient cycle parking is proposed and the cycle parking provision would negate use of the rear courtyard space;
- vehicular access should not be possible off North Great George's Street;

Other Matters

- there is precedent for the refusal of shared accommodation at a similar scale and in a similar context (DCC Ref. 3567/19 and ABP Ref. 304249-19) and the proposed development would set an undesirable precedent for further similar development in the area;
- 24-hour on-site management would not be provided and restrictions on access to external amenity areas and construction hours should be imposed;
- a revised layout and reduced scale for the development should be requested via condition in the event of a permission;
- accessible public open space is available in Mountjoy Square, approximately 150m from the units, therefore communal space would not be necessary on site:
- no alcohol should be sold from the proposed café, which should not be accessible from North Great George's Street;
- birds and other wildlife use the existing buildings;
- water pressure in the area is low and would be reduced by the development;
- the proposed development would lead to a depreciation in the value of neighbouring property;
- concerns regarding the long-term intentions for the facility after the 15 years that the covenant or legal agreement expires;

- application details were inconsistent and some details are omitted, including
 the southwest elevation view, CGIs from the southwest, energy and heating
 proposals, laundry, refuse collection, an identified housing need, reference to
 the James Joyce Cultural Centre in the Conservation Assessment and noise
 and vibration impact studies;
- the potential for emergency routes to serve the adjoining James Joyce Centre should be explored.

6.2. Applicant's Response

The applicant's response to the grounds of appeal can be summarised as follows:

- as set out in the planning report accompanying the planning application, the standard of accommodation proposed meets and often exceeds the required standards;
- the access off North Great George's Street would be for pedestrians and cyclists only, with controlled access for staff and residents using a fob system;
- shared accommodation developments are professionally managed with strict policies and rules – the proposed roof garden would have controlled access only, would not be accessible after 10pm and would be no different than communal space within a standard residential apartment development;
- the L-shaped layout for the block would concentrate views internally into the courtyard space and would eliminate overlooking towards the rear;
- the proposed stepping of the building to the rear would have less of an impact than the existing 4-storey industrial building on site, which extends to the rear boundary of the site;
- provision of the scheme, including the landscaped courtyard, would offer residents of neighbouring properties an improved outlook when compared with the existing dilapidated buildings;
- the daylight study submitted highlighted that several neighbouring terraces and gardens already receive substandard light and that the resultant reduction in vertical sky component (VSC) to neighbouring properties would be

- compliant with the allowances provided for in the applicable BRE lighting standards;
- the scale and height of the development has been justified by the site's innercity context, as well as compliance with Development Plan standards;
- detailed assessment and engagement with neighbouring property owners regarding boundary walls and adjacent buildings would be carried out prior to construction and the provision of an emergency escape for the James Joyce Cultural Centre could be explored.

6.3. Observations

6.3.1. Two observations were submitted in response to the grounds of appeal, one of which was from a local resident and this reaffirmed issues raised within the third-party submissions and also within the grounds of appeal, as summarised above. An observation from TII reconfirmed their previous comments to the planning authority.

6.4. Planning Authority Response

6.4.1. The planning authority did not respond to the grounds of appeal.

6.5. Further Submissions

6.5.1. Following consultation by An Bord Pleanála with An Taisce, The Arts Council, The Heritage Council and Fáilte Ireland, further submissions were not received.

7.0 Assessment

7.1. Introduction

7.1.1. The Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018) set out that shared accommodation developments are rental-only developments that are subject to centralised management arrangements, on a specified long-term basis, where individual housing units may not be separately sold for a specified period and where added amenities are provided for residents to allow for more communal lifestyles. The

- Board has recently issued orders in relation to shared accommodation developments in Dublin, which I discuss further below in the context of the subject proposals.
- 7.1.2. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:
 - Zoning & Development Need;
 - Layout, Height & Design;
 - Impact on Architectural Heritage;
 - Impact on Local Amenities;
 - Standard of Accommodation;
 - Services.

7.2. Zoning & Development Need

- 7.2.1. As noted above, the appeal site is primarily situated on lands with a zoning objective 'Z1 Sustainable Residential Neighbourhoods'. Part of the rear area to the site is zoned 'Z8 Georgian Conservation Area', where pedestrian and cyclist access from North Great George's Street and a single-storey storage structure are proposed. Under the terms of the Development Plan residential uses are 'permissible' on these lands and the proposed public café, a restaurant type facility, would also be 'open for consideration' on 'Z1' lands. The proposed positioning of active communal areas and a public café at ground level would be complementary to the shared accommodation and would introduce active uses along the streetscape. Accordingly, I am satisfied that the proposals would comply, in principle, with current land-use zoning objectives for the site.
- 7.2.2. Presently, the provision of a shared-living accommodation in the city centre is considered appropriate within the New Apartments Guidelines given the access to urban employment, albeit subject to the applicant satisfactorily demonstrating with evidence, that their proposal is based on an accommodation need. The grounds of appeal assert that this typology of housing would not be appropriate for the area and alternative forms of housing would be more preferable.

- 7.2.3. The applicant submitted a report with their planning application in support of the demand for the proposed shared accommodation, titled 'Co-Living Demand & Concept Report'. This report set out that there is a strong demand for this housing model, with an urgent need for affordable housing solutions in Dublin and favourable demographics. The report highlights a growing interest in co-living housing solutions with reduced emphasis on housing ownership, the growth of a 'digital nomad' workforce, a lack of affordable city centre housing for young professionals and concerns surrounding a sense of disconnect and loneliness. The report refers to housing delivery in Dublin not meeting demand, as exemplified by the low vacancy rates, while there has been recent growth in the proportion of rental occupiers in the Dublin region and it is forecasted that such trends would continue. The applicant also highlights the unsustainable growth in the percentage of income being spent on rent within the city centre relative to wage increases. Co-living solutions would form part of the solution to this housing provision problem according to the applicant, particularly given the high proportion of the present resident population in the 25-39 age cohort and the large 'expat' population, including those working in the technology sector.
- 7.2.4. Key determinants for shared living are the location and the proximity to work, amenities and public transport, and it is asserted that this location would be advantageously positioned with respect to same, including public transport options. A variety of employers and cultural attractions within a 20-minute cycle or walk of the appeal site are mapped and listed in the co-living demand report submitted. Within the Planning Report submitted, it is asserted that shared accommodation is wholly appropriate for the appeal site, as standard residential apartments would present challenges in efficiently redeveloping the site, particularly based on the need to provide private amenity space serving individual apartments.
- 7.2.5. There are several new additions to the neighbouring housing stock primarily in the form of student accommodation, but I am not aware of recent permissions for similar style shared (non-student) accommodation in the immediate city centre area. I am satisfied that the area, which is designated as part of the top tier in the settlement hierarchy for Dublin, does not presently have an overprovision of this type of housing and the site location is highly connected and suitable for shared accommodation. I am also satisfied that the provision of this new type of accommodation on this urban

- infill brownfield site and at the density proposed, would be in accordance with the provisions outlined in Section 4.5.3 of the Dublin City Development Plan 2016-2022, which is titled 'Making a more Compact Sustainable City', while helping to meet local, regional and national housing targets.
- 7.2.6. Notwithstanding this, and as per the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and Policies QH7, QH8 and SC13 of the Development Plan, the acceptability or otherwise of the proposed development requires the proposals to respect and integrate with the surrounding character and to have due consideration for the protection of surrounding residents, households and communities. Assessment of the impact of the proposed development on residential amenities is primarily addressed in Section 7.5 of this report. Proposals need to provide an appropriate level of amenity for future occupants and these matters are addressed in Section 7.6 below.

7.3. Layout, Height & Design

- 7.3.1. Layouts proposed would appear to be largely dictated by the need to create a defined urban edge along Hill Street, the positioned and layout of the adjoining Courtyard apartment development, the future development potential of properties to the northeast and the need to restrict overlooking and respect the architectural heritage of the properties along North Great George's Street. All of the former light industrial and warehouse buildings on site would be removed to facilitate the development and the access onto North Great George's Street would be reopened.
- 7.3.2. Section 16.2.1 of the Development Plan, addressing 'Design Principles', seeks to ensure that development responds to the established character of an area, including building lines and the public realm. The building line along the immediate stretch of Hill Street steps back at the appeal site and the proposed building line at ground level would follow this existing setback matching the building line adjoining to the northeast. Separation distances from the upper sixth-floor level of the proposed building to the nearest residence to the southwest on North Great George's Street would be over 24m, which would be substantive in addressing impacts on amenities, while I note that the lower elements to the rear would be closer to these properties and the apartments to the southeast in The Courtyard. I am satisfied that the proposed layout has successfully responded to the site context and represents a

- sufficiently high standard of urban design, in accordance with the principles set out in the Development Plan, the Urban Design Manual and the NPF.
- 7.3.3. The grounds of appeal assert that the height of the proposed buildings would be excessive when compared with surrounding building heights, including neighbouring protected structures. The impact of the development on the architectural heritage of neighbouring properties, is addressed in section 7.4 of this report below. The building element fronting onto Hill Street would be six to seven storeys, stepping upwards following ground levels and the stepped building heights in The Courtyard scheme, and with a maximum stated height of 23.3m, excluding all lift overruns. The two rear wing elements on the side boundaries behind this would be five storeys stepping down to three storeys to the rear of the southern wing. The surrounding area is dominated by buildings of three to five-storeys along Hill Street and four storeys along North Great George's Street and Parnell Street. Contiguous elevation drawings submitted with the application illustrate the existing and proposed variations in building heights along Hill Street and also when viewed from the rear of properties along North Great George's Street (see drawing no. P03 11 Revision A). I am satisfied that the separation distances between the proposed building and other neighbouring buildings to the rear, as well as the stepped building height, would be sufficient to ensure that there would not be an abrupt transition between the proposed and existing building heights.
- 7.3.4. The Development Plan sets out that the maximum building height allowable for residential development in this area would be 24m, excluding plant, flues and lift overruns. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) also provide guidance relating to building heights for residential buildings. According to these Guidelines, building-up urban infill sites is required to meet the needs of a growing population and 'increased building height is a significant component in making optimal use of the capacity of sites in urban areas'. Section 3.1 of the Guidelines outlines that it is Government policy that building heights must be generally increased in appropriate urban locations. There is a presumption in favour of increased heights in urban locations, such as this, particularly given the access to public transport. However, the Guidelines also note that development should be of very high quality in terms of the architectural response, urban design and public realm outcomes.

- 7.3.5. As part of the application an architectural design strategy report, including CGIs of the proposed development, were provided by the applicant and I am satisfied that the CGIs provide a reasonably accurate portrayal of the proposed scheme. External finishes to the elevations of the proposed buildings would primarily comprise a light buff-coloured brickwork, contrasting with an anodised or a light-coloured powdercoated aluminium for the projecting windows, as well as the solid infill panels to the windows. The upper floor and front dropped inset feature would be finished in steel cladding, while a decorative brick texture on the rear gable façade and an inset decorative blank reveal to the brickwork on the upper levels of the northeast side gable, which would all be used to visually break up the appearance and scale of the building. Two projecting box elements overhanging the front street on different floor levels, as well as of different depths and cladding materials (glass and aluminium) are proposed as insert features along the front façade of the proposed building. While these features would not substantially add to the overall quality of the accommodation, their introduction to the façade would again break up the building mass by drawing the eye in opposing directions.
- 7.3.6. The proposed scheme is of contemporary design with quality, durable and low maintenance materials and finishes proposed. There is a playful approach in the design proposed, emphasised in the projecting box elements and the concealed service doors within the cladding on the southern end of the front façade. The applicant asserts that the design approach is in direct contrast to the ordered scale and proportion of the terraced houses along North Great George's Street. The proposed build exhibits a consistency in design and external finish. The roofs to the buildings would feature a metal parapet, roof gardens with timber pergola structures and intensive green roof finishes. I am satisfied that the design and external appearance of the proposed building would have a positive contribution to the streetscape. Having regard to the above, I also note the intention to employ measures to minimise energy consumption within the facility and to provide for a nearly zero energy compliant building (NZEB), as per the report submitted with the application. I am also satisfied that the proposed development would not undermine the future development potential of the adjoining property to the northeast of the site on Hill Street.

7.3.7. Considering the site location within the city centre, the quality of architectural finishes and the overall design, including the use of materials and elements to break up the scale and mass of the proposed building, and the height of the building with due consideration of topography and the proximity to neighbouring properties, I am satisfied that subject to consideration of the impacts on architectural heritage the proposed development would provide for an appropriate response in redeveloping this brownfield site, in line with the principles set out in the Ministerial Guidelines and the provisions of the Development Plan relating to layout, height and design.

7.4. Impact on Architectural Heritage

- 7.4.1. Policy CHC2 of the Development Plan requires the design, form, scale, height, proportions, siting and materials of new development to relate to and complement the special character of neighbouring protected structures, while Policy CHC4 aims to protect the special interest and character of all Dublin's conservation areas.
- 7.4.2. The grounds of appeal assert that the proposed development would have a detrimental impact on the character and setting of neighbouring protected structures, including a designated conservation area along North Great George's Street adjacent to the southwest. In addition to the protected structures along North Great George's Street, the Tower of the Old St. George's Church (RPS Ref. 3380) opposite the site on Hill Street and approximately 30m to the east is also a protected structure, while the International Organisation for Migration (IOM) building opposite the site and 20m to the northeast is included within the National Inventory of Architectural Heritage (Ref. 50010702). The grounds of appeal also refer to St. George's Church, a protected structure located 350m to the northwest (RPS Ref. 3573) of the appeal site, and the historical context of Hill Street serving as a secondary mews lane formerly providing access to the rear of residences along North Great George's Street. As a consequence, it is asserted that development along Hill Street should at least appear subservient to the historical scale of development along North Great George's Street. It is also asserted by the appellants that North Great George's Street will soon assume an elevated heritage status as an ACA, thereby requiring development in the vicinity to be considered against more restrictive planning controls.

- 7.4.3. I recognise that the planning authority recommended a grant of planning permission despite the conservation architect within the planning authority recommending a refusal of permission due to concerns that the scale and height of the proposed buildings on the appeal site would not be subservient to the protected structures to the rear. A conservation assessment was submitted as part of the application and this asserts that the proposed development would reduce the bulk of buildings close to the rear of the protected structures at Nos.35, 36 and 37 North Great George's Street, as well as having no appreciable impact on the character or setting of protected structures and other buildings on Hill Street and the immediate streets.
- 7.4.4. The existing buildings on site do not have conservation status and they are not of any significant architectural merit, therefore I have no issue with their demolition and removal from the site. North Great George's Street has not been assigned as an ACA, but I do recognise the high regard for this street as part of the historical Georgian-built heritage of the city. The applicant's design strategy and conservation assessment provides information, including maps, acknowledging the historical context of the site. I note that in January 2017, the Board refused permission for development comprising the demolition of four two-storey light industrial/storage buildings and the construction of a four-storey over basement warehousing and residential building at Nos.16 to 19 Rutland Place, which is to the rear of the terrace of properties along the southwest side of North Great George's Street (ABP Ref. PL29N.247261) and 55m to the southwest of the appeal site. The reason for refusing this permission was primarily based on the development interfering with the setting and character of the protected structures along North Great George's Street, as well as impacting on the residential amenities enjoyed by residents of these neighbouring properties.
- 7.4.5. Hill Street provides a much different context for development than Rutland Place, particularly given the contrast in the scale of development that has taken place on both streets, including the existing four-storey industrial building on the appeal site, and the difference in the volume of traffic and movement along these streets, as well as the street widths, appearances, services and functions. While Hill Street may have to some extent historically functioned as a rear access to properties along North Great George's Street, this is not reflected in the current layout or the primacy of Hill Street, the throughput of traffic, the absence of conservation area status

- assigned to Hill Street and the fact that buildings of architectural merit have in any event historically been located and protected on this street. Hill Street is a distinct city centre street and its character has evolved in a manner very different to that of Rutland Place, with much greater scope for development reflecting the greater primacy of this city centre street, albeit, subject to the scale and design of new building being sympathetic to the context adjacent to North Great George' Street.
- 7.4.6. The proposed works within the area identified as having a zoning objective Z8 and within a conservation area, are not substantial, and elements of the works would improve the character of the conservation area, by sensitively reusing and reinstating the historical 3.5m-wide access off North Great George's Street, as illustrated in the CGIs submitted (see page 32 of the Architectural Design Report). Undertaking of these enhancements in the conservation area would be in compliance with policy CHC4 of the Development Plan. The most sensitive views that could be impacted as a result of the development from an architectural heritage perspective would be those at front street level to North Great George's Street. With the exception of the 3.5m-wide gap for the laneway serving the appeal site, the four-storey terrace on North Great George's Street would restrict views of the proposed development, including the seven storey element onto Hill Street.
- 7.4.7. The rear terrace along North Great George's Street is only intermittently visible from Hill Street. There is an existing four-storey building centrally-positioned on the appeal site and situated approximately 11m from the rear elevation of the nearest section of the terrace on North Great George's Street. The proposed three storey element along the rear boundary would have a parapet height lower than the existing four-storey building, before stepping up to four storeys and five storeys, 2.8m from the rear boundary. At fourth-floor level, this rear wing would be 2.8m further from the terrace of protected structures along North Great George's Street than the existing four-storey building. The five-storey element would be 1.6m higher than The Courtyard development adjoining the rear wing. I am satisfied that given the existing scale of buildings adjoining the site and on site, the 24m separation distance between the protected terrace and the higher six to seven-storey proposed building elements, and the scale and positioning of the rear elements to the proposed building, including stepped design, the proposed development would not interfere or

- have an adverse impact on the character or setting of the conservation area or the protected structures to the rear along North Great George's Street.
- 7.4.8. I consider that the scale and design of the proposed development would not be required to be subservient to the scale of buildings along North Great George's Street and would be appropriate for Hill Street. Furthermore, the proposed works within the conservation area would be appropriate and the proposed development would not have an adverse impact on the character and setting of the conservation area along North Great George's Street, as well as neighbouring protected structures and buildings of architectural heritage. In conclusion, the proposed development would comply with conservation principles and the provisions of the Development Plan, including policies CHC2 and CHC4, and the proposed development should not be refused permission for this reason.

7.5. Impact on Local Amenities

- 7.5.1. Policy SC13 of the Development Plan promotes sustainable densities within developments, with due consideration for surrounding amenities. The grounds of appeal raise concerns with respect to the potential impact of the development on the amenities of neighbouring properties, generally arising from the potential for loss of light, privacy and outlook, as well as overlooking and overbearing impacts. In response the applicant asserts that the proposed development would have less of an impact on neighbouring amenities than the existing building, it would improve the appearance of the site and it would have impacts typical for an inner-urban site. The closest residential buildings to the appeal site include those along North Great George's Street and those on Hill Street. Excluding The Courtyard complex, other residential buildings on Hill Street would not be substantially impacted by virtue of the buffer provided by the 30m wide roadway separating the site from the residences on the opposite northeast side of Hill Street, while apartment buildings to the north do not feature windows proximate and facing directly towards the appeal site. The main building elements to consider in terms of impacts on residential amenities, including the six to seven storey element along Hill Street and the lower rear wings of the building along the northwest and southeast side boundaries of the site.
- 7.5.2. The baseline scenario identified in the Daylight and Shadow Analysis Report submitted with the planning application, revealed limited recommended levels of

sunlight at present for three of the four surveyed neighbouring gardens to the north and west of the appeal site, based on the Building Research Establishment (BRE) standards 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (2nd Edition, 2011). The study concluded that one of the surveyed gardens would receive additional sunlight as a result of the proposed development and that one garden would receive less sunlight, but that this level of sunlight would be within the allowable limits provided for in the BRE standards. The six to seven storey elements of the building would be positioned over 24m from the rear of properties along North Great George's Street. I am satisfied that undue impacts on the residential amenities enjoyed by residents of these properties would not arise from these higher elements, given the separation distances involved and I am also satisfied that excessive overshadowing of neighbouring private amenity space would not arise as a result of the proposed development.

- 7.5.3. The north western boundary wing to the proposed building would be positioned over 24m from the primary rear elevation of the nearest property to the southwest, No.37, and it would not feature rear-facing windows. The proposed gable would partially feature a decorative brick finish. Given this design and the separation distance, I am satisfied that the north western boundary wing would not be overbearing when viewed from neighbouring properties, nor would it impact on the amenities of neighbouring properties.
- 7.5.4. Three-storeys of the gable to the southwestern boundary wing would also feature decorative brick and would be approximately 8.5m northeast of the closest rear elevation to the apartments at No.34 North Great George's Street, which is situated on a slightly lower ground level (0.5m) and features windows and balconies on all levels facing the gable end of the proposed building. Proposed separation distances to the upper levels of this southwest wing would increase to 11.4m and 14.3m at third and fourth-floor levels respectively. The applicant submitted a Daylight Study as part of the planning application to address the impact of the proposed development on access to light to the rear of neighbouring buildings along North Great George's Street. The vertical sky component (VSC) was calculated to check for obstruction of sunlight. This assessment considered the rear windows on all levels of the neighbouring buildings to the rear. It did not specify the precise use of the rooms served by these windows (i.e. kitchen, bedroom or hall) and it does not

- provide detail regarding the calculation methods or the models employed. The study concludes that of the 102 neighbouring windows surveyed, no windows would be subject of a reduction in VSC below the 20% provided under the BRE guidance. While several shortfalls in the information are presented, the conclusions would appear to be reasonable based on the separation distances, the scale and height of the existing and proposed development on site, and the appeal site orientation largely to the north and east of the nearest windows along North Great George's Street.
- 7.5.5. The proposed rear elevation to the south western boundary wing would feature windows serving the shared kitchen, dining and lounge areas to the cluster units on the first, second, third and fourth floor. These windows would be 18.8m from the rear elevation of No.34, and based on Development Plan minimum separation distances of 22m between directly opposing windows, they have the potential to lead to excessive loss of privacy and overlooking for some of the residents to the rear in No.34. These communal living areas would also be served by either a southeast or northwest-facing window, as well as an opaque window facing northeast. To address the potential for overlooking, a condition should be attached requiring the southwest facing windows to these units to be permanently fitted with opaque glazing. I am satisfied that the separation distances between this rear building element and the existing properties on North Great George's Street would be typical for an inner-urban context, akin to the current relationship with The Courtyard development, and would not lead to the proposed development resulting in an excessively overbearing impacts when viewed from neighbouring properties.
- 7.5.6. The adjoining Courtyard apartment complex features apartments with windows along the northern façade that do not face directly onto the appeal site but appear to serve bedrooms facing onto an inset terrace space. The proposed development would largely mirror this inset to create a lightwell along the boundary with The Courtyard complex and as such there is potential to impact on the amenities of the adjoining residents of these apartments. The lighting studies submitted by the applicant do not address the impact on these neighbouring apartments, but this is understood to be based on the fact that the adjoining existing apartment rooms are only served by windows with northern aspect, therefore lighting studies would not reveal substantial change in receipt of sunlight or daylight levels. The level of amenity enjoyed by the

ground and first-floor residents along the appeal site boundary would be restricted by the existing building on site at No.42 (see Elevation C-C to drawing no.P02_11). While the proposed development would introduce a higher building along this boundary, as is illustrated in Elevation F-F (drawing no. P03_11 Revision A), the impact on the level of amenity enjoyed by residents of the neighbouring apartments would not be substantial in an urban context such as this, given the baseline context, including the existing apartment layout, building orientation, the restricted rear outlook and access to light, and the use of opaque glazing in the proposed windows onto the lightwell.

- 7.5.7. The appellants have raised particular concerns regarding access to the accommodation off North Great George's Street and the proposed position, operation and siting of external amenity areas, with some neighbours raising concerns that the typology of housing would encourage a heightened use of such areas, when compared with standard apartment living. An operational management plan was submitted with the application and this outlines various measures to be undertaken to control and restrict access to the facility, including the amenity spaces, as well as management, security measures and codes of conduct for occupants. The measures presented, including the restriction of access to amenity areas outside of 08:00 and 22:00 hours, are more extensive than what would normally be required for an infill urban residential development and I am satisfied that compliance with the operation management plan, submitted as part of the application proposals, would suitably address the potential for undue residential impacts arising for both neighbouring residents and occupants of the facility, including the potential for undue impacts arising from excessive odour or noise emissions.
- 7.5.8. The grounds of appeal assert that the proposed development would lead to a depreciation in the value of property in the vicinity. Arising from the assessment above, in particular with regard to the conclusions of the impact of the proposed development on neighbouring residential amenities, and cognisant of the existing buildings and appearance of the site, I am satisfied that clear and convincing evidence has not been provided to support claims that the proposed development would be likely to result in the depreciation of property values in the vicinity.
- 7.5.9. In conclusion, the proposed development would not result in excessive loss of light, overshadowing or overlooking of neighbouring properties and would have not have

an excessively overbearing impact when viewed from neighbouring properties.

Accordingly, the proposed development would comply with Policy SC13 of the

Development Plan and the proposed development should not be refused for reasons relating to impacts on neighbouring amenities.

7.6. Standard of Accommodation

- 7.6.1. At further information stage the applicant revised the subject proposals to improve the level of communal space on the first to fourth floors inclusive, with the omission of three cluster units and an increased provision of shared living / lounge areas serving the individual units. A revised layout and the introduction of screens for the ground floor courtyard amenity space was also proposed to increase the level of privacy for the three ground-floor units. The applicant also stated that dedicated cooking facilities would be provided in the two accessible ground-floor units and the third ground-floor unit, a premium unit, would use the shared cooking facilities on the ground floor. Shared cooking facilities are not provided on the ground floor and it would appear that the occupant would have to use facilities on the first floor. Nevertheless, while not resulting in an increase in the floor area of the development, I am satisfied that the amendments to the development would improve the quality of accommodation.
- 7.6.2. The grounds of appeal assert that the accommodation would not be well served by communal spaces and that some units would not receive sufficient natural lighting. Queries have also been raised with regarding to the occupancy level of the units, and I am satisfied that the information presented clearly outlines that all units would be single-occupancy, while the minimum length of stay would be three months according to the applicant. The applicant outlines that a single management company would operate the scheme and no units would be sold or rented separately within the development with rental terms of a minimum of three months and occupancy aimed at graduates and young professionals. For clarity, I recommend that a condition is attached in the event of a permission, detailing that the permission solely relates to single occupancy shared-living accommodation and requiring the submission of a covenant or legal agreement that confirms that the development shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years. Furthermore, conditions of a permission should require no

- unit to be let or sold as a self-contained residential unit and details regarding the ownership and management structures for the continued operation of the development should be provided in line with a shared accommodation model prior to the expiry of the initial 15-year period.
- 7.6.3. I have reservations regarding the potential for excessive direct overlooking between the southeast facing standard units and the northwest facing cluster units at first to fourth-floor level on the rear wing elements, given the 17.3m separation distance between the opposing windows, and the resulting potential for loss of privacy. To address this, as a condition of the permission, the southeast-facing standard unit should be omitted on each of these floors, the separation distance between the building lines should be pulled back to 22m, in line with Development Plan provisions, and the residual area subsumed into the adjoining premium unit on each respective floor, which would also serve to improve natural lighting to this unit.
- 7.6.4. The operational management plan and co-living demand and concept report submitted with the application provide details in relation to the operation of the scheme. On-site facility management functions would be undertaken by a community manager, as well as reception, maintenance and housekeeping service providers, with the building's receptionist at the Hill Street entrance available during regular service hours. These service hours are not specified in the application. Offsite supports and security systems are also listed in the reports submitted, as well as the additional services to be provided for occupants including details for utilities, housekeeping, laundry, waste management, cleaning and maintenance, access, events, interaction with the local community and information technology. It is stated that security personnel would be contactable at all times outside of regular service hours.

Section 5.13 of the New Apartment Guidelines sets out standards for shared accommodation, including the cluster unit type comprising of two to six units of single occupancy with a common shared area for living and kitchen facilities. Both cluster and individual units are proposed with each of the units to be provided with ensuite wash facilities and floorspace exceeding the minimum standards set for single bedroom units (12sq.m) in table 5a of the New Apartment Guidelines (see table 3 below). The size of the units would generally exceed the size of units permitted recently by the Board in shared accommodation developments in Dublin, under

references ABP-304249-19 (Eblana Avenue), ABP-305459-19 (Old Navan Road) and ABP-305659-19 (Ardee Road, Rathmines). The layouts presented in the Architectural Design Report show a clear differentiation in the various unit areas, including kitchenette, bathrooms, sleeping zones and live/work areas. In the interest of providing a satisfactory standard of amenity for occupants, both the Eblana Avenue and Old Navan Road permissions included a condition requiring functional kitchens to include cooking hobs in individual units, which are excluded from the subject development. In the event of a permission, I consider that a similar condition to those attached to the Eblana Avenue and Old Navan Road developments would be necessary for the individual units. Ceiling heights for the ground floor units would be acceptable at 3.2m.

Table 3. Revised Proposed Unit Mix & Floor Areas

Unit Type	No. of units	Floor Area (including ensuite)
1 bed (standard)	93	18.3 to 19.6sqm
1 bed (premium)	11	20.9 to 23.3sqm
1 bed (accessible)	2	25.4 to 25.8sqm
1 bed (cluster-type)	23	15.6 to 19.6sq.m
Total Units	129	

7.6.5. As a build-to-rent (BTR) development, shared accommodation shall be subject to the requirements of Specific Planning Policy Requirement (SPPR) 7 of the New Apartment Guidelines. SPPR 7(b) of the Guidelines provides that BTR proposals must be accompanied by details of (i) resident support facilities and (ii) resident services and amenities. The proposed internal communal amenities, as indicated in the revised floor plans, are listed in Table 4 below.

Table 4. Revised Proposed Floor-level Accommodation

Floor level	Occupancy	Communal Area	Internal Communal Spaces
Ground	3 (single)	24sq.m	Shared Dining Room
		258sqm	Juice Bar, Co-Working Area, Lounge, Games Area, & Activities Room
First	21 (single)	74.5sqm	Shared Kitchen/Dining/Living
	5 (cluster)	40sq.m	Kitchen/Dining/Living
Second	21 (single)	74.5sqm	Shared Kitchen/Dining/Living
	5 (cluster)	40sq.m	Kitchen/Dining/Living

Third	21 (single)	74.5sqm	Shared Kitchen/Dining/Living
	4 (cluster)	37sq.m	Kitchen/Dining/Living
Fourth	21 (single)	74.5sqm	Shared Kitchen/Dining/Living
	3 (cluster)	38sq.m	Kitchen/Dining/Living
Fifth	19 (single)	63.6sqm	Shared Kitchen/Dining/Living
Sixth	6 (cluster)	36.5sqm	Shared Kitchen/Dining/Living
Total	129	835.1sqm	

- Additional resident support facilities also include a post room, reception area, 7.6.6. laundry, storage areas, bin stores and bicycle store. The proposed layout of internal communal areas and accommodation, primarily involving individual units, would not strictly follow the format specifically addressed within the New Apartment Guidelines, which appear to primarily address the cluster style arrangement. Nevertheless, the New Apartment Guidelines require minimum common living and kitchen areas amounting to 8sq.m per person for the first three units and an additional 4sq.m per person for the next three units. Interpretation of this standard to date within the aforementioned appeals and based on proposals for groups of single units with larger shared common living and kitchen facilities, has indicated a requirement for 6sg.m of common living and kitchen facilities per occupant. Based on a minimum occupancy of 129 persons, this would equate to a requirement for 774q.m of shared common living and kitchen facilities in the proposed development, whereas a total of 835sq.m would be provided at a rate of 6.5sq.m per occupant. While recognising that a significant proportion of the shared common living areas would be located at ground-floor level, there would appear to be a reasonable and well-distributed provision of shared kitchen, dining and lounge areas between the single and cluster units on each of the floors proposed. The provision of common living and kitchen facilities per occupant would also slightly increase with the omission of the four southeast-facing units on first to fourth-floor level. I am satisfied that the quantitative and qualitative provision of common living and kitchen facilities serving the proposed development, including their location, aspect and the number of occupants sharing these spaces on each floor would be in line with similar schemes granted recently by the Board and the standards set within the Guidelines.
- 7.6.7. Section 5.17 of the New Apartments Guidelines state that a key feature of successful shared accommodation schemes internationally is the provision of wider recreation

- and leisure amenities as part of the overall development. The applicant has proposed two external amenity areas on site in the form of a courtyard and a roof terrace amounting to 340sq.m, while also outlining some of the recreational facilities within walking and cycling distance of the site and those that can be provided on site. The amenity spaces have been designed to form attractive and functional spaces relative to the end user and I am satisfied would be appropriate for the proposed development. The operational management plan lists social, recreational and cultural events, including measures proposed to engage occupants with the local community, and I am satisfied that the approach set out is in accordance with that envisaged within the New Apartments Guidelines.
- 7.6.8. All of the units proposed are single-aspect with 20 units having northeast-facing aspect only. As part of the planning application, a daylight and shadow analysis report was submitted, which addressed the levels of lighting to the external courtyard space and the units or rooms on each floor considered to be worst positioned in terms of access to natural light, including the units with northeast-facing aspect only and the premium units situated within the north western rear wing, as well as the corner-positioned shared living and kitchen spaces. Unfortunately the assessment does not assess the revised layout for the shared living and kitchen spaces and fails to assess the units along Hill Street positioned directly below the overhanging box elements with forward projections of 1m to 1.6m. While I recognise these shortcomings and that the conclusions reached suggest that each of the rooms would be adequately served by daylight, the BRE standards provide a quantitative measure only and based on the layout of the north western rear wing premium units, which not only serve as bedrooms, but also include kitchen and live-work space, I do not believe these units would be adequately served by daylight. This concern can be readily addressed by a condition to omit the adjoining unit, which I have already considered to be necessary due to concerns relating to overlooking and loss of privacy. The internal daylight levels achieved for the remainder of the units and the shared living and kitchens spaces would be reasonable for a high-density development on an inner-city site.
- 7.6.9. In conclusion, subject to conditions, I am satisfied that the proposed development would provide an acceptable standard and layout of shared accommodation relative to recent permissions and the relevant design standards.

7.7. Services

- 7.7.1. I note that no car parking is proposed as part of the proposed development. The Development Plan establishes that car parking provision may be reduced or eliminated in areas that are well served by public transport. This site is centrally located and accessible to public transport and shared transport services, including those listed in the preliminary Mobility Management Plan submitted. The New Apartment Guidelines encourage minimal car parking provision for shared accommodation developments and the Roads & Traffic Planning Division of the planning authority has no issue with the absence of on-site car parking and I am also satisfied this would be acceptable based on planning provisions and the information and measures set out within the preliminary Mobility Management Plan submitted, including the extent of alternative transport options available in the immediate and wider area, as well as measures that can be implemented to address the absence of car parking.
- 7.7.2. A total of 72 double-stacked bicycle spaces are proposed in the courtyard space, which would be accessed off North Great George's Street. Based on the New Apartment Guidelines, a general minimum standard of one cycle space per unit should be applied. The Roads & Traffic Planning Division of the planning authority did not object to the level of cycle parking based on the restricted nature of the site and the city centre context. I would also note the access available to alternative shared bike schemes operating within the city and the request of the Roads & Traffic Planning Division for a Mobility Management Plan (Residential Travel Plan) to be submitted and implemented for the facility. Consequently, I am satisfied that the provision of bicycle parking would be acceptable in this case.
- 7.7.3. The grounds of appeal raise concerns regarding the potential for disruption along North Great George's Street, arising from additional construction-related traffic serving the proposed development. A construction management plan and a construction and demolition management plan has been submitted as part of the application and this reveals that it is anticipated that construction traffic, which would be for a temporary 20-month period, would be routed via Hill Street only and, therefore, would only have very limited potential to cause disruption on North Great George's Street.

- 7.7.4. An operational waste management plan for the proposed development, including the public café, was submitted with the planning application. The grounds of appeal state that refuse collection should be undertaken from Hill Street and I note that the internal bin store would be located on the Hill Street side of the site and the proposed building. Therefore, it would be more likely and practical for refuse collection to be undertaken from the Hill Street side, where there is also more room for manoeuvring refuse vehicles when compared with North Great George's Street. I am satisfied that there would be an adequate and accessible provision of refuse storage areas to serve occupants of the proposed development, as per the planning guidance on this matter.
- 7.7.5. The application was accompanied by a Drainage and Water Supply report that addresses site services, including surface water drainage, foul drainage and water supply. With regard to surface water drainage, it is proposed to separate the storm runoff from the proposed buildings and to use sustainable urban drainage techniques (SUDs), including permeable paving, green roofs and an attenuation tank, prior to discharge of surface waters by gravity at a maximum flow rate of 2l/s to the combined sewer on North Great George's Street, which would be in accordance with the requirements of the Engineering Department in the planning authority and the Greater Dublin Regional Code of Practise for Drainage Works. With regard to foul drainage, a 100mm diameter to 225mm diameter piped gravity system is proposed, connecting to the existing 980mm x 600mm combined brick sewer on North Great George's Street with grease traps to be fitted. The proposed water supply would involve a connection into the existing 125mm water supply pipe on Hill Street. The grounds of appeal raise concerns regarding existing water pressure in the area. Objections to the subject drainage and water supply proposals based on existing capacity difficulties have not been raised by the planning authority or Irish Water. The planning authority's Engineering Department consider the applicant's proposals to be generally acceptable, subject to certain conditions regarding clarifications and agreements on matters of surface water management. New connections would also be subject to agreements with Irish Water.
- 7.7.6. In conclusion, I am satisfied that the proposed site engineering services and parking provision would be adequate to serve the proposed development, subject to appropriate conditions.

8.0 Appropriate Assessment

8.1. Stage 1 - Screening

8.1.1. A report screening for Appropriate Assessment and a report titled 'Screening for Environmental Impact Assessment' were submitted as part of the planning application.

8.2. Relevant European Sites

8.2.1. The nearest European sites are listed in section 5.4 of this report. Qualifying interests and conservation objectives for each of the sites are listed on the National Parks and Wildlife Services (NPWS) website (www.npws.ie).

8.3. Is the Project necessary to the Management of European sites?

8.3.1. The project is not necessary to the management of a European site.

8.4. Direct, Indirect or Secondary Impacts

- 8.4.1. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:
 - impacts on water quality, for example via release of suspended solids, accidental spills or the release of contaminants from made ground during construction;
 - loss or disturbance of habitat/species, for example, use of the appeal site by qualifying species.

8.5. Potential Effects

8.5.1. Based on the source-pathway-receptor model, the nearest pathways to the nearest designated sites from the appeal site are the Royal Canal, which is 700m to the north of the appeal site, flowing in a south-easterly direction into Dublin Bay, and the River Liffey, which is 800m to the south of the appeal site, flowing in an easterly direction into Dublin Bay. The site is currently occupied by industrial and warehouse

- buildings and the AA screening information submitted states that it contains no features of ecological significance, while the report submitted screening for EIA states that there are no protected trees or other vegetation on the site.
- 8.5.2. Surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system after passing through an attenuation tank and a flow-control hydrobrake. All foul water from the proposed development would be discharged via the public system to the Ringsend Waste Water Treatment Plant (WWTP). Permission has recently been granted (ABP-301798-18) for works that would increase the capacity of the plant from a population equivalent of 1.9 million to 2.4 million.
- 8.5.3. Having regard to the above, the urban context and the residential nature of the proposed development, I consider that the only potential pathways between the appeal site (source) and the European sites (receptors) would relate to drainage during construction and operation. Due to the nature of the application site and the proposed development there is no direct pathway to a European site, however there is a potential indirect pathway to coastal SACs and SPAs via surface and foul drainage networks and Ringsend WWTP.
- 8.5.4. Accordingly, with the exception of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206), I am satisfied that the other European sites proximate to the appeal site can be 'screened out' on the basis that significant impacts on these European sites could be ruled out, either as a result of the separation distance from the appeal site, the extent of marine waters or given the absence of any direct hydrological or other pathway to the appeal site. The conservation objectives for the four above named coastal sites are appended to this report. The conservation objectives largely relate to water-dependent habitats and species, including coastal and inter-tidal habitats and migratory wintering birds.
- 8.5.5. While there is theoretically an indirect hydrological pathway between the application site and the four named coastal sites via the public drainage system and the Ringsend WWTP, I am satisfied that the distances are such that any pollutants

would be diluted and dispersed, and ultimately treated in the Ringsend WWTP and there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on the designated sites in view of their qualifying interests and conservation objectives.

8.6. In-combination Impacts

8.6.1. I am satisfied that likely significant in-combination impacts would not arise.

8.7. Stage 1 – Screening Conclusion

8.7.1. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206), or any other European sites, in light of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not therefore required.

9.0 Screening for EIA

9.1.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within a report titled 'Screening for Environmental Impact Assessment' (dated July 2019) and I have had regard to same in this screening assessment. This report contained information to be provided in line with Schedule 7A of the Planning and Development Regulations, 2001-2020 (hereinafter 'the Regulations'). This proposed residential development, is of a class of development included in Schedule 5 to the Regulations. The EIA screening report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The report submitted by the applicant concludes that the proposed development is below the thresholds for mandatory EIA

- and that a sub-threshold EIA is not required for this project, as the proposed development would not have significant impacts on the environment.
- 9.1.2. Where an application is made for sub-threshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.
- 9.1.3. Item (10)(b) of Part 2 to Schedule 5 of the Regulations provides that mandatory EIA is required for the following classes of development:
 - (i) Construction of more than 500 dwelling units;
 - (iv) Urban development which would involve an area greater than 2ha in the case of a business district*, 10ha in the case of other parts of a built-up area and 20ha 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.
- 9.1.4. EIA would be required for sub-threshold development proposals of a class specified in Parts 1 or 2 of Schedule 5, where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Part 2 of Schedule 5, where no EIAR is submitted or an EIA determination is requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 9.1.5. The proposed development, as revised at further information stage, would provide for 129 residential units and ancillary facilities on a 0.14ha site in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to the above listed items 10(b)(i) and (iv) of Part 2 to Schedule 5 of the Regulations. It is not a large-scale project and there are no apparent characteristics or elements of the design that would be likely to cause significant effects on the environment. Proximity to the nearest designated European sites is listed in section 5.4 above, while the Royal Canal proposed Natural Heritage Area is approximately 700m to the north of the appeal site. The site is sufficiently removed from the nearest environmentally-sensitive sites, and other designated sites beyond, to ensure that no likely significant effects would result. The proposed development would not be likely to have

significant impacts on human health, traffic, material assets and cultural heritage based on conclusions within section 7 of this report. Furthermore, as concluded in section 8 of this report, the proposed development would not be likely to have a significant effect on European sites in view of their conservation objectives.

9.1.6. Having regard to;

- (a) the nature and scale of the proposed development, in an urban area on a site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any other sensitive location specified in Article 109(3) of the Planning and Development Regulations 2001-2020,

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is, therefore, considered that an environmental impact assessment report for the proposed development is not necessary in this case.

10.0 Recommendation

10.1. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out directly below in the draft Board order.

11.0 Reasons and Considerations

Having regard to the following:

- (a) the location of the site in the city centre, designated as the top tier in the settlement hierarchy for Dublin, as outlined in the Dublin City Development Plan 2016-2022.
- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning and policy objectives applicable to the site,
- (c) the objectives of the National Planning Framework, particularly National Policy Objectives 3b, 11, 13, 27, 33 and 35,

- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (e) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018,
- (f) the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas (Cities, Towns & Villages) and the accompanying Urban Design Manual a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (g) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018,
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social and transport infrastructure,
- (j) the established and emerging pattern of development in the area,
- (j) the existing development on site,
- (k) the submissions and observations received, and
- (I) the report of the Inspector.

Appropriate Assessment Screening

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 area, the Appropriate Assessment Screening document and other documents 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 Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the report Screening for Environmental Impact Assessment submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any other sensitive location specified in Article 109(3) of the Planning and Development Regulations 2001-2020,

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would respect the existing character of the area and would provide an appropriate response in redeveloping the site, would not have an adverse impact on the character and setting of the conservation area along North Great George's Street, as well as neighbouring protected structures and buildings of architectural heritage, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would provide an acceptable form of residential amenity for future occupants and would be acceptable in terms of servicing, traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 4th day of November 2019, 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.

Reason: In the interest of clarity.

- **2.** The proposed development shall be amended as follows:
 - (i) the four southeast-facing 'standard' accommodation units in the northwest side rear wing shall be omitted at first to fourth-floor levels inclusive and the southeast elevation of this northwest side rear wing shall be a minimum of 22m from the northwest elevation of the opposing southeast rear wing. Any residual floor areas arising shall be subsumed into the adjoining 'premium' accommodation units, which shall also be provided with sufficient glazing serving these units on the southeast elevation;
 - (ii) the four southwest facing windows to the shared kitchen dining areas serving the cluster units on the first to fourth floors inclusive, shall be permanently fitted with opaque glazing;
 - (iii) all units shall be provided with functional kitchens to include cooking hobs.

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

Reason: In the interest of providing a satisfactory standard of residential amenity for occupants of the development.

3. The shared accommodation units hereby permitted shall be for single occupancy only and 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 issued by the Department of Housing, Planning and Local Government in March, 2018.

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

4. Prior to the commencement of development, the developer shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first 'shared living units' within the scheme.

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

5. Prior to expiration of the 15-year period referred to in condition number 4 above, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Shared Accommodation scheme. Any proposed amendment or deviation from the Shared Accommodation model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. The hours of operation of the café, hereby permitted, shall be between 0800 hours and 2100 hours only, Monday to Sunday inclusive.

Reason: In the interest of the residential amenity.

8. The glazing to the café and the shared accommodation common areas along Hill Street shall be kept free of all stickers, posters and advertisements and any roller shutter and its casing (if required) shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. The roller shutters shall be of the open lattice type, and shall not be painted on site or left unpainted or used for any form of advertising.

Reason: In the interests of visual amenity.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall include detailed boundary treatments and shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

10. Prior to the occupation of the proposed development, a Mobility Management Strategy shall be submitted to the planning authority for written agreement. The strategy shall address the mobility requirements of future occupants and shall promote the use of public transport, cycling and walking. A mobility

manager shall be appointed to oversee and co-ordinate the roll out of the strategy.

Reason: In the interest of sustainable transportation.

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

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

12. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

13. 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.

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

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

15. 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 the 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 the environment and sustainable waste management.

16. The construction of the development shall be managed in accordance with a Construction & Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia, details and location of the proposed construction compound(s), details of intended construction practice for the development, including hours of working, noise and dust management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

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

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

18. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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.

19. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

20. 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.

21. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City project (St. Stephen's Green to Broombridge Line), 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.

Colm McLoughlin	
Planning Inspector	

18th May 2020