



An
Bord
Pleanála

Inspector's Report ABP-307217-20.

Development

PROTECTED STRUCTURE: A mixed use development 4 to 8 storeys over basement to include hotel, build-to-rent shared living accommodation, co-working/artistic-creative studios, restaurant and public community/event space.

Location

27-29 New Row South, Dublin 8.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4423/19.

Applicant(s)

TC Fumbally Properties Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant with Conditions.

Type of Appeal

Third Party

Appellant(s)

Aloft Hotel
Muireann Grogan

Observer(s)

None.

Date of Site Inspection

10/09/2020.

Inspector

A. Considine.

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1.0 Site Location and Description

- 1.1. The subject site is located approximately 1.6km to the south west of Dublin City Centre and to the west of the R137, Clanbrassil Street Lower / New Street South. St. Stephens Green lies within 1km of the site. The site occupies a large corner site with frontage onto New Row South to the west and Blackpitts and Fumbally Lane to the southwest.
- 1.2. New Row South is a narrow residential street with two storey, red brick terraced housing to the north east of the subject site. Directly across the road from the site, there is an apartment development rising to 3 and 4 storeys. The Aloft hotel, which rises to 7 storeys, occupies the corner site to the south west of the site, with the Mill Street Student Accommodation building, further south west, and also rising to 7 storeys. The wider area enjoys a variety of uses and has been undergoing redevelopment through the redevelopment of a number of large sites.
- 1.3. The site, which occupies a prominent corner position, has a stated area of 0.23ha and the existing building on the site occupies a floor area of 1,526m². The existing building on the site is a former distillery building which dates from the early 1800s. This building is a protected structure and forms part of the industrial heritage of the Liberties area of Dublin City.
- 1.4. The 3 storey warehouse building has a slated hipped roof and has snecked limestone walls with brick dressing to the windows and granite cills. The building has had a number of uses in its history, including a distillery and more recently it has been used as a studio / office space. It is submitted that the building has been unoccupied for approximately 2 years. All 20th Century buildings within the site have been demolished and the site is now fenced to prevent access.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for a mixed-use development at 27-29 New Row South, Dublin 8. The application site is located at the junction of New Row South to the northwest, Blackpitts to the west and Fumbally Lane to the south and southeast. The site contains a Protected Structure (referred to as a former laundry building under RPS Ref.:5821). The development, which ranges from 4 to 8

no. storeys over basement and includes the re-use and extension of the protected structure, provides 4,843 sq.m of hotel use from first to third floor level (144 no. bedrooms), 2,390 sq.m of Build-to-Rent Shared Living accommodation from fourth to seventh floor level (inclusive of amenity space) (69 no. units), 213 sq.m of co-working/artistic-creative studios, 142 sq.m of restaurant and 147 sq.m public community/event space uses at ground floor level. The detailed description of the proposed development is as follows:

- Restoration, refurbishment and extension of the existing building, a Protected Structure under RPS Ref.: 5821, to facilitate the proposed redevelopment, including removal and reinstatement of sections of the rear wall, removal of internal dividing walls, removal of existing non-original floors, staircases and roof, reinstatement of original window openings at ground floor level and modifications to the fenestration at first floor level fronting onto New Row South.
- It is proposed to provide 4 no. floors within the existing Protected Structure, including setback at second and third floor level.
- The internal and external modifications to the Protected Structure will accommodate of co-working / artist studios, shared amenity space, a gym and community/event space at ground floor level and 72 no. hotel rooms from first to third floor level.
- The refurbishment protected structure will be integrated with the proposed new building to the west via an entrance lobby at ground floor level, and from first to third floor level via linking corridors.
- The proposal includes a new 7 storey building, including a setback 8th storey in the central section of the building, above basement, at the junction of New Row South and Blackpitts, with an overall height of 27.3m.
- The proposed building will include reception/concierge, shared amenity space and restaurant at ground floor level, 72 no. hotel rooms from first to third floor level and 69 no. single occupancy shared accommodation units and amenity space from fourth to seventh floor level.

- The development includes communal residential amenity space to serve the shared accommodation units including; a screening room at basement level, residential lounges and gym facilities at ground floor level, communal areas at first floor level, informal breakout spaces from fourth to sixth floor level, laundry and lounge area at fifth floor level, and event space at seventh floor level. Two communal kitchen/dining areas are provided at fourth and seventh floor levels.
- External open space is located within the courtyard at ground floor level (347 sq.m), fourth floor level (23 sq.m) and roof terrace at seventh floor level (435 sq.m).
- The development includes all associated and ancillary works including plant and storeroom facilities at basement level, staircase cycle parking, bin storage, an ESB substation and switchroom, landscaping, boundary treatment, lighting, and all associated site works including underground foul and storm water drainage network and attenuation areas,

all at 27-29 New Row South, Dublin 8.

2.2. The application included a number of supporting documents as follows;

- Plans, particulars and completed planning application form
- Cover letter
- Planning Report
- Architectural Design Statement
- A Building Life Cycle Report
- Photomontage/CGI Brochure
- Landscape and Visual Impact Assessment
- Landscape Strategy
- Engineering Services Report
- Construction Management Plan & Construction and Demolition Waste Management Plan
- Flood Risk Assessment

- Traffic & Transportation Statement
- Travel Plan (Mobility Management Plan)
- Operational Waste Management Plan
- Archaeological Desk Study Assessment
- Daylight, Sunlight and Overshadowing Study
- Architectural Heritage Impact Assessment Report
- Appropriate Assessment Screening Report
- Part L and NZEB Report
- Site Lighting Report
- Operational Management Plan
- Community Engagement Report.

2.2.1. Following the submission of the response to the further information request, the applicant submitted the following documents:

- Shared Accommodation Demand and Concept Report
- AI on Communal Shared Areas and Amenity / Recreational Space
- Additional plans, sections and elevational drawings.
- Updated Operational Waste Management Plan
- Enlarged Shadow Analysis Images

2.2.2. The residential element of the proposed development is proposed as a 'Shared Accommodation Development, in accordance with Section 5.13 of the Apartment Guidelines 2018 which comprise '... professionally managed rental accommodation, where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities.' The proposal presents an alternative model for shared accommodation which comprises multiple residential units, with kitchenettes and sitting areas within each unit and communal facilities to cater for a larger number of units. It is submitted that this model provides for an integrated approach to shared living with high quality private bedrooms and a range of shared amenity spaces, accessible to shared living residents.

- 2.2.3. The planning documents include the draft legal covenant which confirms that, prior to occupation, the applicant will enter into a covenant / legal agreement that outlines that the proposed Build-To-Rent Shared Accommodation scheme will remain in the ownership of an appointed Build-To-Rent company, who will manage the operation of the scheme, for a minimum period of not less than 15 years.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 16 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes a section on Environmental Impact Assessment and Appropriate Assessment Screening.

The initial Planning Report raised concerns in terms of the following:

- Need for the shared accommodation scheme.
- Shortfall in the provision of communal facilities and living spaces.
- Operational waste management on each floor.
- Inadequate shadow impact images
- Issues in relation to conservation
- Transportation Planning Division issues.

Following the submission of the response to the further information request, the Planning Officers final report deemed the proposed development acceptable. The planning officer recommends that permission be granted for the proposed

development, and this Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to compliance with conditions.

City Archaeologist: Notes that the site is located within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City) which is listed on the RMP and is subject to statutory protection. This area of the city was first developed in the 17th Century as a commercial and industrial centre. The development site is one of significant industrial heritage.

One recorded monument, DUB0180020359, being a gabled Dutch Billy housing dating from c1690-1700, photographed in the early 20th Century have been demolished. The submitted Archaeological Impact Assessment identifies the subsurface survival of the ground floor levels of three late 17th Century Dutch Billy Houses within the boundary of the site along with the Poddle Culvert and culverted mill site.

The proposed development will directly impact on any surviving subsurface remains of the 17th Century structures. The report recommends that a condition of archaeological monitoring be attached to any grant of planning permission.

Transportation Planning Division: The report required the submission of further information in relation to the following:

1. a 2m footpath is required to be provided around the site and shall not be overhung by any building
2. issues raised in relation to conflict between the cycle storage and the ram associated with the delivery route. Confirmation of the system of cycle parking proposed.
3. No outward opening doors will be permitted to conflict with the public realm
4. Clarification sought on the non-provision of disabled parking.

Following the submission of the response to the FI request, the Transportation Planning Division submitted a further report. The report concludes that the proposals regarding the footpath provision are acceptable. Any works to the footpath and carriageway will require further agreement and a condition in this regard should be included in any decision to grant.

Issues raised in relation to the conflict between the ramp and cycle storage have been addressed as have the concerns raised in terms of the lack of provision of accessible car parking.

The report concludes recommending conditions.

Conservation Officer: Report notes that the existing building on the site is a protected structure and is included in the NIAH Reg Ref No. 50080671. The Conservation Officer also notes that she attended pre-planning consultations. The report acknowledges that the existing roof is not original and has previously been altered, with the principle for its removal permitted under a previous permission. However, it is one of the last remaining examples of 19th Century industrial structures associated with the historic distilling industry in the area. It is considered that the removal of the roof will radically alter the character of the protected structure.

The report further regrets the demolition of the historic dividing walls, a number of other proposed interventions, including the lowering of the window cills, will have a significant cumulative impact on the integrity and historic fabric. Concern is also raised in terms of the scale of the proposed new corner building and its impact on the setting and architectural character of the protected structure.

Further information is required.

Following the submission of the response to the FI request, a second report was submitted by the Conservation Officer. The

report restates the regret in terms of the removal of the roof and historic dividing walls.

Conditions are recommended.

3.2.3. Prescribed Bodies

TII: The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen’s Green to Broombridge Line) under S.49 Planning and Development Act, as amended.

If the application is successful and not exempt – where the levy does not apply – a condition should include for the Section 49 Contribution Scheme Levy.

3.2.4. Third Party Submissions

There are 24 no. third party objection/submissions noted on the planning authority file, which includes an objection from the 5 elected councillors who represent the South West Inner City of Dublin and a number of submissions which have multiple signatories. The issues raised are summarised as follows:

- Objects to further hotel and student type residences. The neighbourhood needs housing for longer term residents.
- The area currently has 696 student beds – which are used as hotel rooms when the students are not present – and 573 hotel rooms.
- Within 1km of New Market Square there are 4,646 student bed spaces either built or planning to be built in 17 student accommodation blocks. In the same space there are 7 major international hotel chains.
- Any permission for 27-29 New Row South should include at least the 34 apartments currently permitted.
- Impacts on existing residential amenity have been significant in terms of noise, littering and anti-social behaviour which has accompanied the recent developments in the area.
- The nature of the proposed development is more likely to be marketed to tourists and do not provide long term sustainable accommodation for local

residents. The applicant offers stays of as little as one night at its Canary Wharf development.

- The Liberties would have made an ideal location for sustainable residential development rather than a 'hotel quarter'.
- Given the urgent housing crisis, why are hotels and student accommodation developments being permitted in areas where the need for high quality, sustainable residential units is so acute?
- Concerns raised that the proposed units do not comply with Ministerial Guidelines.
- Lack of daylight available in the bedrooms and use of communal kitchens are raised as issues.
- Lack of car parking for the development will add to congestion in the surrounding areas.
- Size and scale of the development is not compatible with the character or sustainability of the area and will impact negatively on existing residential amenities.
- Concerns regarding the operational phase of the hotel, restaurant and event spaces and the impact on the adjacent local community.
- Issues raised in relation to the height and density of the development proposed.
- The development will result in overlooking and overshadowing of existing residences and would be overbearing.
- Issues raised with the proposed collaboration with the proposed 'Shared Work' Building – PA ref 3752/19 (The Board will note that this relates to ABP ref 307062-20. **No decision on this case at time of writing this report.**)
- Issues raised with the processing of the application and the availability of documents.
- The development of the site should include amenities such as public green spaces and enhanced cycling and contemporary waste management infrastructure.

- A culvert of the Poddle flows proximate to the basement of the proposed development. The level of piling required for the proposed development may weaken the Victorian brick culvert and could create leakage.
- Issues raised with existing water infrastructure and existing reductions in water pressure in the evenings.
- Impact to the historic fabric of the protected structure. The development does not adhere to the conservation principle of reversibility.
- Issues raised with the Traffic and Transportation Statement which contains several inaccuracies.
- No Part V proposals.
- Infrastructure capacity questioned.
- The development contravenes the zoning objective of the site for which the primary objective is to facilitate long term economic development in the city. Residential development on 'Z6' lands should be subsidiary to employment generating uses. The proposed apartments will occupy floors 4 to 7 which is a significant proportion of the proposed gross floor area.
- Use of the proposed internal courtyard questioned.
- Privacy and rights of tenants questioned.
- Issues raised with permission granted and subsequently amended – eg Sweeneys Corner site where permission was granted for a nursing home but amended subsequently to provide a student accommodation block. Other examples include the loss of retail and public realm green amenity spaces being changed for private use.
- Impact on the environment, wildlife corridor and biodiversity.
- Concerns raised in relation to the reports on archaeology and conservation being based on second hand information.

4.0 Planning History

The following is the recent planning history pertaining to the subject site:

PA ref 3840/08: Permission refused for a development which proposed the restoration, refurbishment and extension to the rear of No.26 and 27 New Row South, PS. The development included the demolition of No. 28 and 29 New Row South, an existing occupied industrial building, and the construction of a 10 storey over basement residential building (1, 2 and 3 bed apartments) with retail and café use at ground floor.

PA ref 3099/09: Permission granted for a development which proposed the restoration, refurbishment and extension to the rear of No.26 and 27 New Row South, PS. The development included the demolition of No. 28 and 29 New Row South and the construction of a 6 storey and roof top plant area with an overall height of 21.5m with the upper two levels of residential accommodation (1, 2 and 3 bed apartments) set back, over basement residential building with commercial / retail use at ground floor.

PA ref 3099/09/x1: Permission granted to extend the duration of permission.

PA ref 3335/17: Permission granted for a variation to extant permission, Reg Ref 3099/09/x1. The changes included:

- Changing the existing warehouse building to office use;
- Replace the roof of the Protected Structure with a revised design;
- Creation of roof terraces on the warehouse building and the 7th floor of the new apartment building;
- Construct a new 5 storey annex to the permitted apartment building;
- Omit pool and extend gym into that space;
- Change 3 retail units to provide a restaurant;
- Amend floor levels of office;
- Redesign elevations of apartment building;

Adjacent Sites:

ABP ref 307062-20 (PA ref 3752/19): Permission granted by DCC for the demolition of existing basement slab, staircase and car park ramp and the construction of a 6 storey over basement enterprise centre building with a total height of 23.37m. The building will accommodate shared workspaces at ground to fifth floor levels. **Currently on appeal with no decision from the Board on the date of this report.**

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. Objective 3b seeks to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford. Objective 11 favours development which can encourage more people to live or work in existing settlements while Objective 27 seeks to prioritise walking and cycling accessibility to existing and proposed development.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children's children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable

patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2018):

5.3.1. These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging 'build to rent' and 'shared accommodation' sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

5.3.2. Chapter 5 of the Apartment Guidelines deals with Build to Rent (BTR) and Shared Accommodation (SA) schemes. BTR schemes are defined as follows:

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

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

- (a) Described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development that

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

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

These facilities to be categorised as:

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

5.3.4. Shared accommodation is to be considered as a subset of BTR accommodation. SPPR 9 provides as follows:

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

- (i) No restrictions on dwelling mix shall apply;
- (ii) The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5a and 5b;
- (iii) Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities.

The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;

- (iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.

5.3.5. Section 5.13 describes shared accommodation as follows:

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

5.3.6. Section 5.15 states:

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

5.3.7. Section 5.16 provides minimum standards for bedroom sizes and common living and kitchen facilities floor areas and includes Table 5a and Table 5b as follows:

Table 5a: Shared Accommodation -	Minimum bedroom size
Single*	12m ²
Double / twin*	18m ²

*Includes ensuite

Table 5b: Shared Accommodation –	Minimum common living & kitchen facilities floor area
Bedrooms 1 - 3	8m ² per person
Bedrooms 4 - 6	Additional 4m ² per person

5.3.8. Section 5.17 states:

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

5.3.9. Sections 5.18 and 5.19 provide guidance on suitable locations for shared accommodation schemes. The prevailing context of the proposed site is to be considered, with city centres being the appropriate location for such developments. Section 5.18 states:

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

5.3.10. Section 5.22 states:

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

5.3.11. Section 5.23 states:

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

specific role that the development of the shared accommodation sector should play in the wider urban apartment market.

5.4. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.

5.4.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

5.5. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

5.5.1. Having regard to the presence of protected structures and recorded monuments, in and adjacent to the site, the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

5.5.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage. Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development

Affecting the Setting of a Protected Structure or an Architectural Conservation area and the following sections are relevant:

- Section 13.8.1
- Section 13.8.2
- Section 13.8.3

5.6. National Inventory of Architectural Heritage

- 5.6.1. The National Inventory of Architectural Heritage (NIAH) is a unit within the Department of Environment, Heritage and Local Government engaged in compiling an evaluated record of the architectural heritage of Ireland. Where an NIAH survey of a particular area has been published, relevant planning authorities will be provided with information on structures within the area of that survey. The planning authority can assess the content of, and the evaluations in, an NIAH survey with a view to the inclusion of structures in the RPS according to the criteria outlined in these guidelines.
- 5.6.2. The existing building on the site is a protected structure and is listed on the NIAH as South Studios, NIAH ref 50080671. The former distillery building has a Regional Rating and its original use is noted as a workshop, with laundry also identified as an historical use.

Description: Attached eleven-bay three-storey former distillery warehouse, built c.1840, later in use as brewery, subsequently in use as tannery and as laundry, now in use as studios. Hipped slate roofs with cast-iron rainwater goods, some corrugated sheeted strip rooflights, and having brick parapet to south-west elevation. Snecked limestone walls with dressed limestone quoins to east end and brick block-and-start quoins to west end. Round-headed window openings, partly infilled, with brick block-and-start surrounds and granite sills having timber casement windows with iron bars to ground floor. Square-headed openings with brick block-and-start surrounds, granite sills and metal casement windows to first and second floors. Infilled elliptical-headed carriage arches with brick voussoirs and dressed limestone reveals.

Appraisal: The site between New Row South and Fumbally Lane has a historical connection with the brewing, distilling and tanning industries stretching back to the seventeenth century. A significant new distillery complex, of which this building formed part, was constructed by John Busby in the 1830s. By 1845 the distillery was valued at £400. It was taken over by the Dublin City Brewing Company in the 1860s. It is a solidly built industrial building with few embellishments other than the brick block-and-start window dressings, which add colour and textural interest. Many of the former industrial buildings have been converted to residential and office use in recent years, ensuring their continued survival.

5.7. Development Plan

- 5.7.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site is zoned Zone Z6: Employment / Enterprise Zones in the Dublin City Development Plan 2016-2022 which seeks “To provide for the creation and protection of enterprise and facilitate opportunities for employment creation”. The lands to the north and west of the site are zoned R2, Zone Z1: Sustainable Residential Neighbourhoods in the Dublin City Development Plan 2016-2022 which seeks “To protect, provide and improve residential amenity”. To the south, the lands are zoned M1 Zone 10: Inner Suburban (Sustainable Mixed Use) in the Plan where it is the objective “To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant uses in inner city areas.”
- 5.7.2. In terms of Quality Housing and Sustainable Neighbourhoods, Section 2.3.3 of the Dublin City Development Plan 2016-2022 states that it is an objective of the council to create a quality compact city of mixed – tenure neighbourhoods, catering for a wide range of family types. The Development Plan also states that:

‘Requiring apartment schemes to have good local facilities, and that large schemes are phased to ensure support infrastructure is provided in tandem with residential development, will assist in achieving this key strategy. An

emphasis on effective property management for both apartment and housing complexes will also improve the quality of residential development’.

- 5.7.3. Section 5.5.2 of the Dublin City Development Plan 2016-2022 encourages sustainable residential areas. The plan states that “building at higher densities makes more efficient use of land and energy resources, creating a consolidated urban form which fosters the development of compact neighbourhoods and a critical mass which contributes to the viability of economic, social, and transport infrastructure”.

It is the stated policy of Dublin City Council, **QH12** refers:

‘To promote more sustainable development through energy end-use efficiency, increasing the use of renewable energy, and improved energy performance of all new development throughout the city by requiring planning applications to be supported by information indicating how the proposal has been designed in accordance with the development standards set out in the Development Plan.’

- 5.7.4. In terms of Building Height, Section 16.7.2 of the Development Plan sets out 3 no. height category limits for the city, Low-rise, Mid-rise and High-rise. The subject site is located within the Inner City which is an area listed within the low – rise (up to 28m commercial and up to 24m residential) height category. The site is also located within the Strategic Development and Regeneration Area – SDRA 16 – The Liberties (including the Digital Hub and New Market Square but is not located within LAP Key Development Areas within the SDRA. The CDP states, at Section 15.1.1.19:

Retaining the LAP objectives of open spaces, linkages, conservation, usage, public realm etc. are important to ensure that new development enhances the holistic physical, social, economic and environmental regeneration of this key part of the city.

- 5.7.5. The plan includes a number of policies in relation to building height as follows:

SC16: To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).

SC17: To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in chapter 15 (guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the river Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.

SC18: To promote a coordinated approach to the provision of tall buildings through local area plans, strategic development zones and the strategic development and regeneration areas principles, in order to prevent visual clutter or cumulative negative visual disruption of the skyline.”

5.7.6. In terms of Transportation and car parking, the site is located within Zone 1 which requires a maximum of 1 car parking space per dwelling and 1 per 4 rooms in a hotel or hostel. The Plan requires 1 cycle space per residential unit and 1 space per 10 bedrooms for hotels over 50 bedrooms.

5.7.7. In terms of Development Standards, the following sections of the Plan area relevant:

- Section 16.3.4 – Public Open Space – All Development. There is a 10% requirement specifically for all residential schemes as set out in Section 16.10.1
- Section 16.5 - Plot ratio for Z6 Inner – Employment zoned lands is 2.0-3.0
- Section 16.6 - Site Coverage 60%

5.7.8. The Liberties Local Area Plan 2009, and adopted again in April 2014, extended to May 2020, identifies that the site lies within Character Area 7 – Newmarket / Chamber / Weavers. The area is characterised mainly by low to medium rise residential and industrial buildings, with residential buildings comprising two storey terraced houses and apartment blocks. The key objectives for the area include:

- Improving permeability with the creation of new links;
- Encouraging day and night-time activities around public spaces;

- Provision of active frontages along key walking routes.

The site is not identified as a significant development site in the plan and no specific building heights are set in the LAP.

5.8. Other Policy & Guidance Documents

- Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- DEHLG and OPW Guidance 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' (2009).

5.9. Natural Heritage Designations

5.9.1. The site is an urban brownfield site and is not located within any designated site. The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(site code 00210) and the South Dublin Bay and River Tolka Estuary SPA (site code 004024) which are located approx. 4.1km to the east of the site. The North Bull Island SPA (Site Code 004006) lies approximately 6.8km to the east.

5.9.2. The Grand Canal pNHA (Site Code 002104) lies approximately 800m to the south and the Royal Canal pNHA (Site Code 002103) 2.5km to the north east. North Dublin Bay pNHA (Site Code 000206) lies approximately 4.3km to the north east.

5.10. EIA Screening

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

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

- Construction of more than 500 dwelling units

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

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

- 5.10.3. The proposed development involves 213 rooms, including 144 hotel rooms and 69 no. build-to-rent shared accommodation units on a site of 0.23ha. The site is located in an urban area that may come within the above definition of a “business district” but is below the threshold of 2 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.
- 5.10.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.10.5. Having regard to nature and scale of the development, together with the urban / built nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

There were 2 third-party appeals against the decision of the Planning Authority to grant planning permission for the proposed development from Aloft Hotel Group and Muireann Grogan. The issues raised reflect those submitted during the PAs assessment of the proposed development and are summarised as follows:

- Impact of transient accommodation and shared accommodation on communities including the lack of accommodation suitable for families and children
- Impact on public health in the context of Covid pandemic. It is considered that it would be unforgivable, and irrational, to allow a co-living development of this nature as it would have a disproportionately negative effect on individual physical and mental health, and on public health in general.
- Co-living developments of this type are anathema to the common good and public health.
- The grant of permission has been irrational and disproportionate and has failed to take into consideration the very changed reality facing our society.
- Motions have been passed in the Dublin City Council Area Committees calling for the suspension of the 2018 guidelines and for the Dail Covid Committee to urgently address the question of housing, pandemic and public health.
- The Pandemic is here to stay and residents in shared accommodation do not have the capacity to live comfortably and safely.
- The demand for short term shared accommodation has collapsed.
- No relevant planning justification has been presented for the proposed development.
- The permitted development on the site is more appropriate and compliant with the principles of the City Development Plan, ensuring sustainable and balanced development.

- Over intensification of transient accommodation in the area, including student accommodation and hotel developments.
- Previous permissions for similar developments have been gated which excludes community access to amenities as promised as part of the development.
- The development will seriously compromise the amenity of the surrounding area.
- The height of the building is inconsistent with existing developments in the area as it is an excessive 8 storey over basement building on a restricted site.
- The development will negatively impact the Protected Structure on the site.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

Hughes Planning and Development Consultants submitted an observation on behalf of their clients, Aloft Hotel Group, supporting the third-party appeal lodged by Muireann Grogan.

6.4. **First Party Response to Third Party Appeals**

The applicant submitted responses to the third party appeals as follows:

6.4.1. Aloft Hotel Group:

- The appeal is lodged by a party who operates a hotel on a site directly opposite the application site. The merits of the appeal are questioned as being anti-competitive and it is asked that the board use their powers to dismiss the appeal.
- The appeal sets out the description of the site and locale, as well as the proposed development, planning history and policy context.
- The development provides for 69.1% commercial use – hotel, co-working, artist studios, restaurant and public community / event space, and 30.9%

shared living accommodation. The proposed mixed-use development therefore complies with the Z6 zoning objective.

- The development will provide a total of c. 111-140 jobs.
- The development has been designed to integrate with the area and provide appropriate relationship with the adjacent buildings.
- In terms of the overall height, it is submitted that the development is a mixed-use development and therefore complies with the requirements of the CDP and national guidelines.
- It is submitted that the design, form and massing of the proposed development has been carefully considered in order to ensure that the new building relates well to its surroundings and is sympathetic to the Protected Structure.
- In terms of impact on residential amenity, it is noted that when compared to the previously permitted scheme, there is a minor increase in shading from properties on New Row South in the mornings / afternoon periods, more noticeable in the summer months.
- The development meets BRE recommendations and given the context of the site, the development is justified.
- In terms of overlooking and visual impact, it is submitted that residential amenity relates to residential properties and not commercial hotel uses. The scale and massing of the building has been designed for the location and has regard to the surrounding context.
- The development will have a positive impact on the character and perception of the area and will not result in a devaluation of property.

This response includes a number of appendices.

6.4.2. Muireann Grogan & Others:

- The development is not of such complexity or significance that an Oral Hearing is appropriate.
- Shared Accommodation developments have continued to function in accordance with public health requirements in terms of Covid-19.

- The Collective have successfully operated SA developments in the UK with the implementation of a number of measures in their established schemes, they have had no reported Covid incidents.
- The proposed scheme provides wider recreation and leisure amenities as part of the overall development in addition to the standards set out in Table 5B of the Apartment Guidelines.
- There has been no amendment to Ministerial Guidelines.
- The development will increase the needed supply of residential accommodation in the City Centre.
- The DP seeks to promote tourism 'as a key driver for the city's economy, particularly through making the city attractive for visitors, international education, business tourism and conventions'. The proposed development will help meet identified hotel room needs.
- The Shared Accommodation Demand and Concept Report, submitted in response to the PAs FI request, demonstrates the appropriateness of the proposed development.
- In terms of the concerns raised in relation to over intensification of transient accommodation in the area, it is submitted that shared accommodation is not considered to be within the same use class as student accommodation and is predominantly targeted at 'young professionals and workers'.
- There are no recent permissions for similar type development in the immediate city centre area.
- Shared accommodation can reduce pressures on the rental market by freeing up existing shared rentals.
- The Collective is focused on community collaboration and building and activating places that will promote connections between the development and established communities. The development proposes community / event space and publicly accessible amenity facilities to support the existing population. A public information session was organised to listen and understand the concerns and needs of locals.

- No car parking is proposed which is similar to other shared accommodation developments permitted.
- There are no anticipated effects on any surface or ground water bodies. The River Poddle culvert will not be interfered with.
- Deliveries are normally scheduled outside peak hours, minimising the potential for delays to the delivery vehicles and avoids disruption to customers.

This response includes a number of appendices.

6.5. Third Party Response to First Party Response to Third Party Appeal

Aloft Hotel Group submitted a response to the first party response to their appeal. The response notes that their appeal included 9 grounds against the decision of the PA to grant permission for the proposed development. The appeal grounds were supported by an assessment of the proposal against applicable local and national policy guidance and raised credible questions with regard to the design of the development and its potential impact on the immediate locality.

Claims that the appeal is 'anti-competitive in nature' are disputed. It is submitted that the appeal was made on the basis that the development is incongruous and will have a negative impact on the built form of the area.

It is considered that the 69.1% commercial use proposed is not a substantial figure for an important infill site in such a strategic location. It is considered that the site has an opportunity to contribute to the Z6 objective in a more impactful way than the current proposal.

The scale of the building will cast shadows onto New Row South which will have a negative impact on residents and business owners. It is further submitted that the building will visually obtrusive and constitutes an overdevelopment of the site.

It is requested that permission be refused.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Compliance with the Dublin City Development Plan, National Guidelines & Standards
3. Visual & Residential Amenity Impacts
4. Impacts on Protected Structure & Archaeology
5. Roads & Traffic
6. Water Services
7. Other Issues
8. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. The proposed development seeks to construct a mixed-use development which will include the re-development of a Protected Structure. The mix of uses proposed include a hotel, with a total of 144 bedrooms, and a 'Build-to-Rent Shared Living Accommodation', with a total of 69 units. In addition, the development will include co-working / artistic – creative studios, a gym, a restaurant, shared amenity and community event spaces.
- 7.1.2. The subject site is located within Dublin City Centre and on lands which are zoned Z6 – Employment and Enterprise in the Dublin City Development Plan 2016-2022 and where it is the stated objective 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'. The Plan further considers that 'Z6 lands constitute an important land bank for employment use in the

city, which is strategically important to protect'. Hotel and office uses are identified as permissible in principle with residential use open for consideration on Z6 zoned land.

- 7.1.3. In terms of the proposed development, the Board will note that the development includes a hotel, restaurant, Artist studios, co-working space and public community and event spaces at ground floor level. The proposed hotel rooms will occupy floors 1 to 3 and the shared accommodation rooms at floors 4 to 6, with a large communal kitchen and event space for residents at floor 7. The applicant submits that the development has the potential to generate between 111-140 jobs on the site.
- 7.1.4. The existing site is currently vacant and appears to have been vacant for a couple of years at least. As such, having regard to the location of the subject site, on serviced and zoned lands, together with the proximity to public transport, retail, community and social facilities, it is reasonable to conclude that in principle, the development of the site for mixed use purposes, including residential is acceptable. I am generally satisfied that the proposed development, in principle, adequately accords with the Z6 zoning objective afforded to the site.

7.2. Compliance with National Guidelines & Standards:

- 7.2.1. The is located on a prominent corner within the Liberties area of Dublin City. The area is also covered by the Liberties Local Area Plan, 2009, extended to May 2020. The primary purpose of the LAP is to support the regeneration of the area in an integrated manor. The site is located within Character Area 7 – Newmarket / Chamber / Weavers, which is characterised mainly by low to medium rise buildings, residential and industrial in nature. The area includes a variety of residential types, from two storey terraced houses to apartment blocks. There has been a number of developments in the area which have increase the building heights to 8 storeys and include a variety of commercial and residential uses.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2018

- 7.2.2. The 2018 guidelines update the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness,

Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines, and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to enable a mix of apartment types, make better provisions for building refurbishment and small-scale urban infill schemes, address the emerging 'build to rent' and 'shared accommodation' sectors and to remove requirements for car-parking in certain circumstances.

7.2.3. Chapter 5 of the Guidelines deal with Build-To-Rent and Shared Accommodation Sectors. The proposed shared accommodation element of the proposed development is described as long-term rental, to remain owned and operated by an institutional entity for a minimum period of not less than 15 years. It therefore falls within the definition of Shared Accommodation Developments provided in section 5.13 of the Apartment Guidelines, i.e.

“A new format of residential accommodation described as ‘Shared Accommodation’ has the potential to emerge as a distinct segment within the overall urban accommodation sector. This format, also known as ‘Shared Living’ or ‘Co-living’, comprises professionally managed rental accommodation, where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities.”

7.2.4. The Guidelines note that ‘Shared Accommodation’ has characteristics similar to student accommodation and describes one format being a residential unit comprising 2-6 bedrooms, of single and / or double occupancy with a common shared area within the residential unit for living and kitchen facilities. The proposed development seeks to follow a different format to provide the shared accommodation scheme and the applicant has submitted details of the proposed developer and operator of the scheme, who has experience in the provision of such schemes. Section 5.18 of the Apartment Guidelines states that shared accommodation is only appropriate where responding to an identified urban housing need at particular locations.

7.2.5. In support of the proposed development, and to address the requirements of Section 5.18 of the Guidelines, the applicant submitted a Shared Accommodation Demand and Concept Report. The report seeks to demonstrate that there is a significant need

for the proposed development, given the location of the subject site within the City Centre and the current shortage of housing units. The location is also accessible and proximate to a number of highly concentrated employment centres. The report further notes that there is no other shared accommodation development within 1km of the site. In addition, the report notes the development will serve the young and increasingly international workforce with a lower emphasis on home ownership and has emerged due to the shift in consumer preferences in terms of residential tenure. Section 3 of the report provides details of the Demand Analysis and concludes that in the context of population growth and demographic trends, lack of available stock in the rental market and affordability, there is a demand for the proposed development.

- 7.2.6. In the context of the information presented, I am generally satisfied that the subject site is suitable for the proposed mixed-use development, including the shared accommodation element. I am further satisfied that the proposed development complies with the zoning objective and policies of the City Development Plan and if permitted, would add to the residential offer in the area. I note that there exists a variety of residential types in the immediate area and while I acknowledge the third party concerns in terms of transient residents, I would note that the provision of shared accommodation differs from hotel room offers as well as student accommodation. I am satisfied that the proposed development is acceptable.
- 7.2.7. The Apartment Guidelines note that shared accommodation is a type of Build-To-Rent whereby individual rooms are rented with access to shared or communal living and kitchen facilities as well as other amenities. Section 5.7 of the Guidelines note that BTR schemes can deliver housing to the rental sector over a much shorter timescale than traditional housing models and can therefore make a significant contribution to the necessary increase in housing supply. As such, the residential element of the proposed development falls within the definition of BTR development. and it is required that the units comply with the requirements of SPPR 7 of the Apartment Guidelines.
- 7.2.8. SPPR 7 of the Guidelines provides that BTR development must be:
- (a) Described in the public notices associated with a planning application specifically as a 'Build-to-Rent' housing development that unambiguously

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

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

7.2.9. In terms of compliance with SPPR 7 (a), the development has been described as a mixed-use development which includes '2,390m² of Build-to-Rent Shared Living Accommodation' in all public notices and a draft covenant has been submitted. This Covenant sets out that on completion of the development, the shared accommodation units will be used as residential accommodation and shall remain owned and operated by an institutional entity. No shared accommodation unit shall be rented or sold separately for a minimum of 15 years. The development is to be managed and operated in the long term by The Collective who have a number of shared living developments worldwide.

7.2.10. The residential element of the overall development includes 69 no. rooms described as Shared Living Accommodation. The rooms range in floor area between 18m² to 26m² and all include an ensuite, storage, kitchenette, sitting area and double bed. In terms of the offer within the bedrooms, and whether they might be considered a

‘dwelling’ under the Residential Tenancies Act 2004, I note that under a similar form of development, the Board accepted a legal opinion which concluded that....

‘the definition of a dwelling under the Act (a) is physically constructed as a self-contained residential unit and (b) is let for rent. The Opinion considers that the bedrooms within the development would not be self-contained residential units available for letting within the meaning of Section 4 of the Residential Tenancies Act or within the scope of the Housing (Standards for Rented Houses) Regulations, 2017.’

I am satisfied that this is acceptable.

7.2.11. In terms of SPPR 7 (b), it is required that BTR developments be accompanied by detailed proposals for (i) residential support facilities and (ii) resident services and amenities. In terms of the proposed development in this regard, the following is relevant;

Level	Communal Kitchen / Living Dining Areas	Floor Area
Basement	Communal Living – Screening Room	39m ²
Ground	Communal Living – Library / Workspace	70m ²
4th Floor	Communal Living – Informal Breakout Lounge	22m ²
	Communal Kitchen / Dining	63m ²
5th Floor	Communal Living – Informal Breakout	15m ²
	Communal Living – Informal Breakout	17m ²
6th Floor	Communal Living – Informal Breakout	15m ²
	Communal Living – Informal Breakout	24m ²
7th Floor	Communal Kitchen	94m ²
	Communal Living – Private Dining	19m ²
	Communal Living – Event Space & Communal Lounge	48m ²
		426m²

7.2.12. In addition to the above, the development proposes a number services and amenities to be shared with hotel guests including gym, studio, wellness area,

treatment room and lounge. Other services and amenities to be provided within the development, and accessible to the future residents include as follows:

- Maintenance and management stores at basement level
- At ground level:
 - Restaurant – 142m²
 - Gym / Studio space
 - Public Community / event space – 147m²
 - Refuse store
 - Reception / Bar / Lobby
 - Resident post boxes
 - Outside Courtyard – 347m²
 - Bicycle parking
- At Level:
 - Wellness Area & Treatment Room
- At Level 4:
 - Terrace off Kitchen / Diner – 23m²
- At Level 5:
 - Laundry – 27m²
- At Level 7:
 - Large Roof Terrace off Kitchen / Diner / Living – 453m²

7.2.13. Section 5.15 of the Apartment Guidelines reference a form of shared accommodation primarily used for student accommodation, ie 6-8 single / double bedrooms with shared living and kitchen facilities. Table 5a provides minimum bedroom sizes while Table 5b deals with common living and kitchen facilities floor areas. I am satisfied that all of the proposed bedrooms as part of the shared accommodation element comply with the requirements of Table 5a.

- 7.2.14. In terms of Table 5b the guidelines require a minimum floor area of 8m² per person for bedrooms 1-3, with an additional 4m² for bedrooms 4-6. This equates to an average of 6m² per person. The proposed development will provide a total floor area of 426m² of communal living / kitchen / dining areas for 69 residents. Therefore, 6.2m² per bed space is provided within the scheme overall. The Board will note that this figure does not include the wider recreation and leisure amenities proposed as part of the overall development, such as terraces at levels 4 and 7, or the shared amenities as part of the wider hotel development – gym, wellness area, treatment area and the courtyard - and as referred to in Section 5.17 of the Guidelines.
- 7.2.15. In terms of the requirements of SPPR 9, I am satisfied that the proposed provision of 69 single occupancy shared living units as proposed is acceptable and that the overall unit areas accord with the requirements of Tables 5a and 5b of the Apartment Guidelines. I am also satisfied, having regard to the location of the subject site, that the proposals to provide no parking is in the context of Section 4.19 of the Guidelines.
- 7.2.16. In terms of SPPR 9(iii), and the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity, I am satisfied in principle that the development provides for an appropriate level of amenity facilities for future residents of the shared accommodation scheme. However, I do have concerns in terms of how the communal living / kitchen / dining and laundry areas are to be provided.
- 7.2.17. The development proposes the upper 4 floors of the building to be set aside for shared accommodation as follows:
- Level 4 will provide 22 bed spaces and a communal kitchen / dining area with a floor area of 63m². A terrace of 23m² is also proposed at this level with access from the kitchen / dining area. A separate communal living area is also proposed at this level.
 - A spiral staircase is proposed within the Level 4 communal dining area which will provide access to one of the Level 5 communal living spaces, 17m². A second communal living space, 15m² is also proposed at this level. Level 5 will also include a laundry, 27m², which will be accessed from the 17m²

communal living space. Level 5 proposes 22 bed spaces and no kitchen / dining area.

- Level 6 of the proposed development proposes 25 bed spaces and 2 communal living spaces, 15m² and 24m². Level 6 does not propose any kitchen / dining or laundry space.
- The top floor will house large communal kitchen / communal living and communal dining spaces, as well as a large roof terrace with a floor area of 435m². There are no bedrooms proposed on this level.

7.2.18. In terms of the above, and the requirements of Table 5b, I would accept that while the proposed development overall provides an acceptable amount of communal amenity spaces, when each floor is taken individually, the amenity value of each floor varies significantly. Kitchen / dining facilities are proposed on level 4 and level 7 only and only 1 laundry is proposed to service the 3 floors of accommodation. I consider that this layout is not appropriate and would limit the amenity value of the future residents living on floors 5 and 6. Of note, given the proposal to include kitchenettes in each unit, the proposed development may promote a more insular type living environment for future residents. This would go against the principle of shared living in my opinion. Each floor should be provided with communal kitchen / dining facilities as well as laundry facilities. Given the current pandemic climate, I do not consider this to be unreasonable.

7.2.19. In this regard, and should the Board be minded to grant permission for the proposed development I recommend that the following amendments be included in any grant of planning permission:

- Units B5.10 and B5.11 on level 5 shall be omitted and replaced with a communal kitchen / dining space.
- Units B6.11 and B6.12 shall be omitted and replaced with a laundry facility and enlarged communal lounge space

Reason: To ensure an appropriate standard of residential amenity for the occupants of the development.

Subject to the above amendments, I am satisfied that the proposed development will be acceptable in terms of the provision of appropriate communal amenity facilities.

7.3. Visual & Residential Amenity Impacts

- 7.3.1. The proposed development site is located on a prominent corner at the junction of New Row South / Mill Street and Ward's Hill / Blackpitts. This area of Dublin City is included within the regeneration area for the Liberties. The wider area includes a variety of developments, including both residential and commercial and a range in building heights. Building heights range from two storey to 8 storey and the Board will note that planning permission exists for the redevelopment of the site for a building of 8 storeys on this corner. The site itself comprises a protected structure and the proposed development proposes the redevelopment of this PS.
- 7.3.2. The Dublin City Development Plan, 2016-2022, at Section 16.7, provides guidance and standards for building height limits within the City. The subject site is located within an area which has been identified as having a building height cap of 28m for commercial development and 24m for residential development. Section 4.5.4 of the Plan deals with taller buildings and acknowledges the intrinsic quality of Dublin as a low-rise city, and considers that it should remain predominantly so. The Plan further provides that taller buildings can also play an important visual role, and 'recognises the merit of taller buildings in a very limited number of locations at a scale appropriate for Dublin'. Policy SC16 is relevant in this regard and states that it is the policy of Dublin City Council:
- To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).
- 7.3.3. The issue of height is raised by observers to the appeal. The Planning Authority, however, considered that the development as proposed complies with the City Development Plan 2016-2022 in terms of height. The proposed development will rise to 8 storeys with the top floor set back and will have an overall height of 27.3m at ridge height. This height falls below the maximum building height as provided for in the City Development Plan and as such, does not contravene the Dublin City Development Plan.

- 7.3.4. The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018), builds on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. In contrast to the City Development Plan, increased building heights is identified as having a critical role in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Specific Planning Policy Requirements (SPPRs) of the height guidelines take precedence over any conflicting policies, and objectives of the Dublin City Development Plan.
- 7.3.5. I have no objection in principle to the height of the building on the site and would consider same to comply with national policy which seeks to achieve greater height and densities in appropriate urban areas adjacent to quality public transport routes.
- 7.3.6. In support of the proposed development, the applicant submitted a Landscape & Visual Impact Assessment as well as a number of photomontages to depict the development as proposed. The Landscape & Visual Impact Assessment report, at Section 8, sets out the predicted impacts of the proposed development during the construction and operational stages, noting that once constructed, the development will result in the removal of the existing partially vacant site. The report concludes that the development is considered to have a slightly negative to neutral impact on the landscape planning context.
- 7.3.7. Overall, and in the context of the location of the site, I consider that the proposed mixed use development would represent an appropriate form of residential and commercial development which would not significantly impact existing residential, visual or general amenities and would be appropriate to the character of the streetscape.
- 7.3.8. In terms of residential amenity and the public realm, the Board will note that the proposed development includes a number of public community and event spaces at ground floor level, as well as a courtyard with an area of 347m². This public open space amounts to approximately 15% of the total site area and it is submitted that this space may have the potential to facilitate certain cultural activities. I note the concerns of the third parties that such amenities have been promised as part of previous developments in the wider area which were subsequently gated to preclude access. However, given the mixed use nature of the proposed development, I am

satisfied that the public will have ongoing and access to this amenity during appropriate hours. I am satisfied that the proposed commercial and community uses at ground floor level will enhance the animation of the street and will provide for appropriate community facilities for the wider community.

- 7.3.9. In terms of residential amenity and open space provision, the Board will note that the development proposes a small terrace at level 4 with a floor area of 23m² and a large roof terrace with a floor area of 435m². Both terraces are accessed from the proposed communal kitchen / dining / living spaces at these levels. I am satisfied that the proposed development is acceptable in this regard.
- 7.3.10. In addition to the above, the Board will note that the applicant submitted a Daylight, Sunlight and Overshadowing analysis report. This report seeks to address and quantify the impact of the proposed development on existing adjacent properties against the development which was granted planning permission under PA ref. 3099/09/X1. This permitted development decision was amended by PA ref 3335/17 and remains valid. In this regard, the proposed development represents a minor additional shading to the permitted scheme. The impact will be felt more during the summer months, and less in the winter. While this is acknowledged, given the context of the site location in inner Dublin City, I am satisfied that the development if permitted as proposed, is unlikely to have a significant adverse impact on the general amenities of the wider area.
- 7.3.11. The proposed 8 storey building element of the overall development provides for a contemporary design which will distinguish itself from the Protected Structure on the site. The detailed Architectural Design Statement submitted presents the logic and design process which was engaged in to develop the overall design concept. Defined openings are used to address the different uses of the floors of the building and the elevational treatment proposed seeks to address the industrial history of the wider area. While the development will have an impact on the existing character of the streetscape, I am satisfied that the scale of the building is acceptable in the context of previously permitted development in the vicinity. Having regard to the design of the development, I am satisfied that the development is both appropriate and acceptable.

7.4. Impacts on Protected Structure & Archaeology

Protected Structure

- 7.4.1. The proposed development includes works to a Protected Structure which is included on Dublin City Councils Record of Protected Structures. 27-28 New Row South, ref: 5821, is a former distillery building dating from the early 1800s and forms part of the industrial heritage of the Liberties area of Dublin City. The building is also included in the National Inventory of Architectural Heritage, NIAH ref 50080671 refers. In support of the proposed development, the applicant submitted a Heritage Impact Assessment Report which includes great detail, maps and photographs of the site and the relevant protected structures in the area.
- 7.4.2. The proposed works to the protected structure include as follows:
- Removal of the roof.
 - Removal of internal floors and stairs.
 - Removal of sections of existing walls.
 - Alterations to some window openings.
 - Construction of an additional floor – set back.
 - Construction of a single storey extension to the north east of the building.
 - Consolidation and repair of existing external masonry walls.
 - Removal of existing ESB sub-station from the south western corner of the building.
 - Re-opening of the carriageway arches on the New Row South elevation.
 - Retention and re-use of the historic cast-iron columns and lattice girders within the development.
 - Retention and re-use of the historic stone paving within the development.
- 7.4.3. In terms of the proposed design, the Board will note the extant planning permission which remains valid for the subject site. I also note the report from Dublin City Councils Conservation Officer which notes that the protected structure is one of the last remaining examples of 19th Century industrial structures associated with the

historic distilling industry in the area. The removal of the roof will undoubtedly alter the character of the protected structure, which is regrettable, as is the loss of the internal dividing walls. The report submits that in addition to the careful retention of as much as possible of the external stone walls and existing arrangement of openings, a strategy is required to ensure that salvaged historic cast iron columns and girders and stone paving shall be carefully removed and incorporated into the new development.

- 7.4.4. The Board will note that the applicant has proposed these measures as part of the overall development. The Conservation Officer recommends that permission is granted subject to conditions. Having regard to the nature of the existing site, together with the planning history associated with the site and the fact that the building has been vacant for a number of years, I am satisfied that the recommended condition should be included in any grant of permission.
- 7.4.5. I am further satisfied that the overall design of the proposed development, including the proposed works to the Protected Structure will result in the long term maintenance and protection of the building which will continue to contribute to the industrial heritage of the Liberties area of the City and is in accordance with the policy requirements of the Dublin City Development Plan 2016-2022.

Archaeological Impacts

- 7.4.6. The western area of the site is located within a zone of archaeological constraint for the Recorded Monument DU018-020 (Dublin City) which is listed on the Record of Protected Monuments and Places and subject to statutory protection under Section 12 of the Monuments Act 1994. In addition, the site is located within a Zone of Archaeological Interest. The submitted application included an archaeological impact assessment, as required under Policy CHC9 of the Dublin City Development Plan which states that it is the policy of the council:

To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of the re-use of buildings, light buildings, foundation design or the omission of basements in the Zones of Archaeological Interest.

- 7.4.7. The report submitted identifies that the site contains a protected structure and two Recorded Monuments. The report identifies the survival of subsurface of the ground

floors of three late 17th Century Dutch Billy houses as well as the Poddle Culvert and culverted mill race. The site is therefore of some sensitivity in terms of Dublin City's industrial and archaeological heritage. The report seeks to address the requirements of Condition 17(d) attached to the extant permission associated with the site.

- 7.4.8. Archaeological excavation under licence of a series of test trenches across the site was undertaken in 2017. Section 2 of the report sets out the Known Archaeological Levels of the site and provides details of all findings as a result of the test trenches. Section 3 of the Report details the projected impact of the proposed development on the archaeology of the site with the mitigation strategy detailed in Section 4.
- 7.4.9. The Mitigation Strategy submits that where avoidance of impacting on archaeological deposits is not considered possible, the next step is to 'preserve by record'. Preservation by record involves the archaeological excavation of all deposits impacted by development works and is undertaken by a team of archaeologists who hand-excavate and record the deposits and structures either to natural deposits or to an agreed levels, usually 500mm below the level of impact.
- 7.4.10. The Archaeological Impact Assessment Report recommends that that in order to mitigate the truncation of cultural deposits occasioned by the proposed development, and to expediate the consultation process, the developer should proactively seek an archaeological excavation prior to commencement, to avoid impacting on the construction programme.
- 7.4.11. The Board will note that the City Archaeologist recommended that a condition be included in any grant of planning permission. Having regard to the nature of the existing site, I am satisfied that the recommended condition should be included in any grant of permission.

7.5. Roads & Traffic

- 7.5.1. The applicant included a Transportation Statement as part of the planning documentation. The statement concludes that the development will have a negligible and unnoticeable change in traffic conditions locally in terms of car movements. A Mobility Management Plan is also to be put in place by the developer to encourage and support more sustainable travel patterns among both residents and visitors at the proposed development.

- 7.5.2. Access to the site will be via New Row South with a service yard which will have vehicular access off Blackpitts. The site is located within Zone 2 in terms of car parking provision. The Board will note that the development does not propose any car parking. The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2018, section 4.18 and 4.19, facilitate the reduction in the provision of car parking spaces, or the elimination of such provision in certain circumstances. Given the location of the site I am satisfied that the lack of parking can be considered appropriate to serve the proposed development.
- 7.5.3. In terms of cycle parking provision, the development site is again, located within Zone 2 in the City Development Plan for cycle parking. To serve the proposed development, 1 cycle parking space is required for 12 hotel rooms and 1 space per 2 students (student accommodation being the closest use to the Shared Accommodation proposed). In this regard, the development has a cycle parking requirement of 47 spaces. The development proposes 140 bicycle parking spaces. I am satisfied that the proposed cycle parking provision is acceptable.
- 7.5.4. With regard to servicing of the proposed development, it is submitted that similar to other developments in the area, servicing of the hotel and shared accommodation units, including refuse collection, will occur outside peak times. The former and permitted developments on the site would have had similar or higher servicing trip generation characteristics to the current proposal. A dedicated service area, accessed off Blackpitts, is proposed. I have no objections to the development in this regard.
- 7.5.5. Having regard to the above, I am satisfied that the development as proposed is acceptable at this location and will not result in any significant impacts on the adjoining road network.

7.6. **Water Services**

- 7.6.1. In terms of water services, the Board will note that the applicant submitted a Drainage and Water Supply Report in support of the proposed development. This report sought to address how the development will be catered for in terms of water and drainage infrastructure. civil and structural aspects of the development as follows:

Foul Network & Effluent

- The existing combined sewer accommodates foul effluent and rainwater.
- All existing foul drainage pipes within the site will be removed as part of the excavation / demolition process or plugged if deemed feasible to leave them in situ.
- Foul effluent from the proposed development will discharge via via a new outfall MH constructed on the existing 150Ø vitrified clay pipe at the site boundary.
- Grease traps will be installed in the line between all grease producing appliance/hot wash sink and the foul drainage system

Surface Water Drainage:

- Existing surface water discharges via 150Ø combined sewer to 450Ø concrete combined sewer. A dedicated surface water sewer 525 dia concrete, runs eastwards in New Row South and turns to Blackpitts where it connects to the River Poddle culvert.
- The existing surface water run-off discharges to the public sewer un-attenuated.
- It is proposed to separate the storm runoff from the proposed buildings and to use SuDS techniques as per the Greater Dublin Strategic Drainage Study, to control discharge from the site.
 - Water from green roofs will be attenuated in a retention layer on the roof.
 - Water in courtyards will be attenuated in a retention layer – permeable paving.
 - Water from outfall MH will be discharged by gravity at a maximum flow rate of 2 l/s to the existing surface water sewer in Blackpitts.
- Attenuation storage is required to store storm water and total storage provided is 114.75m³. The design of the surface water infrastructure has been based on the GSDSDS Guideline document and Chapter 9 of the City Development Plan.

- In terms of the River Poddle Culvert, a clear distance of a minimum of 3m from the edge of the culvert is to be provided to the north of the culvert.
- 3m to the south, will contain a light weight structure for bicycle storage and refuse storage, which is easily removable in case of emergency.

Water Supply:

- The development will connect to the existing water main via a new 100mm HDPE spur.
- The anticipated water demand is calculated, and it is submitted that storage tanks and booster pumps as required will be provided and detailed at design stage of the project.

Flooding:

- A Flood Risk Assessment was prepared for the subject site and the report submits that there is no evidence of flooding in the immediate vicinity of the site.
- The subject site is located within Flood Zone C, with a small section to the south of the site in Flood Zone B.
- Mitigation measures proposed include a FFL of 12.15mOD and a freeboard of 0.74m is to be provided over the 1% AEP pluvial and fluvial flood event levels at the Flood Zone B.
- Along New Row South it is proposed to provide a freeboard of c0.22m over the footpath level to protect against potential pluvial flooding.

In terms of the information submitted, I am generally satisfied that the development can be accommodated in terms of water services. I also note that the Drainage Division of Dublin City Council has raised no objection to the proposed development.

7.7. Other Issues

7.7.1. Third Party Issues

The Board will note that the third-party appellants have raised concerns in terms of the nature of the proposed residential element of the scheme. There is an extant

permission which is valid for the subject site, whereby planning permission was granted for a mixed used development comprising office, commercial and 24 apartments.

Third party appellants had submitted concerns in terms of the granting of a development which is perceived to support transient residents which will not support the local community. The SA proposal is not intended to accommodate such transient residents. It is an alternative form of residential offer to the usual house / apartment. Having carried out a site inspection, I can confirm that the surrounding area includes a variety of residential developments, including two storey terraced houses and apartment blocks. To the south and west of the site, the area has had student accommodation developments and hotel developed. In addition to the residential component, the Board will note the wider community and public elements associated with the proposed development. Such facilities include commercial, artist studios and a courtyard which will be accessible to the existing local community.

The Board will note the location of the site within the City Centre and in close proximity to employment opportunities, amenities, services and public transport. I also note the support of Dublin City Council for the proposal. Having regard to the above, I am generally satisfied that the proposed development can be considered acceptable. However, should the Board be concerned, a condition requiring the amalgamation of proposed units to provide studio apartments, with a minimum floor area of 37m², could be included.

With regard to the concerns raised in terms of the current global pandemic, and the appropriateness of the Shared Accommodation Model, I would note that there has been no change to the current Ministerial Guidelines as they relate to the residential development proposed. Shared Accommodation and Built-to-Rent schemes will continue to form part of the residential accommodation offer, particularly in our cities and continue to represent an appropriate form of development in appropriate locations.

I would agree to an extent with the concerns in terms of the number of people accommodated in the proposed kitchen / dining and living spaces proposed. I have considered this matter carefully and have provided a number of recommendations to the Board to amend the proposed development by way of condition to increase and

improve these facilities within the building. In addition, it is of course open to the Board to consider combining units to provide studio or 1 bedroom type units across the floors dedicated to residential accommodation provision.

7.7.2. **Part V**

The proposed development does not include any Part V proposals. The Board will note that the Planning Authority, in their decision to grant planning permission for the development, included condition 6 which requires the applicant to enter into an agreement with the PA under Section 96 of the Planning and Development Act 2000, as substituted by Section 3 of the Planning and Development Amendment Act 2002, in relation to the provision of social and affordable housing unless.... Unless the applicant has applied for and been granted an Exemption Certificate under Section 97 of the Act.

Section 5.21 of the Apartment Guidelines states:

‘In addition to the above, as is the case with student accommodation projects, shared accommodation units will not normally be subject to Part V requirements in relation to the reservation of 10% of the units as social housing because shared accommodation would not be suitable for social housing given that they are not provided as individual self-contained residential units.’

As such, I am satisfied that the proposed shared accommodation development will not be subject to Part V requirements.

7.7.3. **Development Contribution**

The subject development is liable to pay development contribution under Section 48 of the Planning and Development Act 2000, as amended. A condition to this effect should be included in any grant of planning permission.

The proposed development also falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen’s Green to Broombridge Line) under Section 49 of the Planning and Development Act, as amended.

7.8. Appropriate Assessment

- 7.8.1. The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(site code 00210) and the South Dublin Bay and River Tolka Estuary SPA (site code 004024) which are located approx. 4.1km to the east of the site. The North Bull Island SPA (Site Code 004006) lies approximately 6.8km to the east.
- 7.8.2. The Board will note that the applicant, in support of the proposed development, submitted an Appropriate Assessment Screening Report. The subject site is located within an established urban area and is entirely composed of artificial or highly modified habitats, which are considered to be of negligible ecological significance. The report also notes that the River Poddle Culvert runs under a portion of the site. No works, or interference will occur to this culvert in the redevelopment of the site. It is submitted that pathways between the site and the Natura 2000 sites in Dublin Bay are via surface water drainage and wastewater drainage.
- 7.8.3. Section 7 of the AA Screening Report presents an assessment of significant effects. It is submitted that at its closest, the site is over 4km – as the crow flies – from the boundary of Natura 2000 sites in Dublin Bay. However, it is submitted that as the hydrological pathways follow the course of the drainage network to Dublin Bay, this distance is greater. I would agree that there is no relevant hydrological connectivity to any European site.
- 7.8.4. The proposed development is to connect to existing public water services, and the AA Screening report references the Ringsend Wastewater Treatment Plant. It is noted that the Ringsend Treatment Plant is not currently compliant with its emission limit standards, but that work is underway to increase capacity. There are no effects arising which could act in combination with the subject proposal to result in significant effects to Natura 2000 sites.
- 7.8.5. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be

likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) the Z6 zoning objective for the subject site;
- (b) the objectives of the National Planning Framework - Project Ireland 2040 issued by the Government in February, 2018;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009;
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March, 2018;
- (f) the Urban Development and Building Heights Guidelines for Planning Authorities December 2018;
- (g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government, 2009;
- (h) the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht, 2004;
- (i) the nature, scale and design of the proposed development;

- (j) the availability in the area of a wide range of social and transport infrastructure;
- (k) the pattern of existing and permitted development in the area;
- (l) the planning history within the area; and
- (m) the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development in terms of density and scale in this location, would not seriously injure the residential, visual or general amenities of adjoining property, would be acceptable in terms of pedestrian and traffic safety and convenience and would not give rise to flooding in the area, and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:
 - (a) Units B5.10 and B5.11 on level 5 shall be omitted and replaced with a communal kitchen / dining space.

- (b) Units B6.11 and B6.12 shall be omitted and replaced with a laundry facility and enlarged communal lounge space

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 clarity, and to ensure an appropriate standard of residential amenity for the occupants of the development.

3. The shared accommodation units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018 and be used for long term rentals only. Each 'shared living suite' shall be single occupancy only.

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

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

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

5. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Shared Accommodation scheme. Any proposed amendment or deviation from the Shared Accommodation

model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

6. Prior to the commencement of any development on the site, full details of all signage and shopfronts associated with the development shall be submitted for the written agreement of the Planning Authority.

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and the Protected Structure.

7. Prior to the commencement of any development on the site the developer shall submit the following for the written agreement of the Planning Authority:
 - (a) Details of a conservation expert with proven and appropriate expertise who shall be employed to design, manage, monitor and implement the works to the Protected Structure and to ensure adequate protection of the retained and historic fabric during the works shall be submitted for the written agreement of the Planning Authority, prior to the commencement of any works on the site. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and façades structure and / or fabric.
 - (b) The developer shall ensure that the proposed wood fibre board or calcium silicate boards only are specified as part of the drylining system for the Protected Structure. The applicant shall ensure that breathable renders internally such as lime / hemp / clay and / or diathonite only are specified as the proposed plaster finish internally. All paints shall be fully breathable.
 - (c) In advance of works commencing on site, the developer shall submit samples (or suitable photographs as agreed with the Dublin City Council Conservation Officer) of the proposed materials that will be used at this Protected Structure to the Conservation Officer for their written consent.

(d) In advance of works commencing on site, the developer shall complete the following:

- The Conservation Officer shall be given the opportunity to inspect the masonry façade from a scaffolding prior to raking out of the extant pointing when any additional defects can be identified at close quarters;
- Following the raking out of any inappropriate pointing, the wall shall be inspected by the conservation expert employed, and any drawings updated to indicate all joints in the stonework, and any additional repairs identified where defects are exposed by the removal of the pointing – for the written approval of the Dublin City Conservation Officer prior to the works commencing;
- The developer shall prepare and submit to the Conservation Officer, a record drawing cross-referenced where required to marked-up rectified photographs of the masonry façade to record the condition of the brickwork and any repairs required, following a detailed inspection from the scaffold at close quarters, prior to commencing the re-pointing works. The developer shall identify by inspection of the façade any remnants of original pointing to inform the appropriate re-pointing method for building based on remnants observed;
- Site exemplars for the removal of pointing, raking out, cleaning, patch repairs, re-facing and repointing for the building to be agreed on site with the Conservation Officer prior to works commencing;
- The developer shall submit details of five recent examples of specialist re-pointing works carried out by the proposed contractor on protected structures of similar architectural significance in Dublin and associated references to ensure that the contractor has the requisite expertise for these works;
- The developer shall provide details and methodologies for the salvaging of the historic cast iron columns and girders, stone paving and any other discovered features of interest and their proposed

reuse within the scheme. The developer shall submit a survey drawing showing the existing historic stone slabs and where they shall be reused within the scheme.

- (e) All works to the Protected Structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities, 2011 and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (f) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (g) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (h) The Architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the Protected Structure and the historic area.

Reason: To ensure that the protection of the fabric, character and integrity of the Protected Structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.

The developer shall also comply with the following requirements:-

- (a) an archaeological excavation shall be carried out on the site in accordance with the requirements of the Planning Authority and shall

be carried out prior to commencement of development or at such later date as may be agreed in writing with the planning authority;

- (b) satisfactory arrangements for the execution (or supervision) by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works, shall be agreed with the planning authority.

This archaeologist shall advise on such measures as may be necessary to ensure that any damage to the remaining archaeological material is avoided or minimised. In this regard, the proposed locations of piled foundations, etc. shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works shall be submitted to and agreed in writing with the planning authority in advance of their incorporation within the development;

- (c) satisfactory arrangements for post-excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be agreed with the planning authority. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared and submitted to the planning authority within a period of six months or within such extended period as may be agreed with the planning authority.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

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

Reason: In the interest of visual amenity.

10. 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.

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

Reason: In the interest of orderly development.

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

Reason: In the interests of visual and residential amenity.

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

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

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

Reason: In order to protect the visual amenities of the area and to permit the planning authority to assess any such development through the statutory planning process.

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 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the

development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

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

19. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation

and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

21. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. The management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, both residential and commercial, open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

The management scheme shall also include a detailed and comprehensive Shared Accommodation Management Plan which demonstrates clearly how the proposed Shared Accommodation scheme will operate.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area and to provide for the future maintenance of this private development in the interest of residential amenity and orderly development.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or

maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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.

24. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (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.

A. Considine
Planning Inspector
16th September, 2020