



An
Bord
Pleanála

S.4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016 Inspector's Report ABP-307221-20

Development

Demolition of all existing structures on site and the construction of 416 no. residential units (4 no. houses and 412 apartments) and associated site works.

Location

Former Bailey Gibson Site 326-328
South Circular Road, Dublin 8.

Planning Authority

Dublin City Council.

Applicant(s)

DBTR – SCR1 Fund, a Subfund of the
CWTC Multi-Family ICAV.

Type of Application

Strategic Housing Development.

Observers

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John Mahon and Emma Blaney
Judith Williams
Karolina Grudniewska
Kay Farriter and Others
Kay Ferriter and Rebecca Ryan
Laura Leonard
Leonora Lowe and James Dennis
Louise Masterson
Marcus Donaghy and Anne Henry
Margaret Hennessy
Mark Stedman and Players Please
Residents
Mary Alleguen
Michael and Theresa Kelly
Michael John Kelly
Michael Pidgeon
Nikki Collier and Others
Patch Cororan and Gill Barry
Peter Toole and Hilary Cahill
Rachel Flynn and Justin Howlett
Rebecca Kelly and Michael Torrans
Rebecca Moynihan and Darragh
Moriarty
Robert Green
Rod Maharg

Sean Armstrong and Others
Sinead Kerins
Sinead Ni Chaoimh and Fionnbarra
O'hEachoairn
Siobhan Griffin
St. Anne's Road South Residents
St. John O'Connor and Sara
Donaldson
Stephen Diamond and Lorna Dawson
Teresa Lawlor
Thomas Geoghegan
Traolach O'Buachalla
Valerie Fitzgerald

Prescribed Bodies

Irish Water
National Transport Authority
Transport Infrastructure Ireland.

Date Of Site Inspection

4th August 2020

Inspector

Kevin Moore

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1.0 Introduction

1.1 The proposed development seeks to construct 416 residential units together with some commercial ancillary accommodation on a 2.18 hectare site known as the Bailey Gibson site comprising lands to the north of South Circular Road in the inner suburban area of Dolphin's Barn approximately 3 kilometres to the south-west of Dublin City Centre.

2.0 Site Location and Description

2.1 The 2.18 hectare site (which comprises 1.53 hectares of developable lands and 0.646 hectares of lands to accommodate works to facilitate connections to municipal services to facilitate the proposed development) is located to the east of the junction between the South Circular Road and the R110 (Crumlin Road/Dolphin's Barn Street). The site is irregularly shaped and for the most part is located to the rear of two-storey red brick houses facing onto South Circular Road. It constitutes a brownfield infill site. Lands to the north-west of the site accommodate the Coombe Women and Infants University Hospital while lands to the north and north-east of the site comprise vacant lands which, according to the information submitted with the application, are under the ownership of Dublin City Council. The western boundary of the site runs along Rehoboth Place a residential enclave comprising two-storey redbrick terraced dwellings dating from the late 19th/early 20th century. The entrance to the site is located between two blocks of terraced housing with rear gardens that back onto the site boundary.

2.2 The site itself is enclosed by buildings and walls and is relatively flat. It contains former industrial premises including warehouses and storage yards which comprise primarily four factory buildings located within concrete paved open yards. These buildings are currently vacant and many are in a state of disrepair. A factory building located centrally within the northern portion of the site incorporates an annex which includes a tall redbrick chimney which protrudes above the ridge heights of the surrounding buildings. The chimney is not listed on the Record of Protected Structures.

- 2.3 The proposed development site also includes lands that extend beyond the development area to facilitate works to the public road. This area comprises existing hard surfaced areas on the South Circular Road, Rehoboth Place, and Rehoboth Avenue.
- 2.4 Within the wider area is the Player Wills factory to the east of the site and the recently redeveloped Saint Theresa's Gardens to the north-east of the site. The wider area is in general characterised by two-storey terraced dwellings dating from the late 19th/early 20th century together with blocks of public housing and neighbourhood shops and community facilities such as St. Catherine's School and St. Catherine's Church located on Donore Avenue to the east of the site.
- 2.5 The junction of the South Circular Road/Dolphin's Barn Street/Cork Street is located approximately 120 metres to the west of the site. Dolphin's Barn Street/Cork Street constitutes a major radial route linking the city centre with the south-western suburbs. Cork Street and Dolphin's Barn Street have experienced considerable redevelopment in recent years with many buildings between 6 and 8 storeys in height. The area is currently undergoing a period of transition with many former warehouse and industrial sites being redeveloped at higher densities. The Crumlin Road/Dolphin's Barn/Cork Street radial route accommodates a large number of bus routes including Nos. 68, 122, 27, 56A, 77A, 151, 150 and No. 17. The site is also located within a kilometre of the Luas Red Line. Bus Nos. 68, 68A and 122 run along the South Circular Road to the south of the site.

3.0 Proposed Strategic Housing Development

- 3.1 The proposal as per the submitted public notices comprises the following:
- The demolition of all buildings and structures on site including the demolition of 9 buildings comprising of a gross floor area of 11,234.42 square metres and the demolition of an ESB substation (21 square metres) to facilitate the following on site.

3.2 Residential Development

The construction of 416 residential units set out in five blocks with a cumulative gross floor area of 31,117 square metres. The proposed development is summarised in more detail below.

Block No. 1 (BG1) is centrally located in the northern portion of the site. It is configured in an inverted “C shape” overlooking a central courtyard of open space which is located to the immediate west of the rear gardens of the dwellings on Rehoboth Avenue. Block 1 ranges in height from 3 to 11 storeys, providing a total of 161 residential units, accommodating the following:

- 4 studio apartments.
- 132 one-bed apartments.
- 9 two-bed apartments.
- 6 three-bed apartments

Block No. 2 (BG2) is located in the north-eastern corner of the site. It lies above the entrance to the basement level car parking area. The central courtyard in the centre of the block provides access to the basement car parking and bicycle parking area. A number of surface car parking spaces (GoCar – 10 spaces) are provided at ground floor level within the car park. This block provides the tallest element of the overall scheme with a height ranging from two-storeys to 16 storeys, providing a total of 160 units, accommodating the following:

- 74 one-bedroomed apartments.
- 76 two-bedroomed apartments

Block No. 3 (BG3) is located in the south-eastern quadrant of the site to the rear of Nos. 314 to 325 South Circular Road. The building ranges from 3 to 5 storeys in height and accommodates 52 units as follows:

- 5 studio units.

- 30 one-bedroomed apartments.
- 15 two-bedroomed apartments.
- 2 no. two-bed duplex apartments.

Block No. 4 (BG4) is located in the south-west corner of the site to the immediate rear of House Nos. 330 to 338 South Circular Road. It likewise comprises an L-shaped building with frontage onto Rehoboth Place. It ranges from 3 to 4 storeys in height with the 3- storey element located on the western side of No. 338 South Circular Road. It accommodates 49 units as follows:

- 15 one-bedroomed apartments and
- 34 two-bedroomed apartments

Block No. 5 (BG5) is located in the north-western corner of the site on the western side of Rehoboth Avenue and comprises 4 no. four-bed townhouses facing eastwards towards the main development. One off-street car parking space per unit is provided. These townhouses are three storeys in height.

3.3 Scheme Layout and Finishes

In terms of massing the lower elements (3 to 6 storeys) are located around the perimeter of the site. The higher elements, which include the 11 storey block at the south-eastern corner of BG1 and the 16 storey block on the western side of BG2, are centrally located within the site. The proposed external finishes incorporate extensive use of red and buff brick which seeks to reflect the dominant use of red brick in the houses surrounding the site and also the lighter colour buff brick associated with the Players Wills factory further east. Glass balconies are also used throughout the scheme.

3.4 Assess and Parking Arrangements

In terms of access and parking, a one-way system will be provided whereby traffic entering the site will do so via Rehoboth Place and vehicles exiting the site will do so by the existing site access between Nos. 234 and 330 South Circular Road.

A total of 133 car parking spaces are to be proposed as follows:

- 106 no. car parking spaces, including 10 dedicated disabled spaces, will be located at basement level beneath Block BG2 and BG3. 10% of these spaces will be fitted with electric vehicle charging points.
- 15 on-street visitor car parking spaces, including one dedicated disabled space, will be provided at street level throughout the scheme.
- 12 car parking spaces will be provided at podium level with 10 reserved for GoCar park spaces within the courtyard area of Block BG2.
- 543 long-stay bicycle parking spaces will be provided throughout the scheme comprising 315 spaces at basement level accessed via a dedicated cycle stairway and 228 spaces at surface level.

3.5 Landscaping and Open Space Provision

It is proposed to provide a hierarchy of open space. Communal amenity space in the form of courtyards and roof terraces is distributed throughout the scheme. A total of 2,618 square metres of communal space is provided. The individual courtyards within each of the blocks incorporate both hard and soft landscaping together with extensive tree planting and informal play areas. Larger areas of public open space are to be provided as part of the overall Master Plan for the area.

Private amenity space is primarily provided in the form of semi-recessed glass balconies. Most of the ground floor apartments have an outdoor terrace which is slightly raised above the street level to assist with privacy.

3.6 Non-Residential Accommodation

Non-residential accommodation, including ancillary accommodation for the residential units, is as follows:

- A concierge office located at ground floor level in BG1 (86 square metres).
- A concierge office together with co-working space and a separate gym is to be located at ground floor level of Block 2 (BG2) with a total gross floor area of approximately 451 square metres.
- A communal living/kitchen area and residents' lounge at first floor level within Block 2 (BG2) amounting to 195 square metres.
- A small residents lounge in BG3 at ground floor level that connects with the communal garden to the south-east of the block.
- The construction of a childcare facility/creche at ground floor level in BG1 with a gross floor area of 233 square metres.
- A retail/community space/office area (intended to facilitate classes of use as per Article 10 of the Planning and Development Regulations including Class 1, 2, 8, 10 and 11). This retail office space is located at the southern end of BG1 adjacent to the creche facility.
- The construction of a single storey ESB substation and a double ESB substation adjacent to BG3.

3.7 Other Works

These include the following:

- The partial realignment and widening of Rehoboth Place is intended to provide a new carriageway width of 5 metres enabling fire tender and refuse truck access together with minimum footpath widths of 2 metres on both sides of the street.
- Improvement works at the existing entrance on South Circular Road will include the removal of the existing uncontrolled pedestrian crossing and the provision of a new signalised pedestrian crossing.
- All ancillary site development works including landscaping, boundary treatment and lighting.

- In terms of drainage the engineering services report indicates that the subject site is at a lower elevation than the South Circular Road making a gravity connection to the existing culvert along the South Circular Road impossible. It is therefore proposed to facilitate a new gravity connection to the public sewage network at the north-eastern corner of the Players Wills site onto Donore Avenue. Dublin City Council have provided consent for the construction of a new foul sewer through their lands to the east of the Bailey Gibson site in order to provide a gravity connection. The foul sewage discharge from the development will be an average of 2.22 litres per second and a peak discharge of 6.78 litres per second. Similar drainage arrangements are proposed for surface water. SUDs measures will be incorporated into the surface water management system.
- In terms of water supply a new 225 millimetre diameter looped watermain is proposed to service the development with a connection onto the existing watermain on the South Circular Road. The average water demand is estimated to be 2.49 litres per second with a peak demand of 12.64 litres per second.

3.8 Key Development Statistics

The key development statistics associated with the site are set out in tables below.

Table 1 Key Development Statistics:

Site Area	2.18 ha (gross) 1.53 ha (nett)
No. Units	412 Apts (BG 1-4) 4 Townhouses (BG- 5)
Non-Residential Uses	Creche (233 sq.m) Commercial (388 sq.m) Tenant Amenity Facilities (812 sq.m)

Building Height	<p>BG 1 – 3/5/6/11 storeys</p> <p>BG 2 – 2/6/8/16 storeys</p> <p>BG 3 – 3/5 storeys</p> <p>BG 4 – 3/4 storeys</p> <p>BG 5 – 3 storeys</p>
Unit Mix	<p>Studio Units – 19 (5%)</p> <p>1- Bed Apts – 251 (60%)</p> <p>2 – Bed Apts – 136 (33%) (inc. 2 no. Duplex Apts)</p> <p>3 – Bed Triplex Apts 6 (1.5%)</p> <p>4 bed Townhouses 4 (1%)</p>
Car parking	<p>106 resident basement spaces</p> <p>4 on site space for town houses in BG-5</p> <p>12 Podium spaces (Go-car).</p> <p>15 visitor spaces</p> <p>3 Set down spaces for creche and taxis</p> <p>Total 140</p>
Bicycle Parking	<p>543 spaces (long term)</p> <p>84 short term visitor spaces</p>
Dual Aspect Units	209 (50%)
Communal Open Space	2,618 (17.1%)
Density	272 Units per Ha (nett)
Plot Ratio	2.1

Site Coverage	44%
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Table 2 Breakdown of Residential Units per Block

	Studio	1 Bed	2 Bed	3 Bed	4 Bed Town House	Total
Block 1	14	132	9	6	0	161
Block 2	0	74	79	0	0	150
Block 3	5	30	17	0	0	52
Block 4	0	15	34	0	0	49
Block 5	0	0	0	0	4	4
Total	19	251	134	6	4	416

Table 3 Phasing of Construction Works

Construction Phase	Description of Works to be Undertaken	Duration (Months)
1	Remediation / Demolition /Drainage /Spine Road and Haul Routes	3
2	Commence construction of basement for BG2 & BG 3	6.5
3.	Commence construction of BG 2 above basement with basement works on-going	2
4.	Construction of BG 2 ongoing. Basement and ground slab of BG 2 & 3 complete. Commencement of BG 1 BG 5 and BG 3	8

5	Continuation of BG 1 & BG 3. Commence the construction of BG 4	5
6.	Construction of BG 2 complete. Construction of BG 1, BG 3 and BG 4 continued	2
7.	Construction of BG 3 complete Construction of BG 1 and BG 4 on-going.	6.5
8.	Construction of BG 1 (& BG 5) complete. Construction of BG continues	2
9.	Project close out	1
Total		36 months

4.0 Pre-Application Consultation

4.1 A Section 5 pre-application consultation took place on the 2nd March 2020 between representatives of the prospective applicant, Dublin City Council and An Bord Pleanála – See Pre-Application File Ref. No. ABP-306472-20 for further details.

5.0 Application Lodged with the Board

5.1 An application was lodged with the Board on 25th May, 2020. The application was accompanied by the following documentation.

- A completed planning application form.
- Accompanying plans and drawings.
- A planning application fee.
- A cover letter to An Bord Pleanála.
- A copy of the cover letter submitted to Dublin City Council.
- A copy of cover letters sent to prescribed bodies.

- A copy of the site notice.
- An original and copy of the newspaper notice.
- A letter of consent from Dublin City Council stating that Dublin City Council has no objection to the inclusion in the lodgement of the strategic housing development of lands which are hatched blue in the attached drawing which are in the ownership of Dublin City Council or in the case of the public roadway is in charge of Dublin City Council.
- A letter from Irish Water stating that a proposed connection to the Irish Water network can be facilitated subject to conditions.
- A Masterplan for the Players Wills, Dublin City Council and Bailey Gibson lands prepared by Dublin City Council and Hines in January, 2020.
- An architectural design statement for the Bailey Gibson site prepared by Henry J. Lyons Architects.
- Details of the Part V allocation prepared by Henry J. Lyons Architect. This includes the provision of 41 units located in Block BG4 in the form of 15 one-bedroomed and 26 two-bedroomed apartments.
- A housing quality assessment report prepared by Henry J. Lyons which includes details of the apartment design private and communal open space provision, a daylight and sunlight assessment and details of dual aspect ratio. The assessment provides details of the room sizes and storage areas etc., of each of the units proposed.
- A landscape design statement prepared by Niall Montgomery and Partners and includes details of soft and hard landscaping throughout the scheme.
- An environmental impact assessment report (three volumes).
- Volume 1 - Non-Technical Summary.
- Volume 2 - Main Written Statement
- Volume 3 - Appendices.
- Two volumes of verified photomontages to accompany the landscape and visual assessment contained in Chapter 5 of the EIAR.

- A traffic and transport assessment prepared by Systra. It provides details of:
 - The baseline environmental,
 - The proposed development and access arrangements,
 - The parking strategy,
 - Trip generation and distribution, and
 - An evaluation of the network to cater for the proposed development.

This report concludes that the site is ideally situated with excellent accessibility by all modes to local amenities and employment. The provision of 122 long stay car parking spaces is considered to be the optimum number of spaces to serve the development. Based on the modelling and analysis undertaken the proposed development will generate 33 vehicular departures and 9 arrivals during the AM peak hour and 11 departures and 23 arrivals during the PM peak hour. The level of trip generation is considered to have a limited impact on the wider network.

5.2 A construction management plan is also submitted. It sets out details of baseline conditions and construction traffic generation. It states that there will be approximately 29 HGVs travelling to the site on average across the construction programme with a maximum of 70 HGV during the excavation of the basement which is expected to last approximately 3 months. Combined with the construction traffic to the proposed Player Wills development adjacent there will be on average 58 HGV travelling to the combined site. The report outlines a number of mitigation measures to reduce the potential impact arising from HGV traffic on the surrounding road network.

5.3 A mobility management plan submitted sets out details of the proposed mobility strategy which will include:

- Personalised travel planning.
- Marketing and promotion of more sustainable transportation trips.
- Specific measures to support walking, cycling and the use of public transport and specific measures to promote car sharing and manage car usage.

- 5.4 A civil engineering infrastructure report was submitted which provides an overview of the surface water drainage system together with the new surface water drainage system to serve the Bailey Gibson site. It sets out details on how the proposed system complies with the principles of sustainable urban drainage.
- 5.5 A site flood risk assessment is also included in this report. It notes that the Bailey Gibson site is located in Flood Zone Area C as per the OPW Flood Risk Assessment Guidelines for Planning Authorities. This area is the least vulnerable in terms of flood risk. The assessment concludes that there is no risk of flooding affecting the site from fluvial sources, pluvial sources or groundwater. Tidal flood risk is assessed as being “very remote” in the assessment. Details of the foul drainage system and the water supply demand are also set out in this report.
- 5.6 A construction and demolition waste management plan is also submitted. This report provides details of the existing ground conditions, the proposed earthworks and the construction waste arisings estimated on site. Details of the removal and disposal of wastes off-site including the roads and responsibilities for same are set out in the report.
- 5.7 A construction environmental management plan is also submitted. It sets out details of the strategy to be employed in avoiding, reducing and minimising environmental impacts arising from the construction phase. It sets out the various measures that will be employed to minimise noise, dust and traffic resulting from the demolition and construction activities on site. The waste management plan will be in full compliance with the best practice guidelines on the preparation of waste management plans for construction and demolition projects. The proposal also includes an environmental risk assessment and waste characterisation report. It is noted that hydrocarbon and PAH contamination is present on site and detailed measures will be employed to avoid cross contamination and protect against groundwater pollution during the excavation stage. The report also notes that ground gas does not present a risk in the redevelopment of the subject site.
- 5.8 Two separate appropriate assessment reports have been prepared in respect of the proposed development. The first AA screening report was specifically prepared for the Bailey Gibson site (dated 15th May, 2020). It concludes that, during the construction and operational phases of the proposed development, no significant

effects on any European site are anticipated individually or in combination with others plans and projects and as such no mitigation measures are required for the protection of any sites in the vicinity. On this basis it is submitted that it is not necessary to proceed to a Stage 2 Appropriate Assessment. A separate screening for appropriate assessment was submitted specifically in relation to the Masterplan for the Player Wills, Dublin City Council and Bailey Gibson lands. It likewise concludes that there are no elements of the Masterplan which will result in likely significant impacts on any relevant European sites either on their own or in combination with other plans and projects in light of their conservation objectives. As such, no mitigation measures are seen to be required nor is a Stage 2 Appropriate Assessment.

- 5.9 An energy and sustainability report was submitted. It details the various measures to be included for the conservation of fuel and energy and other key sustainable features to be incorporated into the design of the scheme.
- 5.10 A public lighting report was also submitted detailing the outdoor lighting strategy associated with the development.
- 5.11 A daylight, sunlight and overshadowing report was also submitted. In terms of shadow casting, it concludes that there is minimal overshadowing from the proposed development which would be categorised as a minor adverse impact under the BRE Guidelines. It is considered that the overall design approach has taken due consideration in respect of the impacts of overshadowing. In terms of sunlight penetration, the analysis undertaken indicates that on the vernal equinox all of the amenity areas provided would receive at least 2 hours of direct sunlight and thus exceed the BRE recommendations. In terms of average daylight the results of the assessment undertaken on the second, third and fourth floors across the site indicate that 96% of the spaces tested have an average daylight factor exceeding the recommended values in line with the BRE Guidelines. It is considered that since these rooms can be viewed as worst case locations, the development as a whole would exceed BRE recommendations.
- 5.12 Also submitted was a pedestrian comfort CFD analysis. It sets out details of the comfort criteria and safety criteria for all seasons resulting from changes in micro-climate due to the new buildings. The figures presented show the percentage of the

year that the hourly wind speed exceeds the threshold value for the comfort criteria in relation to sitting, standing and leisurely walking for all seasons. Details are contained in Figures 25 to 31.

5.13 An operational waste management plan was also submitted. It provides details of the proposed waste management under the operational phase for:

- Residential units.
- Communal areas.
- Creche area.
- Retail unit.

Details of the waste quantities generated together with the storage and collection are also set out. It states that the goal of the waste management plan is to achieve a residential recycling rate of 50% of the managed municipal waste.

5.14 An estate and common area management report was also submitted. It sets out details of the constitution of a management company in order to set out the management strategy for the communal areas of the scheme post construction.

5.15 A separate report entitled Building Lifecycle Report sets out an assessment of the long-term running and maintenance costs as they would apply on a residential unit basis as well as measures to manage and reduce the costs for the benefit of the residents. It states that the building materials proposed for use on elevations will be to a durable standard of quality that will not need regular fabric replacement or maintenance outside general day to day care.

5.16 Finally, the documentation submitted with the application includes a number of planning reports. These reports include the following:

- A planning statement and a statement of consistency with the Dublin Development Plan 2016 – 2022. It sets out details of the site description and context, the planning history, the pre-planning consultations and the proposed development. Section 7 of the report sets out the compliance of the proposal in terms of zoning objectives and development standards. It concludes that the proposed development is fully in accordance with the overarching aims of

the development plan and will result in a high density residential development that will add to the vibrancy and vitality of the local area and provide substantial improvements to the site's permeability and public realm of the area.

- A separate material contravention statement was also submitted where it is noted that the proposed height of the development exceeds the height limitations as specified in the city development plan. The report goes on to set out justification for the proposed height exceedances under the current application. The report argues that the proposed development will represent a high quality sustainable design which would make a positive contribution to the public realm and would achieve many of the strategic objectives contained in national planning policy documents.
- Also submitted is a statement of consistency with national, regional and Section 28 Ministerial Guidelines. Again, this report makes reference to various national planning policy and Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000. It is considered, having regard to the strategic policy objectives set out in the above documents, that the proposed development fully accords with the policies and standards set out.
- A childcare demand report was also submitted which provides a demographic profile of the area and provides details of the type of accommodation to be provided within the scheme. It is estimated that the proposed scheme will accommodate a maximum of 22 children within the 0 – 4 years age category. It further states that the proposed childcare facility is consistent with the requirements of the Childcare Guidelines for Planning Authorities and the Design Standards for New Apartments – Guidelines for Planning Authorities.
- A social infrastructure audit is submitted. It provides details of the social infrastructure available in the area in terms of childcare, education, sports, recreation, health, youth and community services and convenience retailing. It notes that there appears to be a deficiency in local healthcare service providers (e.g. GP and dental services and pharmacies etc.) and it is

considered that the proposed commercial floor area may be suitable for such uses.

- A response to An Bord Pleanála's pre-application consultation opinion issued on 20th March, 2020 in relation to the proposed strategic housing development is provided.

6.0 Planning History

6.1 Details of the planning history relating to the site and neighbouring lands include the following:

ABP Ref. PL 29S 221717 (DCC Reg. Ref. 4423/06), DCC granted planning permission for a mixed-use development comprising 270 residential units, 5 commercial / retail units 9 offices, medical centre, leisure centre and ancillary site works. The decision was the subject of a 3rd Party appeal. The Board upheld the decision of the planning authority and granted permission on 11th April 2008.

ABP Ref. 29S 221190 (DCC Reg Ref 3130/06), planning permission was granted on the adjoining site at the former Player Wills Factory for a mixed use development which included office units, retail units, restaurants, community facilities, and 484 apartments. The Board upheld the decision of Dublin City Council and granted permission with a reduction in the apartments units to 310 and restricting the heights of the highest elements to 8- floors. The decision was dated 11 April 2008.

DCC Ref 5250/04, Dublin City Council refused planning permission for a development which related to the subject site, the former Player Wills site and in the DDC parkland between the two sites. The proposal related to a mixed use development comprising office, retail, restaurant, medical practice, neighbourhood shop, leisure facility, national climbing centre, live work units, theatre and 879 apartments (inc.170 social and affordable units) together with ancillary uses. Permission was refused in December 2004 for reasons relating to scale mass and height of proposal, deficiency in private open space and prematurity pending the adoption of a Framework Plan for the area.

7.0 Policy Context

7.1 National Planning Policy

The following list of section 28 Ministerial Guidelines is considered to be of relevance to the proposed development:

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

Other policy documents of note include:

- *National Planning Framework*
- *Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly*

7.2 Dublin City Development Plan

The site is governed by the policy and provisions contained in the Dublin City Development Plan 2016-2022.

Zoning

The site has three land use zoning objectives as follows:

- The north western corner of the site, to the immediate north of Rehoboth Avenue (c.0.1 Ha) is zoned Z1 for residential use with the objective “*To protect provide and Improve residential amenities*”.
- The western portion of the site (0.6 Ha) is zoned Z4 – District Centre with the objective “*To provide for an improve mixed service facilities*”.
- The remainder of the site which comprises the eastern portion (c. 0.825 ha) is located within the Strategic Development and Regeneration Area of St. Teresa’s Gardens – Z14 with the objective “*To seek the social, economic and physical development and / or rejuvenation of an area with mixed use of which residential and Z6 (employment and enterprise) would be the predominant uses*”.

Strategic Development and Regeneration Area

Table E of the Core Strategy indicates that SDRA 12 has the capacity to accommodate between 800-1000 residential units. The overall guiding principles for SDRA 12 are set out below:

- The development of a network of streets and public spaces will be promoted to ensure the physical, social and economic integration of Saint Theresa's Gardens with the former Player Wills and Bailey Gibson sites, with further integration potential with the sites of the Coombe Hospital white Heather industrial estate.
- A vibrant mixed-use urban quarter would be promoted with complementary strategies across adjoining sites in terms of urban design, interconnections and land use. To provide an area zoned sufficient in size to accommodate a minimum 80 metre by 130 metre playing pitch.
- A new public park is proposed as a landmark feature with passive supervision by residential and other uses; it will have a comprehensive landscaping strategy to provide significant greenery within the scheme and will make provision for a diverse range of recreational and sporting facilities for use by the wider neighborhood.
- There is potential for one or two mid-rise buildings (up to 50m) within the site, subject to the criteria set out in the standards section of this plan. To acknowledge the existing sports lands of St Teresa's Gardens and it's

environs and act to retain and augment these lands as sporting facilities for the benefit of the wider community and used by local sports clubs. At least 20% of the SDRA 12 be retained for public open space, recreation and sporting facilities including an area to facilitate organised games.

- Strong permeability through these lands will be encouraged to generate movement and activity east to west (connecting Dolphin's Barn street and Cork street with Donore Ave) and north to south (connecting Cork St and Donore Ave with the South Circular Road and Grand Canal corridor): a high quality public domain, provision of pedestrian and cyclist routes and provision of active streets will be promoted.
- A community hub will be incorporated into the scheme to provide a wide range of community facilities accessible to the wider neighbourhood; opportunities to highlight the heritage of the local area by proposing community uses close to the important landmark buildings such as St Teresa's Church will be promoted.
- Provision shall be made for the expansion of Saint Catherine's National School, Donore Avenue, in the redevelopment of the former Player Wills site, subject to agreement with the Department of Education and Skills.

Neighbouring Land Use

Areas to the north and the north east of the site are also governed by the Z14 zoning and lands along the SCR to the south of the site are zoned either Z1 – Residential or Z 2 Residential Conservation Area. There are no protected structures either on or contiguous to the site. There are two protected structures in the vicinity - Our Lady of Dolours Church on the corner of SCR and St James Terrace, c. 100m from the south western corner of the site and St. Catherine's Church at the southern end of Donore Avenue 260 m from the eastern boundary of the site. The eastern end of the site, where connection is sought to link into the municipal storm water drainage network on Donore Avenue, is located within the designated zone of archaeological notification for the historic city of Dublin (DU 018-020).

Policy Provisions

Policy statements contained in the development plan which are relevant to the current application before the Board include:

- Policy SC25 which seeks to promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate'.
- Policy QH8 of the Dublin City Development Plan seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.
- Policy QH7 seeks to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of surrounding areas.

Density

The development plan states that sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable. All proposals for higher densities must demonstrate how the proposal contributes to place making and the identify of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

Building Height

Section 4.5.4 of the City Development Plan deals with taller buildings and states that clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are likely to be achieved in a limited number of areas only. Taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs. There are also a few areas where there are good transport links and sites of sufficient size to create their own character, such that a limited number of mid-rise (up to 50m) buildings will help provide a new urban identity. These areas of the city are the subject of a local area plan, strategic development zone or within a designated SDRA. The site of the proposed development is located within SDRA 12 where the Plan states that there is potential for one or two midrise buildings (up to 50 m) within SDRA 12.

Applications will be assessed against the building heights and development principles established in the relevant LAP / SDZ/SDRA. Proposals for high buildings should be in accordance with the provisions of the relevant LAP / SDZ/SDRA In addition to the assessment criteria for high buildings and developing plan standards. Chapter 15 provides guiding principles for the design of potential high buildings in SDRA's where appropriate.

All proposals for mid-rise and taller buildings must have regard to the assessment criteria for high buildings as follows:

- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas
- Effect on the historic environment at a city-wide and local level
- Relationship to transport infrastructure, particularly public transport provision
- Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for
- Contribution to public spaces and facilities, including the mix of uses
- Effect on the local environment, including micro-climate and general amenity considerations
- Contribution to permeability and legibility of the site and wider area

- Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360 degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies
- Adoption of best practice guidance related to the sustainable design and construction of tall buildings
- Evaluation of providing a similar level of density in an alternative urban form.

Standards for Residential Accommodation

The indicative plot ratios and site coverage provided for in the Development Plan is set out in the table below:

Zoning Objective	Plot Ratio	Site Coverage
Z1	0.5 – 2.0	45- 60%
Z4	2.0	80%
Z14	1.0 - 3.0	50%

In terms of aspect, natural lighting, ventilation and sunlight penetration, the Plan notes that daylight animates an interior and that good levels of daylight and sunlight contribute to making a building energy efficient; It reduces the need for electric lighting, while winter solar gain can reduce heating requirements. Living rooms and bedrooms shall not be solely lit by roof lights and all habitable rooms must be naturally ventilated and lit. Development shall be guided by the principles of Site Layout - Planning for Daylight and Sunlight - A Guide for Good Practice (Building Research Establishment Report 2011). Staggering of balconies on the facade of the building has a positive effect on daylight / sunlight. A daylight / sunlight analysis of the different units may be required and modifications to the scheme put in place where appropriate. Dual aspect apartments maximise the availability of sunlight and should be provided where possible.

7.3 Master Plan for the Players Wills, Dublin City Council and Bailey Gibson Lands

This master plan, developed by Dublin City Council in conjunction with Hines, follows on from the original non-statutory development framework plan of July 2017 which transposes the objectives of the City Development Plan for SDRA 12 into an

integrated planning framework. The plan has been devised to take into consideration new national planning policy guidelines on urban development and building heights and other statutory planning guidelines and the coming together into single ownership of the Players Wills site and the Bailey Gibson site. The master plan seeks to incorporate the following principles within the design framework:

- delivering high quality high density residential led mixed-use quarter with complementary uses
- promoting a mix of tenure and residential unit types
- sensitively developing the interface of the masterplan lands with the existing low-rise residential development
- increasing the scale of development towards the centre of the masterplan lands
- providing generous well designed attractive multi-functional public open space with good orientation, connectivity and passive and active supervision
- integrating a municipal playing pitch
- defining the public realm and public and private open space
- promoting active streets, true integration of ground floor entrances and aligning commercial space with existing surrounding roads
- incorporating generous pedestrian zones and limiting surface level car parking
- developing a comprehensive soft landscaping strategy
- developing a network of streets and public spaces to ensure the social and economic integration of Saint Teresa's Garden's with the Player Wills and Bailey Gibson site and the surrounding area
- ensuring north/south east/west permeability with the surrounding established street network.

The master plan provides further details in relation to the mix of uses and the need to provide active ground floor uses.

Some of the changes contained in the updated master plan include improved vehicle connection with Rehoboth Place and SCR. The master plan proposes to increase the width of the carriageway along Rehoboth Place and connect to an entry point into the site to the south of No 40 Rehoboth Place. The masterplan envisages retail / community and cultural land uses at ground floor level on the southern elevation of block BG1 and on the eastern and south eastern side of block BG2. Tenant amenity spaces are also to be provided at ground floor level in blocks BG1 and Blocks BG2.

The masterplan envisages an 11-storey element in block BG1 and a 16-storey element in Block BG2. Higher blocks are proposed centrally within the overall SDRA site including the lands owned by Dublin City Council and also on the Player Wills site, with the largest block rising to 22 storeys.

The masterplan contains a series of photomontages depicting the proposed development. Details of overshadowing and sunlight access are also assessed in the masterplan. The plan also provides details in relation to streetscape materials, facade design and landscaping proposals.

8.0 Third Party Observations

8.1 Introduction

A total of 75 observations were submitted, 3 of which were from prescribed bodies (which are summarised under a separate heading below). The issues raised under the various submissions are summarised under thematic headings.

8.2 SHD Process

- The process which allows overriding of the Development Plan is a concern.
- Proper planning and sustainable development is the overriding consideration. The issuing of guidelines with SPPRs should not be the beginning and end of the matter.

8.3 Masterplanning

- The 2017 SDRA Framework Plan is the only plan that has been publicly approved for these lands.
- The overreliance on a masterplan that has not been put before the Board or the public for consideration is inappropriate.
- The development should be assessed in relation to an overall planning application for three sites, not in isolation. If considered in isolation, all statutory requirements for space and social housing should be met.
- There should be more thorough consultation relating to the overall site plan. The development also needs to be understood in the context of the overall development of Dublin 8 and vacant sites on Cork Street, Newmarket Square, and White Heather Industrial Estate.
- Adherence to the properly adopted SDRA would be a good start to integrate the development with its context.
- Given the phasing of the overall development, the inclusion of Block BG2 is contrary to the masterplan vision.
- The general public has been asked to consider the proposal as part of a masterplan. The public do not have access to the remainder of the planning proposals and must review the proposal as a standalone site, with excessive heights and density and lack of public open space.
- The proposed development does not address the objectives of the Local Economic and Community Plan.

8.4 Alternatives

- The EIAR should have considered an alternative which included the construction of a development of much lower height and density.

8.5 Height, Size and Scale of Proposal

- The proposed height ranging from 2 to 16 storeys is unacceptable and is incongruous having regard to the prevailing low density of the area.
- The scale is incompatible with the historic neighbourhood. It will fundamentally change the character of the city.
- The towers are in material contravention of the Development Plan.
- It is not accepted, as suggested in the EIAR, that the development will have a neutral or positive impact on views.
- The scale of the development will give rise to overlooking of neighbouring residential properties.
- The size and scale of the buildings will give rise to significant wind tunnelling which will impact on pedestrian comfort in the area. An independent micro climate survey should be carried out to demonstrate that there would be no adverse wind tunnelling.
- An Bord Pleanála had previously raised concerns about proposed building heights at this location.
- The previous masterplan showed buildings with the maximum height of eight stories. The building heights must be reduced to reflect that plan.
- Locating the taller elements at the centre of the site is mitigation rather than a justification.
- The silhouette of the tall buildings will be a 60m continuous wall, particularly when viewed from east or west.
- The urban design function of the tower buildings is not clear as it is not a 'gateway' site. The height transition is significant and abrupt.

8.6 Density

- The proposal at 272 units/ha is over 6 times the prevailing density of the area.

- The excessive density will put pressure on the existing services in the area, in particular school, medical and childcare facilities.
- The higher density does not allow for appropriate social distancing during the Covid 19 pandemic.

8.7 Tenure and Unit Mix

- The social housing segregation is unjustified and unnecessary.
- 10% of social housing being proposed is for 15 year leasehold. No indication is provided as to what will happen to these units after 15 years has elapsed.
- There is no commitment to providing social housing on the site.
- Approximately 65% of units comprise one-bed and studio apartments all of which are intended for the rental market. This will not add to the vibrancy of the community or to a diverse neighbourhood. The proposal does not cater for families. The emphasis is on short term accommodation.
- The Build to Rent proposal would not result in a sustainable community.

8.8 Public Open Space Provision

- The public open space is inadequate. Public open space was originally intended to be centrally located within the site however it was replaced by a 16-storey building.
- Public open space on DCC lands should be complete and accessible before residents of the development move in.
- There is already a deficit of public open space in the area.
- Wider community integration is dependent on the delivery of a generous and well designed public realm and quality public amenity open space. At a minimum, a condition should be attached that requires the delivery of an area of usable, landscaped public open space at lands owned and controlled by the applicant or DCC in tandem with the completion of the development.

- It is requested that the applicant allocate some space to St. Catherine's National School.
- A full sized playing pitch should be part of the first phase of development.
- The proposed development would constitute a material contravention of the development plan in terms of lack of open space provision and this was not addressed by the applicant.

8.9 Daylight & Sunlight

- It is queried why daylight and sunlight has only been measured from level 2 and above when there are ground floor single aspect apartments.
- Most bedrooms in the BG1 façade facing the 16 storey tower would achieve a daylight factor of less than 1% until the 4th floor.
- The daylighting standards achieved do not appear to comply with requisite guidelines.
- The clustering of tall buildings deprives the proposed development of adequate light.

8.10 Design Issues

- The proposal does not speak architecturally to the protection of the existing Player Wills Factory.
- There is little in the way of attractions at street level to draw sustained pedestrian and cyclist movement and dwell time.
- It is unclear where 'back of house' basement vents, entrances, plant, etc. that might add to the deadening of the streetscape.
- There is concern that proposed material finishes and detailing could be affected by future value engineering post planning.
- The scheme is not conceived from the street in a legible way.

- The nature and scale of the development compromises potential housing development on adjacent lands of the former Boys Brigade Grounds and Teresa's Gardens.
- The scale of development on adjacent lands would further aggravate overbearing and overshadowing the streets of the residential conservation area to the north.

8.11 Community / Commercial Uses

- There are no community uses within the scheme that will benefit the local community.
- It must be mandatory that a creche is built due to restricted availability in the area.
- The applicant should facilitate a supermarket and additional food outlets to avoid excessive use of Rehoboth Place.

8.12 Water Services

- Concerns are raised about adequacy of water pressure, structural vulnerability of the pipe network, overloading of sewers, and risk of flooding.

8.13 Fire Safety

- An assessment should be carried out to ensure that all high rise blocks have all necessary fire controls, including fire proofing and water pressure.

8.14 Disability

- There is no consideration given to people with disability in the application.

8.15 Biodiversity

- The applicant's assessment of biodiversity on the site is incorrect. The removal of hedgerow will result in the destruction of habitat for birds and other creatures. Foxes and bats are known to inhabit the site.

8.16 Residential Amenity

- Rehoboth Place and Avenue will suffer excessive overshadowing and overlooking from a four storey and an 11 storey block.
- Rehoboth Avenue will face security issues at the back of the houses with a proposed laneway.
- The bicycle sheds at BG1 will risk being a nuisance to residents on Rehoboth Avenue during unsociable hours.
- The development will only make the social problems prevalent in the area worse.
- Block BG3, five storeys in height, will directly affect Nos. 302-312 SCR and should be reduced in height to protect amenity.
- Privacy is a major concern, particularly overlooking from Block BG4 into the rear gardens of houses on SCR.
- The four-storey building behind No. 336 SCR (with a 9.8m buffer between), the three-storey building to the left and the 11 and 16 storey blocks will have a line of sight to the rear of No. 336. Balconies and living room windows will directly overlook. This will invade privacy, reduce property value, and diminish the current view from No. 336. Block BG4 should be moved further north and reduced to three storeys. The fencing separating the laneway to the rear of No. 336 and the development needs to be amended to at least 2m in height and trees planted along the fence for security and privacy. The vehicular right of way to the rear of this property has been removed.
- There is a need for a servicing plan for the development for road cleaning, waste management and community policing.

- There would be no privacy for No. 1 Rehoboth Avenue due to the large increase of people passing up and down this small cul-de-sac with a narrow footpath. The laneway at the back would be a serious issue for litter and anti-social behaviour. There is also concern about structural damage at the construction stage. The apartment blocks to the rear would take away much needed light and privacy would be lost.
- There is a structure to be demolished and replaced by townhouses to the rear of No. 35 Rehoboth Place. If the rear wall is effected it is requested that it be replaced in consultation with the residents. It is also requested that due care be taken at the construction stage to ensure that mature trees at the end of the garden are not affected.
- The roof terraces will result in overlooking and increase in noise and this will not meet the 10% requirement for public open space.

8.17 Access and Traffic

- The overspill of traffic and parking and undersupply of amenities will put the amenities of Rehoboth Place and Avenue under strain.
- The same traffic assessment criteria need to apply at both ends of Rehoboth Place. This will not be a safe street if used by the high proportion of pedestrians and cyclists.
- No details have been provided for the management of the entrance on Rehoboth Place into the site.
- Parking on Rehoboth Place and Avenue should be for residents only.
- At least 3 parking spaces will be lost on Rehoboth Place and there is a failure to negate this.
- Rehoboth is too narrow for emergency vehicles and for waste disposal lorries.
- Overall traffic impacts from the lands will be exacerbated as the remaining lands within the masterplan area are developed. The road layout in the masterplan plan provides a through route from Rehoboth Place connecting to adjoining streets to the north and east of the masterplan lands.

- The entrance and access points are very restricted and the access arrangements are very unsuitable.
- If the road is widened at the junction of Rehoboth Place and SCR visibility will disimprove and the junction will become dangerous.
- It is not accepted that the majority of residents are unlikely to own cars.
- It is not accepted that the trip assignment to and from the development will mainly be to the south-west of the site away from the City Centre.
- The proposal will give rise to a proliferation of car parking on surrounding streets.
- The only vehicular access route should be via Rehoboth Place because, given the bend in the road, it is a dangerous right turn from SCR and this is a narrow residential area that should not be exposed to heavy traffic.
- The 'Rehoboth Plaza Entry' is on a curve on the SCR, making it a very dangerous place to enter the development. If the White Heather Estate opposite the entry is developed for residential development traffic and pedestrian hazards will be created.
- The impact of the Bus Connects project would have on serving the area is overstated.
- Pedestrian accesses to Rehoboth Avenue and Place are opposed because there has never been a right of way from the site to these streets.
- The use of Rehoboth Avenue as a vehicular entrance is opposed when alternatives onto SCR are available due to the development of all lands from the three sites at this location.
- The one-way cycle exit from SCR should be revised to a two-way access for safety reasons.
- There is a need for more cycle parking on the site.
- Cycling infrastructure on SCR and the Canal should be upgraded.
- There is concern that the proposed access onto Rehoboth Avenue adjacent to BG5 for emergency vehicles could be used for other purposes over time.

- Appropriate traffic calming measures should be provided to ensure minimal increase in traffic on Rehoboth Place and to prevent traffic accessing Cork Street via Rehoboth Place when the combined sites have been developed.
- Significant additional traffic will be imposed on SCR and Donore Avenue. The potential for rat running and increased congestion in the vicinity of St. Catherine's School poses a safety threat to pedestrians and cyclists.

8.18 Construction Impacts

- The 36-month construction phase will have an unacceptable impact in terms of traffic (HGV's), noise, dust, etc. which will have an unacceptable impact on the amenity of surrounding residents. Strict protocols will have to be put in place for the construction phase.
- Construction traffic could give rise to road safety issues for school children that live in the area.
- Construction parking must be capped and restrictions on vehicle arrivals and hours of work must be applied.
- All construction parking should be within the site.
- There is concern about construction impacts on the structural integrity of Victorian houses in the area. Initial structural surveys should be undertaken on surrounding houses.
- An environmental impact study should be done on the effects of construction traffic on the Edwardian houses on Rehoboth Place.
- There is a need for noise, vibration, asbestos, dust, and pollution monitoring throughout the building phase.
- HGV traffic should not be permitted to access Donore Avenue.
- Pest management must be implemented.
- The footpath on the SCR by Rehoboth Place, proposed to be closed for a period during the construction stage, is an important pedestrian link and should remain open to pedestrians at all times.

- Crane locations should not overhang residential property.
- If there are not restrictions on work times on the site it will lead to very dangerous conditions for families travelling to Griffith Barracks Multidenominational School in the morning.
- A proposal to mitigate injury to children and other pedestrians at the construction stage must be included.

8.19 Public Consultation

- There has been a lack of public consultation with local residents in the area.
- A full time community liaison officer should be appointed.

8.20 Planning Conditions

- It is acknowledged that a number of the third party submissions request the attachment of a range of conditions in the event of a grant of permission by the Board.

8.21 Application Details

- Public notices were inadequate and poorly situated.
- Site sections through the Masterplan area, clearly showing the heights of proposed buildings and their relationship to existing buildings must be requested before a decision can be made and a physical model should be provided.
- DCC should upload all information on the application to its own planning portal.

9.0 Planning Authority Submission

9.1 Chief Executive's Report

The report references the Notice of Pre-Application Consultation Opinion issued by the Board and the issues needing to be addressed. The summary of the views of Elected Members expressed at a meeting of the South Central Area Committee is noted as being attached to the report. Reference is also made to zoning provisions, a number of provisions contained in the National Planning Framework, policy guidelines considered relevant, and Dublin City Development Plan provisions. The planning history for the site is noted. The nature of the third party observations received by the Board are scheduled. Submissions from prescribed bodies are also outlined. The appended reports from the planning authority's Drainage Division and Transportation Planning Division, wherein there are no objections subject to conditions, are acknowledged. It is also noted that an agreement in principle has been reached with regard to Part V requirements. The supporting documentation provided with the application is scheduled.

The planning assessment includes the following:

Zoning

- The proposed residential and commercial uses are permissible within the Z14 and Z4 zoning objectives.
- The site forms part of a wider Masterplan area. A non-statutory Development Framework Plan for the SDRA 12 was presented and noted by the City Council in June 2017. The Masterplan submitted in conjunction with the application is a refinement of that Framework, incorporating changes following Ministerial Apartment and Height Guidelines.

Plot Ratio, Site Coverage, Density and Height

- Having regard to the character of the surrounding area and the form of development laid out as 5 blocks of residential units with communal and private open space, it is considered that the site coverage and plot ratio are acceptable.

- The development equates to 272 units per hectare. It is considered that the proposed density is appropriate given the National Policy objective to increase residential density in existing urban brownfield locations as set out in the National Planning Framework.
- Section 15.1.1.15 of the Plan, SDRA 12 provides overall guiding principles for the lands including the potential for one or two mid-rise buildings (up to 50m) within the site subject to development standards criteria. It is considered that the proposed development contravenes the provisions of the City Development Plan.
- It is noted that the applicant has submitted a Material Contravention Statement and it is considered that the contravention of the development plan policy can be justified under section 37(2)(a)(ii) and (iii).
- It is acknowledged that Specific Planning Policy Requirements (SPPRs) in the Urban Development and Building Heights Guidelines take precedence over any conflicting policies and objectives of plans and that SPPR3 allows planning authorities to approve development even where specific objectives of the plan may indicate otherwise.
- The applicant has demonstrated that the proposal satisfies the development management criteria as outlined in Section 3.0 of the Height Guidelines. The clustering of higher buildings at the centre of the site, while proposing lower buildings in the perimeter blocks where they adjoin two-storey housing to allow integration with the existing surroundings, is accepted.

Impact on the Character of the Area

- The site will be part of a much wider change to the urban landscape of the Masterplan area.
- The development will have a moderate visual impact from the Grand Canal and southern residential environs. However, when combined with the Player Wills and Dublin City Council developments, the clustering of the taller buildings will create a new skyline with its own distinctive character.
- The development provides an appropriate transition in scale and the materials and form of development respond to the surrounding character.

- Overall, it is considered that the proposal will be a positive addition to the surrounding neighbourhood.

Impact on Residential Amenity and Amenity of Adjoining Development

- As the perimeter layout of blocks results in a minimum separation distance of 22m between windows to habitable rooms in BG4 and the rear elevations of existing two-storey houses on South Circular Road and the rear elevation of BG1 is located 22m from the rear boundary wall of dwellings on Rehoboth Place, the development is unlikely to unduly overlook or overshadow third party private open space.
- Given the proposed height of the bicycle shed along the rear boundary walls of dwellings on Rehoboth Place is lower than the existing boundary wall, it is considered it would improve the outlook from the rear of the properties.
- Noting apartment No. 102A at level 01 in BG3 is 3m from the rear boundary and 8.5m from the rear return of No. 322 South Circular Road, it is acknowledged that the balcony has an obscure privacy screen c.1.6m in height to mitigate overlooking.

Public Open Space

- The provision of public open space was carefully considered during the preparation of the masterplan. A public park in the centre of the overall development, a small park beside the adjoining primary school, and a municipal pitch with playground and amenity space to the north-east of the masterplan lands are proposed. It is essential that a financial contribution is sought to deliver these facilities.

Community Facilities and Social Infrastructure

- The submitted Community and Social Infrastructure Audit demonstrates that there is ample existing community, educational and social infrastructure in the surrounding area. The scheme makes provisions to further enhance the existing infrastructure.

- The proposed childcare facility is sufficient to cater for potential requirements. Further detail is required on signage.
- There is no objection to the provision of a retail unit and café/restaurant/bar subject to controls to protect amenities. The retail units should be confined to local neighbourhood shopping. The commercial unit may be suitable for health care uses.
- In the event of a grant of permission, the creche, café/restaurant/bar should be conditioned to be accessible to the broader community.

Floor Areas and Development Standards

- The house types exceed the recommended minimum space requirements of 'Quality Housing for Sustainable Communities – Best Practice Guidelines for delivering Homes Sustaining Communities, 2007.

Aspect, Natural Lighting, Ventilation and Sunlight Penetration

- The Daylight/Sunlight Report submitted with the application indicates that the proposed housing would meet the requirements of the 'Site Planning for Daylight and Sunlight, A Good Practice Guide'.

Private Open Space

- Given the provision of communal residential amenity and public open space proposed within the wider masterplan area, it is considered the provision of private open space is acceptable for the houses.

Mix of Apartments

- Given the development is a BTR scheme, there are no restrictions on dwelling mix.

Floor Areas

- As a BTR scheme the requirement that a majority of the apartments exceed the minimum floor area standards by a minimum of 10% does not apply.
- The submitted Scheme of Accommodation indicates that the proposed development exceeds the required minimum overall apartment floor areas set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and the City Development Plan.

Dual Aspect

- It is considered that the number of dual aspect apartments are acceptable given that the layout of the scheme is of the perimeter block pattern and given its location within the inner city.

Floor to Ceiling Height

- Sectional drawings indicate that the floor to ceiling heights comply with the 2.7m requirements of the Apartment Guidelines.

Lift and Stair Cores

- Within all blocks the number of units per core are under 12 and comply with Sustainable Urban Housing: Design Standards for New Apartments, notwithstanding the development being a BTR scheme.

Storage

- Internal storage meets or exceeds the minimum requirements as set out in Design Standards for New Apartments. It is also noted that 213sqm of additional storage is provided at basement level in BG2.

Refuse Storage

- The location of refuse storage facilities is noted, as is the proposal that on the morning of waste collection waste will be moved by the Management Company to facilitate pick-up.

Private Open Space

- The submitted House Quality Assessment indicates that the development meets or exceeds the minimum levels of private open space set out in Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

Communal Amenity Space

- In total the scheme provides 2618 sqm of communal open space in the form of landscaped courtyard areas and roof terraces which exceeds the minimum requirements of the Apartment guidelines. In addition, the development provides tenant amenity facilities across the development. This is acceptable. It is noted that the development will be run by a Management Company to manage the estate and common areas.

Children's Play Spaces

- The play spaces for children within communal courtyards, the central open space within the adjoining Player Wills development, and on DCC lands to the north of the Masterplan area are noted.

Daylight / Sunlight Analysis and Wind Analysis

- The applicant's Daylight/Sunlight Report indicates all communal amenity areas will receive sunlight exceeding BRE guidelines.

- Given the clustering of the taller element towards the centre of the site, there is minimal overshadowing on surrounding development. There will be some overshadowing of properties on Rehoboth Place and Rehoboth Avenue in the morning.
- The development as a whole would exceed ADF values recommended in the BRE Guidelines.
- The Pedestrian Comfort Report indicates that the site shows compliance with Lawson's leisure walking comfort criteria across the development. It also assesses sitting on balconies and roof terraces. 95% of balconies fully meet requirements of the Lawson's sitting comfort criterion. 1.8m screens are proposed as mitigation to the roof terrace of BG1 where there is partial compliance. Consideration should be given to increasing the height of the balustrading of the balconies of apartments which do not meet the sitting comfort criterion to 1.8m.

Transportation

- The considerations of the Transportation Planning Division are noted, including concerns in relation to refuse collection from the public footpath, the removal of a permit parking bay on Rehoboth Avenue, and the maintenance of 'Homezones'.
- It is noted that the Division is satisfied with the traffic impact assessment, bicycle and car parking, and access and layouts.

Energy Efficiency and the Built Environment

- A sustainable approach has been adopted by the applicant based on the Energy Hierarchy to ensure the development exceeds the requirements of Part L of the Technical Guidance Document.

Flood Risk

- It is noted the site is located in Flood Zone C and that the submitted Flood Risk Assessment concludes that the risk of flooding is considered low. It is also noted that the Drainage Division has no objection subject to conditions.

Environmental Impact Assessment Report

- The planning authority accepts that there are environmental impacts associated with the construction and operational stages of the development and notes the mitigation and monitoring measures outlined to ameliorate such impacts set out in the EIAR.

Appropriate Assessment Screening

- The findings of the submitted AA Screening Reports for the cumulative masterplan development and for the site are noted.

Conclusion

The planning authority considers that the proposed development does not impinge on the residential or visual amenities of the area and that it does not result in undue overshadowing, overlooking or have an overbearing impact on neighbouring properties. It is recommended that the Board consider a grant of permission and a schedule of conditions is set out and requested to be attached in the event of a grant of permission.

9.2 **Summary of Comments from SCA Committee Meeting**

A summary of the views given by the Elected Members of the South Central Area Committee at a meeting on 17th June 2020 is set out. The issues and comments raised include those relating to:

Height, Design & Layout

- Overconcentration of one bed apartments
- Placing of all social housing in one block
- The need to carry out a wind tunnel test at Earls Court, i.e. the tall building at the end of Reuben Street
- The long uninterrupted walls from BG1 to BG2

Public Outdoor Open Space Provision

- Reliance on other parts of the masterplan for green spaces
- Dependence on outstanding matters to be resolved in the remaining parts of proposed development for the site
- The legal status of the refined masterplan
- The legal status of securing public open space
- The need to consider the development as a stand-alone site without sufficient public open space if the Player Wills site is not developed
- In the context of COVID-19, outdoor public space is more critical and the provision of balconies and internal courtyards are not sufficient
- Commercial units opening onto the park reduce the public open space available
- Giving some space to the school is compromising the level of green space provision

Transportation Planning

- Concern was expressed about the level of traffic access through Rehoboth Place.

Part V allocation

- The Part V allocation is all in one block. A compromise could be reached by having a number of clusters of social housing throughout the development.
- As a build to rent scheme, how can it be guaranteed that DCC can purchase and manage the Part V allocation?

Impact on Local Community

- The applicants should make a commitment to establish a monitoring committee involving local residents and representatives to ensure planning conditions are adhered to and local residents are consulted.

9.3 **Drainage Report**

The Drainage Division submits that there is no objection to the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. Requirements to be met relating to surface water sewers, public water sewers, pipelines to be taken-in-charge, the outfall manhole, internal basement drainage, and obtaining permission for connection to the public surface water network are set out. It is requested that the development be drained on a completely separate system and that permanent discharge of groundwater to the drainage network is not permitted. It is further requested that the proposed development is implemented in accordance with the surface water management strategy and phasing of works and the flood mitigation measures as set out in the Civil Engineering Infrastructure Report for Planning, Document No. 19.117-BGIR-01, Issue PL3.

9.4 **Housing Report**

The Housing & Community Services report notes that the applicant has previously engaged with the Housing Department and are aware of the Part V obligations pertaining to the site if permission is granted.

9.5 **Transport Planning Report**

The Transportation Planning Division noted details of the application including access and servicing proposals, taking-in-charge provisions, parking proposals, the Traffic and Transport Assessment, the Mobility Management Plan, the Construction Management Plan, the Construction Traffic Management Plan, and the Construction and Waste Management Plan. The following is also noted:

- An on-street permit parking bay is proposed to be removed to accommodate the proposed four houses and consultation with the Area Traffic Engineer will be required.
- In the interest of accessibility and pedestrian safety, refuse collection, i.e. storage of refuse receptacles, shall not take place directly from the public footpath.
- Taken in charge areas should follow physical boundaries in order to facilitate management of these areas.
- The provision of car and cycle parking is generally acceptable.

A schedule of conditions is recommended to be attached in the event of a grant of permission.

10.0 Submissions from Prescribed Bodies

10.1 Irish Water

It is submitted that a confirmation of Feasibility for 501 residential units was issued to the applicant confirming new connection to the existing water network is feasible without upgrade.

In respect of wastewater, it is advised at Pre Consultation that the following is required in respect of a wastewater connection:

- The proposed connection is via proposed infrastructure for Mixed Use Development (CDS19002980) of 901 units at 275-289 South Circular Road, Dublin. All relevant core wastewater infrastructure within the CDS19002980 Development has to be completed, connected to the Irish Water network and in operation prior the connection. Irish Water understands the applicant is the owner of both sites, however, any consents are the responsibility of the applicant in regard to this contingency.
- Separate storm and foul water connection services should be provided for the Development.
- The surface and storm water from the site must be discharged only into the existing storm water network or associated alternative to a combined drainage discharge. The connection arrangement should be agreed with Dublin City County Council Drainage Division.
- A wayleave in favour of Irish Water will be required for the infrastructure that is not in public lands.

It is acknowledged that the applicant has engaged with Irish Water in respect of design proposal for which they have been issued a Statement of Design Acceptance for the development. Therefore, Irish Water requests the Board conditions any grant of permission as follows:

The applicant is required to sign a connection agreement with Irish Water prior to any works commencing and connecting to its network. All development is to be carried out in compliance with Irish Water Standards codes and practices

10.2 National Transport Authority

In principle, the NTA supports the regeneration of the site as a means of consolidating development within the city centre and in a site accessible to a range of existing and proposed public transport services. It notes that this is the first major

application to be prepared for the wider Masterplan lands incorporating the “John Player” site and St. Teresa’s Gardens.

The Board is asked to consider the following:

1. Mix of Units – The NTA is of the view that the potential to accommodate a variety of household sizes and types on such sites as this, taking into account the housing mix on offer in the wider area, should be maximised, ensuring that the broadest possible range of existing and future travel demands can be met in a sustainable manner. The NTA notes that 251 of the proposed 416 dwelling units comprise 1-bed apartments and 19 are proposed as studios and that consideration should be given as to how this mix facilitates sustainable travel patterns being established for a broad range of household types and sizes, particularly given recent development trends in the local area for apartments and student accommodation.

2. Car Parking – Given the city centre location and the associated low level of demand for car use, it may be more appropriate that zero provision is made for dedicated car parking and that, with the exception of parking spaces allocated to those with mobility impairments, demand for this mode instead is met in its entirety through the establishment of a car club for the development.

3. Cycle Parking – The NTA welcomes the provision of cycle parking to serve the proposed development. It is not clear from the material submitted, however, how it is intended to provide cycle parking for the commercial elements of the proposed development in blocks BG1 and BG2. The NTA recommends that clarity is provided, by way of condition in the event of a grant of permission, that public cycle parking will be provided close to the entrance to any commercial uses that would attract short-stay visitors. In addition, all surface long-stay cycle parking should be secure, overlooked and sheltered.

4. Road network – The appropriateness of the local road network, in particular South Circular Road, for pedestrian and cycle trips, requires careful consideration in the assessment of the application. Any measures that may be required to address any shortcomings should be identified at this stage.

10.3 Transport Infrastructure Ireland

TII submits that it has no observations to make.

11.0 **Appropriate Assessment**

11.1 AA Screening Reports for both the subject site and for the Masterplan area were submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions. Potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within these reports is considered sufficient to allow an appropriate assessment screening of the proposed development to be undertaken.

11.2 The following Natura 2000 sites are located within 15km of the site:

Site Name and Code	Distance from Dev Site
Baldoyle Bay SAC (000199)	12.7km
Howth Head cSAC (000202)	13.4km
Rockabill to Dalkey Island SAC (003000)	13.2km
Wicklow Mountains SPA (004040)	10.6km
North Bull Island SPA (004006)	7.7km
South Dublin Bay and River Tolka Estuary SPA (004024)	4.9km
Baldoyle Bay SPA (004016)	12.9km
Wicklow Mountains SAC (002122)	10.5km
Glenasmole Valley SAC (001209)	9.8km
Rye Water Valley/Carton SAC (001398)	13.8km

North Dublin Bay SAC (000206)	7.7km
South Dublin Bay SAC (000210)	5.0km
Knocksink Wood SAC (000725)	14.3km
Dalkey Islands SPA (004172)	14.2km

11.3 The Conservation Objectives for these sites are to maintain or restore the favourable conservation condition of each qualifying species/habitat.

11.4 The potential impacts during the construction phase of the proposed development would consist of site clearance and construction activities, with theoretical potential pathways via the local surface water drainage network and possible contamination entering the groundwater. The potential impacts during the operational phase would relate to surface water flows and foul drainage.

11.5 Arising from consideration of the applicant's AA Screening Reports, the following is submitted:

Overview

- The subject site is not located on, in or near any designated European site.
- There was no evidence of any habitats or species with links to European sites recorded during field surveys or desk studies.
- There are no watercourses within or connected to the site.

Construction Phase

- There are substantial distances between the site and European sites and there is no direct pathway between the site and the European sites.
- Significant dilution and mixing of surface and sea water would occur with any contaminated waters and any pollutants would be further diluted upon reaching Dublin Bay.
- The construction period would be short (36 months), with no possibility of long-term impacts arising.

Operational Phase

- Surface water flows would be restricted in accordance with the requirements of the Greater Dublin Strategic Drainage Strategy.
- The proposals include the incorporation of a 20% increase in surface water storage volume to allow for climate change.
- The site is within Flood Zone C and the development would not increase flood risk elsewhere.
- The foul drainage system would connect to the established public system and proposed pumping arrangements are acceptable to Irish Water.
- Foul wastewater would be treated at Ringsend treatment plant prior to discharge to Dublin Bay, which operates under licence and has permission for upgrade works that are expected to be completed within five years.
- The peak discharge of foul waste is not significant in the context of the existing capacity at the treatment plant.
- There is no possibility of any direct, indirect or secondary impacts on any European site.

11.6 As a result of the above considerations, it may reasonably be determined that there would be no loss, fragmentation, disruption, disturbance or other change to any European site as a result of the construction or operation of the proposed development.

11.7 In the context of in-combination effects, the Strategic Development and Regeneration Area 12 Masterplan for the redevelopment of lands in the area is acknowledged. I note that the Masterplan has been the subject to screening for appropriate assessment and that it has concluded that the Masterplan either on its own or in-combination with other developments would have no impact on European sites. It is also noted that other permitted developments in the area have been subject to AA screening, with significant effects on European sites being excluded.

11.8 Having regard to the above considerations, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the European sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

12.0 Environmental Impact Assessment

12.1 Statutory Provisions

This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

The application was accompanied by an Environmental Impact Assessment Report (EIAR) for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- an area of 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.

The development proposes 416 residential units and has a stated area of 2.18 Ha gross area (which includes 0.646 ha to accommodate works to facilitate connections to municipal services and works proposed to public roads) and 1.53 ha of net area development land. The number of residential units is therefore below (albeit close to) the 500-unit thresholds for mandatory EIA.

The applicant however considers that the development of 2.18 ha in an inner city location exceeds the threshold of 2 ha under the provision of Part 2 of Schedule 5 10(b)(iv) established for mandatory EIAR in the case of a “business district”. I consider that a case could be made that the location of the subject site may be outside the “business district” of the city, being circa 3.0 km from the city centre. The predominant use of the area is residential, and as such, being located in an urban area outside the central business district of the city, the 10 ha threshold would apply. Notwithstanding this point the applicant has decided that an EIAR is a mandatory requirement and on this basis the EIAR is assessed and evaluated below.

12.2 Content of the EIAR

The EIAR contains three volumes, which includes

- Vol 1 Non-Technical Summary.
- Vol. 2 The Environmental Impact Assessment Report.
- Vol 3 Appendices to the Environmental Impact Assessment Report.

Chapter 1 is an introductory chapter which sets out details of the development site, the surrounding development context, the requirement for EIAR, and the purpose of the EIAR. The introductory chapter also sets out details of the competency of those preparing the document, together with the format and structure of the EIAR and the chapter finally sets out details of the scoping, the impact assessment methodology and the consultation undertaken as part of the impact assessment.

With regard to the competency of the expert consultants involved in the EIAR. I refer the Board to Table 1-1 entitled ‘EIAR Chapters and Contributors’. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer adequately identifies and describes the direct and indirect effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

Chapter 2 of the EIAR provides a detailed description of the proposal as well as details of the construction and demolition phase. Details of the proposal are set out in the main body of my report.

Chapter 3 provides details of the alternative investigated. Article 5(1)(d) of the 2014 EIA Directive requires the following:

“a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”

Chapter 3 assesses alternatives under the following headings:

- Do Nothing: This alternative is considered to be impractical on the basis the buildings which are in poor structural condition would remain in situ and the site would remain a brownfield under-utilised site and would constitute a missed opportunity in fulfilling strategic and local land use objectives.
- Alternative Locations: It is considered that the opting for alternative locations would result in a missed opportunity to develop a suitable brownfield site within the Canal Ring in order to fulfil strategic and local land use objectives.
- Alternative Uses: It is submitted that the proposal fully accords with the land use zoning objectives and any alternative uses would not fulfil the policies and objectives relating to the site as set out in the Development Plan.
- Alternative designs: The EIAR explores a number of alternative scenarios, addressing a range of issues including layout, configuration of buildings, open space, height of buildings, type of dwelling units, parking, etc.
- Alternative processes: This alternative is not relevant to the class of development before the Board.

Having assessed the information in chapter 3, it is considered that the issue of alternatives has been adequately assessed and that all reasonable alternatives have been investigated in the application documentation.

12.3 Population and Human Health

Chapter 4 of the EIAR is entitled 'Population and Human Health'. This Chapter describes the land use zoning objectives relating to the site and its surroundings. The site is located within the Merchants Quay F electoral district, which witnessed a 10% decrease in population between 2011-2016 from 2405 to 2158. There is a total of 871 households, 605 of which are 1-2 person households. Just less than 30% of the units are in owner occupancy. It was noted that, while the standard measure of monthly unemployment was 5.4%, the impact arising from the pandemic was not possible to assess at the time of submitting the EIAR. Details of the social infrastructure, in terms of schools, health, community and amenity services are set out.

Reference was made to public consultation, i.e. to Public Open Days were hosted by the applicant over 3 no. days on the 11th and 12th July 2019 and on the 12th March 2020.

Potential effects on population during construction relate to issues of employment generation and some community disturbance. The construction phase will provide temporary employment for 700 construction workers. Best practice construction management measures will be employed to limit the level of disturbance incurred. Adverse temporary visual impacts will occur during the construction phase with the emergence of cranes etc. Dust or asbestos containing materials released to atmosphere during the construction phase could pose a risk to human health. However, appropriate mitigation measures will be employed during construction to ensure that emission levels are contained within all legal limits. In land use terms, the proposal will be positive in principle, fulfilling strategic land use objectives, providing much needed residential accommodation and some childcare services. The commercial facilities will also create employment, the impact of which can be described as moderately positive. The emphasis on sustainable transport modes will have positive health implications. The layout and configuration of the design will be considered further in my assessment. However, there are concerns about overdevelopment of this site, with adverse consequences for both the intended occupiers of the proposed scheme and for neighbouring residents.

It is concluded that the proposed development will not provide for the creation of a high-quality mixed-use development that would have a positive effect in terms of the economic and social benefits for the local community. I have considered all of the written submissions made in relation to population and human health. I am satisfied to conclude that significant adverse effects would arise for the local community and those intended to occupy the proposed development.

12.4 Landscape and Visual

Chapter 5 of the submitted EIAR deals with landscape and visual. Verified photomontages (2 Volumes) were submitted in this regard. Details of the methodology used to inform the assessment are set out. The existing landscape character is described and policies and objectives as they relate to visual amenity contained in the development plan are set out in the EIAR. 25 view locations were selected in terms of potential visual effects. The study area examined the potential impact from various vantage points within the south-western quadrant of the inner city.

The height of the proposed development, inclusive of two tall blocks (Block BG1 at 57.250m and Block BG2 at 72.435m), will be such that the scheme will be likely to be openly visible from a wide area of the surrounding city, including from some medium and long-distance vantage points, particularly as the area is predominantly low rise.

The construction phase will give rise to slightly adverse short-term impacts along SCR and streets in the vicinity, through the construction of hoarding, contractors compounds and the erection of cranes.

During the operational phase the visual impact will be permanent and more notable. The EIAR assesses many of the impacts as being predominantly positive on the basis that the site will be opened up to the public with new streets and thoroughfares and existing derelict industrial buildings being removed.

The provision of the 11 and 16 storey elements are likely to have an adverse impact on the surrounding environment primarily due to the intense visual interruption

arising from the insertion of high buildings on a predominantly low-rise landscape in close proximity to neighbouring houses.

In terms of cumulative impacts, the applicant makes reference to other developments which have been recently constructed or have the benefit of planning permission or are envisaged under the Master Plan for the overall site. These all contribute to a dynamic and changing environment and the applicant contends that the proposal will contribute to this emerging dynamic built environment.

The EIAR assesses the residual impact of the proposal for both the construction and demolition phase and the operational phase. With regard to the operational phase, the proposal is assessed from the 25 vantage points contained in the photomontages in terms of the (a) existing environment, (b) the Proposal, and (c) the proposal along with the Masterplan development in the vicinity.

The Landscape and Visual Impact Assessment outlines that there will no significant adverse visual impact on key views. The residual impacts are described as being neutral, slight or moderate. The quality of the impacts is assessed as being in some cases positive, in some cases negative, and in some cases neutral.

During construction, the proposed development will give rise to usual visual impacts, in the form of excavation and ground works, structural and general construction works associated with hoardings, construction compounds, cranes etc. The construction phase will include construction traffic, erection and operation of tower cranes, movement of machinery and personnel, and the gradual emergence of the various elements of the development. It is anticipated by the applicant that landscape and visual effects during construction phase will be wholly negative at first, changing to neutral to positive as work proceeds.

Once completed and in operation, the proposal will result in very substantial changes in the visual character of the immediate area. Potential adverse visual effects will be exacerbated if the proposed scheme is followed by the build out of the recently prepared wider Master Plan lands where the proposal will form part of a an overall scheme where there will be the delivery of an excessive number of tall buildings.

I have considered all of the written submissions made in relation to landscape and visual, including the third party submissions and the opinion of the planning authority, as expressed in its Chief Executive’s Opinion. I am satisfied to conclude that significant adverse direct and cumulative effects on landscape and the visual amenity of this area will likely arise. My assessment offers further considerations on this issue.

12.5 Traffic and Transportation

Chapter 6 of the submitted EIAR deals with traffic and transportation. The EIAR adequately describes and assesses the baseline environment surrounding the site. It is noted that the site offers good accessibility to more sustainable modes of transport. Details of the road network, cycling and pedestrian infrastructure, as well as public transport infrastructure serving the site, are described in the EIAR. The existing traffic flows on the surrounding network are assessed in detail. Details of all traffic accidents in the wider area are also set out. Proposed transport infrastructural improvements anticipated for the area are described.

In terms of the construction and demolition phase (c. 36 months), there will be up to 700 staff on site, resulting in about 150-200 car trips per day. All construction vehicles will access/egress the site from a construction access point on SCR. The average no. of HGV trips to and from the site (two-way) will be 50-60 trips per day.

During the operational phase, the combined trips generated by each element of the development, including the retail delivery and servicing vehicular trips, is as follows:

	Depart (am)	Arrival (am)	Depart (pm)	Arrival (pm)
Residential	30	5	8	20
Retail	2	2	2	2
Creche	1	2	1	1
Total	33	9	11	23

Traffic generated by operation of the proposed development will result in approximately 1 movement through the site entrance during the am peak hour every 110 seconds and one returning during the pm peak every 2.5 mins. The

development traffic is seen to have some impact on the surrounding local road network during the operational stage but, on balance, the impact is generally not significant, with overall maximum increase in network delays less than 5%.

In terms of the cumulative impact with the other Masterplan development, the impact is determined to be moderate and negative over the long term. However, it is considered that the network will still operate within capacity. The EIAR sets out mitigation measures including a Construction Environmental Management Plan (CEMP) and Mobility Management Plan (MMP) during the operational phase.

Overall, during both the construction and operational stages, the increase in traffic as a result of the proposed development, when regard is had to proposed mitigation, is likely to have no significant impact on the surrounding road network.

I have considered all of the written submissions made in relation to traffic and transportation. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transportation.

12.6 Material Assets

Chapter 7 of the EIAR deals with Material Assets – Built Services. Potential impacts associated with the proposed development are assessed with regards to a number of built services including wastewater services, water supply, gas supply, electricity, telecommunication and surface water drainage. Existing services are described, together with predicted impacts for public utilities arising from the development. The EIAR indicates that there is adequate supply in all these services for cater for the proposed development and other anticipated development in the area (cumulative demand). Correspondence from Irish Water is on file to suggest a connection to its services is feasible. Mitigation measures are also proposed to secure and improve supply of some of the utilities.

The planning authority state that they are satisfied in this regard. I have considered all of the written submissions made in relation to material assets. I am satisfied that

the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on material assets.

12.7 Land and Soils

Chapter 8 of the EIAR deals with land and soils. The site is located within a built-up, urban environment. Ground investigations indicate that the site is covered in man-made ground underlain by limestone till. 28 sample boreholes and 7 trial pits were undertaken on site to test for potentially hazardous materials and contaminants. The soils are predominantly uncontaminated. Some hydrocarbon contamination was apparent around the above ground oil storage tank on site.

During the demolition phase c. 12,403 m³ of material will be removed from site. The impact of this is assessed as neutral, insignificant and temporary. The removal of natural soils will have a slight negative effect while the removal of contaminated soil will have a significant positive permanent effect.

Likely potential effects, including cumulative effects during the construction phase, have been outlined while the operational phase will have an overall positive long-term impact by protecting soils against contaminated infiltration.

Mitigation measures, including a CEMP, have been proposed for the construction stage, which address potential impacts of soil removal and storage, fuel and chemical handling, transport and storage. Temporary storage of soil will be carefully managed to prevent any potential negative impact on the receiving environment. All excavated material will be reused, if possible, as construction fill. As it has already been determined that there is soil material underlying the site that is contaminated, this will be segregated, classified and appropriately disposed of by a suitably permitted/licensed waste disposal contractor.

SuDS will be incorporated during the operational phase of works, which will have a neutral long-term impact. The effect of the proposed development on land and soils is considered to be of negligible magnitude and imperceptible significance during

construction and operation. No residual effects of significance on land and soils have been identified.

I have considered all of the written submissions made in relation to land and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme and the proposed mitigation measures. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of lands and soils.

12.8 Water and Hydrology

At present runoff from paved areas discharges to ground on the site. There are combined storm and foul sewers on both the SCR and Rehoboth Place. There are no streams or rivers adjacent to the site. The Grand Canal is 130 m to the south and the River Poddle is c.710 m to the east of the site. The site is not located within or near a flood risk area. The vulnerability of the underlying aquifer is classed as high to extreme. The water table is shallow ranging from 1 to 2 m bgl across the site. The groundwater was also sampled for hydrochemistry. The sampling results are provided in Table 9.2 (p9-18). Elevated hydrocarbons were not detected in the soil samples indicating that any soil contamination has not extended to the water table.

Potential impacts identified during the construction and demolition phase include accidental spillages during the construction phase. Contaminated soils will be excavated and removed by a licensed contractor. Some dewatering of the water table will be required. During the operational phase the insertion of the basement may result in a slight alteration of the water table level. This will result in a slight negative temporary effect. The cumulative effects arising from other development in the area are also assessed. The main impact identified is the loss of c. 2% of subsoil from the local area arising from new basement areas. The basements may also result in the slight alteration of the water table. While this impact may be permanent, it is regarded as insignificant.

Mitigation measures have been incorporated into the design and the construction in order to minimise the potential impacts on water and hydrology and to ensure that impact will be slight or imperceptible.

I have considered all of the written submissions made in relation to hydrogeology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of hydrogeology.

12.9 Biodiversity

Chapter 10 of the EIAR deals with biodiversity. Surveys were undertaken on site in May and August 2019 and February and March 2020. The surveys related to habitat identification, invasive species, mammal, birds and bat surveys. The site is entirely urban in nature with the exception of the south western corner, which until recently was used as a community garden. Apart from some small patches of ruderal plants and some isolated pockets of scrub there are no vegetated habitats on site. The proposed drainage arrangement for Donore Avenue runs along grassland and hard standing. Notwithstanding the amount of buildings on site there was no evidence of any part of the site being used for roosting bats. There was no evidence of any bird nesting sites with the exception of some feral pigeons. It is concluded that there are no features of any ecological significance on site. There are no designated conservation areas within or in the vicinity of the site. There are no records of any rare or protected plant species within or in the vicinity of the site.

On the basis that the existing receiving environment is of no ecological or biodiversity significance, no potential impacts are anticipated during the demolition or construction phase. There will be no disturbance to fauna arising from the demolition and construction of new buildings. As there are no streams in the vicinity there will be no discharges to surface water. Mitigation measures will be put in place to ensure that there will be no contamination of ground water during demolition and construction.

No adverse impacts are anticipated during the operational phase. Surface water drainage will comply with the GDSDS. The proposal is not located in a flood risk zone and all foul effluent will discharge to the Ringsend WWTP where it will receive adequate treatment.

In terms of cumulative impacts reference is made to other planned developments in the area and it is stated that none of these developments will have any impacts on the biodiversity of the area in terms of habitat loss or impact on protected species, having regard to the urban environment in which these developments are located.

The EIAR sets out a series of mitigation measures to protect fauna during the demolition and construction stage and to ensure that no invasive species are brought onto the site.

I have considered all of the written submissions made in relation to biodiversity. There are no habitats of conservation significance within the site. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise.

12.10 Noise and Vibration

Chapter 11 of the submitted EIAR deals with noise and vibration. Details of the noise level criteria for the construction phase (BS 5228 - 2009) and operational phase (BS – 4142 and BS 8233:2014 – Guidance on Sound Insulation and Noise Reduction for Buildings) are set out. The baseline noise environment was surveyed at 3 locations in the vicinity. L_{Aeq} levels were recorded of between 45-62 dB(A), with the highest levels recorded at the monitoring station closest to the SCR (UN1). Prevailing noise levels in the locality are primarily due to local road traffic and are generally reflective of an urban area. There is potential for elevated levels of noise at some adjacent properties during construction works primarily through the demolition works to be carried out. However, these occurrences will be short-term, estimated to last only 3 months and will give rise to maximum noise levels of 69 dB(A) L_{Aeq} , at a point 40 metres from the activity. Mitigation measures have been outlined. Vibration effects during construction will be controlled and typically will range from 1mm/s to 3/mms PPV and will be subject to monitoring. Construction traffic will give rise to marginal increases in noise which will be imperceptible. It is concluded that, during the operational phase, additional traffic from the proposed development will have an imperceptible impact on the surrounding noise environment.

In terms of operational noise, the proposed development includes open plant areas at roof level on buildings BG 1 and BG 2. Any building plant will be selected to ensure that noise levels will comply with the noise level criteria referred to in the EIAR. Noise generated by the additional traffic operating in the vicinity as a result of the development will have an imperceptible impact in noise terms. Cumulative impacts during the construction and operational phase arising from other developments in the vicinity would likewise result in an imperceptible change in the residual noise environment. A series of mitigation measures is set out to reduce the impact arising from noise and vibration, particularly during the construction phase.

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

12.11 Air Quality and Climate

Chapter 12 of the EIAR relates to air quality and climate. The EIAR sets out details of relevant air quality legislation and protocols and agreements in respect of climate change. Details of the baseline environment for particulate matter (PM₁₀ and PM_{2.5}) nitrogen dioxide (NO₂) benzene and CO are provided. A number of dust sensitive receptors located in the vicinity include houses and the Coombe Hospital.

Potential significant effects could arise from dust deposition during the demolition construction phase. The overall risk of temporary soil impacts is described as high. However, mitigation measures will be put in place to address the impacts. There is also the potential for traffic emissions to impact on air quality. While this impact would be negative, it is assessed as being imperceptible. Impacts on human health could arise with the removal of asbestos from some of the buildings. The impact arising from construction works on climate is also assessed as being negative but again is considered to be short term and imperceptible. No significant impacts are anticipated on either climate or air quality during the operational phase. Cumulative impacts from other developments are also assessed and are considered to be imperceptible.

This chapter also assesses the proposal in the context of risk of major accidents and disasters. It states that there is no likely risk of major accidents and disaster in relation to air quality associated with the proposed development due to the nature and scale of the development. The nature of the proposal will not require large scale quantities of hazardous materials or fuels. In terms of flooding, the probability of flooding on site is less than 0.1% and there is no history of flooding on the subject site. Therefore, the impact of a major accident or disaster arising from flooding is considered to be imperceptible.

Finally, this chapter sets out a series of mitigation measures, particularly in relation to the demolition and construction phase in order to lessen the impact of the proposal in terms of air quality. With regard to residual impacts, it is noted that significant human health impacts could arise with the removal of asbestos from buildings. A certified contractor is proposed to be engaged in accordance with appropriate safety measures so as to avoid any significant impacts on human health. The overall conclusion is that any likely significant effects in terms of air quality and climate would be imperceptible.

I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme and the proposed mitigation measures. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality.

12.12 Cultural Heritage – Archaeology

Chapter 13 of the submitted EIAR deals with archaeology. The end of the site where connection is sought to link into the municipal storm water drainage network on Donore Avenue is located within the designated zone of archaeological notification for the historic city of Dublin (DU 018-020). Previous archaeological fieldwork which was carried out in the area, as well as cartographic analysis, is set out in the EIAR. There was a total of 36 archaeological investigations in the study area, 28 of which did not discover any archaeological artifact or features. The remainder of the field investigations identified medieval and post medieval watercourses and post medieval evidence of Donore Castle beyond the site. An examination of

documentary evidence shows that there were several phases of development on the subject site from the late 18th century onwards. Details of all recorded monuments in the vicinity of the site are set out in Figure 13.1 of the EIAR. From the early 20th century the site accommodated a factory and painting works and a reformatory school. The existing sheds and yards date from at least the 1990's. No upstanding archaeological features have been found within the site. Given the disturbance on site from the 19th century onwards, there is no potential for archaeological remains predating this period. Structural remains related to former late 18th and early 19th century structures may survive below ground, particularly on the western side of the site. The construction of the proposed development would have a direct negative impact on these remains if mitigation measures were not put in place. No direct or indirect impacts on archaeology will result from the operational phase of the proposed development. All ground disturbances associated with the proposed development, including site investigations during the construction phase, will be monitored by a suitably qualified archaeologist under license from the National Monuments Service of the Department of Culture Heritage Gaeltacht.

I have considered all of the written submissions made in relation to archaeology and cultural heritage. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on archaeology and cultural heritage would occur.

12.13 Cultural Heritage - Built Heritage

Chapter 14 of the submitted EIAR deals with cultural heritage in terms of the built environment. There are no protected structures on site. Details of protected structures and Residential Conservation Areas in the vicinity are indicated in Figure 14.1. Parts of the SCR in the vicinity of the site are designated as Residential Conservation Areas. Our Lady of Dolours Church on the SCR to the south west of the site, is the closest protected structure.

The existing buildings are mainly of 20th century origin. Any earlier structures retain little of their original fabric. Block D, which is located centrally near the eastern boundary of the site, is the earliest building on site, with the western section

appearing to date from the early 19 century. This building has been significantly altered in modern times. The buildings on site (Blocks A-E) are assessed in terms of their architectural, historic, artistic, cultural, social, scientific and technical attributes. The findings of the EIAR are in agreement with the conclusions of both Dublin City Council and the Inventory of Architectural Heritage Survey in that none of the buildings on site are of any particular architectural or cultural significance.

During the operational phase it is considered that the size and scale of the proposed development would have an overbearing visual impact on neighboring residential conservation areas. This impact is considered to be significant and negative while mainly local in extent. Photomontages are contained in the chapter which indicate the visual extent of the buildings in the context of the surrounding conservation areas. As a mitigation measure any architectural features of interest and surviving historic fabric associated with Block D will be salvaged and the reuse of this fabric in the proposed scheme will be considered.

I have considered all of the written submissions made in relation to architectural heritage. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant. The nature and scale of the proposed development is likely to have significant adverse visual impacts on neighbouring residential properties which form part of established residential conservation areas to the south of this site.

12.14 Interactions

Chapter 15 examines the interactions of the potential impacts arising. These are identified under each of the headings set out in the EIAR. Where potential interactions may occur these are identified. I have considered the interrelationships between factors and whether these might affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am satisfied that there are significant adverse effects arising which cannot be avoided, managed or mitigated by the measures which form part of the proposed development or by planning conditions. My assessment details the extent of adverse impacts arising.

12.15 Reasoned Conclusion on the Significant Effects

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

- Significant direct positive effects with regard to population due to increase in housing stock.
- Improvements in the public realm with the creation of new thoroughfares and amenity areas within the site, which currently accommodates old industrial buildings and open stock yards.
- Significant adverse landscape and visual impacts arising from the number, form, bulk, scale and height of the proposed tall blocks within the scheme which will have an overbearing impact on surrounding area, inclusive of Residential Conservation Areas. This impact will not be mitigated by the aesthetic design or use of external brick to reflect the predominant appearance of buildings in the area.
- Significant adverse impacts on the amenities of residential properties in the immediate vicinity by the layout, proximity, scale, height and mass of the proposed development and where the placing of the taller blocks within this site will have a particularly overbearing impact.
- Significant adverse impacts on the amenities of occupants of the proposed development arising from the scale, height, proximity and layout of the blocks and the lack of public open space to serve the needs of occupants of the scheme.
- Archaeological impacts which will be mitigated by archaeological monitoring of ground disturbance works.
- Air quality impacts which will be mitigated by dust minimisation measures during the construction phase.
- Traffic and transport impacts which will be mitigated by the management of construction traffic, urban realm improvement works and the modest provision of car parking within the scheme.

- Noise and vibration impacts which will be mitigated by adherence to requirements of relevant codes of practice, proactive community relations, and noise control techniques.
- Material Assets-Services impacts which will be mitigated by consultation with relevant service providers, a final Construction Management Plan and a Traffic Management Plan to be implemented, and service disruptions kept to a minimum.
- Resource and Waste Management impacts which will be mitigated by preparation of a site-specific C&DWMP

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents ‘Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment’ (2018), ‘Guidelines on the Information to be Contained in Environmental Impact Assessment Reports’ (draft August 2017), and ‘Advice Notes for Preparing Environmental Impact Statements’ (draft September 2015). It is noted that Article 3 (2) of Directive 2014/52/EU requires that:

‘The effects referred to in paragraph 1 on the factors set out therein shall include the expected effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned’.

The EIAR submitted did not include a specific chapter on the issue of major accidents or natural disasters. However, reference was made in relevant chapters to the potential for major accidents and disasters where applicable. Specifically, I would refer the Board to the chapters on Air Quality and Climate and Noise and Vibration. The Construction Environmental Management Plan also includes an environmental risk assessment in respect of construction activities. The nature of the development proposed does not in itself give rise to significant risks in relation to major accidents or disasters. The site is not located in the vicinity of any Seveso site or within a consultation distance as specified in Schedule 8 Table 2 for the purposes of Part 11 of the Planning and Development Regulations 2001 as amended. The site is not located in proximity to any major public transport terminus. Having regard to this, I consider that the document presented to the Board adequately addresses this issue.

In conclusion, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The impacts arising would justify refusing planning permission for the proposed development.

13.0 Planning Assessment

13.1 Introduction

13.1.1 I propose to undertake an assessment of the proposal at three levels as follows:

- (a) The principle of the development, its policy and plan context,
- (b) The functioning of the scheme, and
- (c) The external impacts – the likely environmental impact beyond the site.

13.1.2 I acknowledge that a wide range of issues have been raised by third parties and prescribed bodies and I will also seek to address outstanding planning issues that fall beyond the scope of the above levels of assessment. There are many features to a development of this nature and this assessment will seek to address the key planning issues of concern. Where other issues are not raised in this assessment, it can be reasonably ascertained that the provisions of the scheme meet with required standards.

13.2 The Strategic Housing Development Process

13.2.1 I acknowledge the criticisms of the SHD process, the concerns about overriding development plan provisions, and the role of Section 28 Guidelines in the process. References have been made in third party submissions to legal challenges to this process. These are matters beyond the scope of the current application now before the Board.

13.3 Alternatives

13.3.1 It has been submitted that the applicant's EIAR should have considered an alternative which included the construction of a development of much lower height and density. I note that Article 5(1)(d) of the 2014 EIA Directive requires the following:

“a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”

13.3.2 The applicant's EIAR considered a 'Do Nothing' scenario, had regard to the issue of alternative locations, considered the range of alternative uses on the site in the context of development plan provisions, looked at a number of alternative design scenarios, and acknowledged that the issue of alternative processes was not relevant to the class of development under consideration by the Board. The alternative design scenarios included consideration of the development framework for St. Teresa's Gardens and environs, the masterplan drawn up between the applicant and Dublin City Council, and the proposed development. The consideration of the development framework for St. Teresa's Gardens and environs related to a scheme of much lower height and density.

13.3.3 It is my submission to the Board that the range of alternatives considered by the applicant met with the requirements of Article 5(1)(d) of the 2014 EIA Directive.

13.4 Plan and Policy Context

13.4.1 *Introduction*

In order to assess the proposed development's compliance with plan policy and specific plans for the land the subject of the application and adjoining land, it is essential to contextualise the proposal before critically reviewing compliance with these policies, plans and guidance. Therefore, what follows is an overview of the relevant plans, policies and guidance followed by a comparative assessment of the proposal against the relevant provisions.

13.4.2 Dublin City Development Plan 2016-2022

Dublin City Development Plan 2016-2022 has designated 18 strategic development and regeneration areas (SDRAs) capable of delivering significant quanta of homes and employment for the city. One of these designated areas is SDRA 12 St Teresa's Gardens and Environs, which is inclusive of the former Player Wills and Bailey Gibson sites and Coombe Hospital.

The overall guiding principles for SDRA 12 set out in the Plan are as follows:

- The development of a network of streets and public spaces will be promoted to ensure the physical, social and economic integration of St Teresa's Gardens with the former Player Wills and Bailey Gibson sites, with further integration potential with the sites of the Coombe Hospital and White Heather Industrial Estate
- A vibrant mixed-use urban quarter will be promoted with complementary strategies across adjoining sites in terms of urban design, inter-connections and land-use. To provide for an area zoned sufficient in size to accommodate a minimum 80 m by 130 m playing pitch
- A new public park is proposed as a landmark feature with passive supervision by residential and other uses; it will have a comprehensive landscaping strategy to provide significant greenery within the scheme and will make provision for a diverse range of recreational and sporting facilities for use by the wider neighbourhood
- There is potential for one or two midrise buildings (up to 50 m) within the site, subject to the criteria set out in the standards section of this plan. To acknowledge the existing sports lands of St Teresa's Gardens and its environs and act to retain and augment these lands as sporting facilities for the benefit of the wider community and use by local sports clubs. That at least 20% of the SDRA 12 be retained for public open space, recreation & sporting facilities including an area to facilitate organised games.
- Strong permeability through these lands will be encouraged to generate movement and activity east-to-west (connecting Dolphin's Barn Street and Cork Street with Donore Avenue) and north-to-south (connecting Cork Street

and Donore Avenue with the South Circular Road and Grand Canal corridor); a high-quality public domain, provision of pedestrian and cyclist routes and provision of active streets will be promoted

- A community hub will be incorporated into the scheme to provide a wide range of community facilities accessible to the wider neighbourhood; opportunities to highlight the heritage of the local area by proposing community uses close to important landmark buildings such as St Teresa's Church will be promoted
- Provision shall be made for the expansion of St Catherine's National School, Donore Avenue, in the redevelopment of the former Player Wills site, subject to agreement with the Department of Education and Skills.

The 'Key Development Principles' as they relate to the site the subject of the application before the Board within SDRA 12 are set out in Figure 32 of the Development Plan. The following is observed:

- The boundary of the SDRA does not extend to lands immediately adjoining Rehoboth Place and Rehoboth Avenue. There appears to be a buffer between the indicative land uses within the SDRA and these streets.
- The boundary of the SDRA does not extend to South Circular Road.
- Mixed use development is the primary land use type promoted within the area relating to the current application site, with the north-western section of the site forming part of a larger public open space that extends eastwards.

Further to the above, I note the provisions of the Development Plan as they relate to 'Taller Buildings'. Section 4.5.4 of the Plan acknowledges the intrinsic quality of Dublin as a low-rise city and considers that it should remain predominantly so. However, it is noted that taller buildings can also play an important visual role and can make a positive contribution to the skyline of a city. The Council recognises the merit of taller buildings, including landmark buildings, in a very limited number of locations at a scale appropriate for Dublin. Clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are seen to be likely to be achieved in a limited number of areas only. Taller buildings

(over 50m) are considered acceptable at locations such as at major public transport hubs and in some SDRAs. The Plan also notes that there are a few areas where there are good transport links and sites of sufficient size to create their own character, such that a limited number of mid-rise (up to 50m) buildings will help provide a new urban identity. Those areas within a SDRA are included. In all cases, proposals for taller buildings are required to respect their context.

Policies of the Plan include:

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).

SC18: To promote a co-ordinated 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.

Chapter 16 of the Plan sets out development standards and Section 16.7 applies to building height. Figure 39 indicatively shows locations throughout the city for higher buildings. It references St. Teresa's Gardens & Environs for medium rise (max. 50m) at this location.

All proposals for mid-rise and taller buildings are required to have regard to the assessment criteria for high buildings as follows:

- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas
- Effect on the historic environment at a city-wide and local level
- Relationship to transport infrastructure, particularly public transport provision
Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for
- Contribution to public spaces and facilities, including the mix of uses

- Effect on the local environment, including micro-climate and general amenity considerations
- Contribution to permeability and legibility of the site and wider area
- Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360 degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies
- Adoption of best practice guidance related to the sustainable design and construction of tall buildings
- Evaluation of providing a similar level of density in an alternative urban form.

I note also that Map K, Volume 3 of the Development Plan illustrates the locations of SDRAs and includes St. Teresa's Gardens & Environs. In reference to a group of SDRAs (which includes St. Teresa's Gardens & Environs), it is indicated that parts of those SDRAs listed may be suitable for medium rise (max. 50m) or tall buildings (50m+).

13.4.3 *Development Framework for St. Teresa's Gardens and Environs 2017*

Following the designation of SDRA 12, the planning authority prepared and adopted a Development Framework Plan in July 2017. The Plan is seen to transpose the objectives of the Dublin City Development Plan into a planning framework. The Plan includes all of the site area associated with the application currently before the Board. It is noted that 0.55ha. of the Bailey Gibson lands are within the SDRA and 0.97ha. are outside of it. The Plan notes that the City Council is obliged to have regard to its Development Plan and other guidance documents in formulating proposals for the development of its lands. The provisions of the City Development Plan as they relate to SDRA 12 are set out.

The Framework requirements were stated to be

- Achieve compliance with the current Development Plan aspirations generally and the guiding principles for the development of SDRA lands.

- Deliver a mixed-use quarter with a considerable capacity for high quality residential accommodation and complementary uses.
- Promote a mix of tenure and unit types including the delivery of 50 no. residential units as per the current Part 8 permission. Achieve a minimum overall residential design target of approx 1000 residential units - approx 100 uph - combined with other uses where appropriate.
- Develop sensitively and at an appropriate scale at the interface of the SDRA lands with surrounding existing residential units. Increase the scale of development as appropriate towards the centre of the land block . The development plan allows for midrise development up to 50 metres in height (c. 15 / 16 stories residential) in certain areas of the SDRA lands.
- Provide generous well designed, attractive multifunctional public open spaces with good orientation, connectivity, passive and active supervision / overlooking etc. Deliver high quality residential and public amenity.
- Consider the impact of a large multisport pitch on the public spaces, its integration into public spaces, the nature and use of the pitch and suggest appropriate location etc.
- Clearly define the public realm - public open spaces vs. private open spaces, use buildings rather than boundary treatments to define and secure private space.
- Promote active streets with ground floor entrances / frontages to commercial and residential developments from public walkways / pavements. Promote generous pedestrian zones / pavements, allow for trees, soft landscaping and limited parking to encourage and facilitate passing trade / visitors to the quarter.
- Develop a network of streets and public spaces to ensure the social and economic integration of St. Teresa's Gardens with Player Wills and Bailey Gibson sites the Coombe Hospital lands and surrounding area.

- Develop and promote overall permeability – East / west (connecting Dolphin's Barn Street and Cork Street) and North / south (connecting Cork Street/Donore Avenue with the South Circular Road) allowing for pedestrian and cyclist routes.
- Provide a wide range of community facilities accessible to the wider neighbourhood to include sport facilities.
- Highlight the heritage of the local area.
- Provide for the appropriate expansion of St. Catherine's NS. The location at a new access to the lands from Donore Avenue is important in terms of design, street interface and as an entrance to the quarter.

The Development Framework responses are stated to include:

- The framework envisages a mixed-use quarter with high quality residential accommodation and complementary uses.
- For the purposes of estimating potential unit numbers building heights range from 2 storey houses up to eight storey apartment blocks for the lands generally with the potential for up to 15 storeys in defined zones / areas. These heights generally are indicative in nature and may vary from the benchmark height in specific instances in the context of proper planning and development / Development plan guidelines.
- The mix of tenure and unit types includes the delivery of 50 no. residential units as per the current Part 8 permission. Residential unit types include own door terraced housing and perimeter block apartment type developments. Access to ground floor units and cores is directly from street, via private courtyards and also from underground parking facilities.
- Generally the apartment model used for calculation purposes is based on five to eight storey blocks with entrance cores running through from streets to courtyards providing two units @ ground floor and three units per core on upper floors. This model envisages approx 14 units per core for a 5 storey block. (DHPCLG guidelines allow for up to 8 units per core per floor). On this

basis an approximate overall residential design no. target of approx 1000 residential units is considered achievable. This does not include the original Players Factory and theatre buildings which it is assumed will be mixed use.

- This core design yields an appropriate apartment mix of one, two and three bed units subject to detailed design etc. Generally all two and three bed units would be dual aspect and one beds would be single / dual aspect with south or west orientation. The perimeter block design with front to back core at entrance level allows flipping of the floor plate to maximise optimal orientation / aspect for living spaces
- The estimated residential yield is: **DCC lands** - approx 540 no. units - (486 / 594 units) **NAMA controlled lands** - approx 510 units - (459 / 561 units) - not including the original Players Factory and theatre). **Estimated overall yield of 1050 units** (945 / 1155 units) subject to detail design – which exceeds 100 units per hectare (uph) on the combined lands of c 10.3 hectares.

The following is noted from the Plan for the Bailey Gibson lands:

- The Ground Plan of the Framework Plan shows extensive open space provision throughout the Bailey Gibson section of the Plan area, inclusive of semi-public / private open space and public open space at the north-western end.
- The Indicative Land Uses of the Framework illustrate a number of mixed used blocks and a number of residential blocks on the site.
- The Indicative Building Heights for the Bailey Gibson section of the Plan area are up to seven storeys, with the higher blocks being located at the northern end of the lands.
- The Routes Hierarchy includes an east/west secondary route through the centre of the Bailey Gibson section of the Plan area from Rehoboth Place and a primary route south/north through this section from South Circular Road.
- The Public Open Space Strategy of the Framework Plan provides for a public park, the western part of which is located within the Bailey Gibson section of

the Plan area. Data provided on open space provision indicates the Bailey Gibson section of the Plan area would provide 0.2ha. of public open space as part of the proposed public park to the north-west.

- Approximately 195 units are located within these lands from a total of 1,050 units to be delivered.
- A gross floor area of 23,001.5 square metres is provided within the blocks in total.

13.4.4 *SDRA 12 Masterplan for Player Wills, Dublin City Council and Bailey Gibson Lands January 2020*

This Masterplan has recently been prepared by the City Council in association with Hines. Hines is a privately owned global real estate investment, development and management firm that will operate on behalf of the applicant for the proposed development in delivering the site to market.

Section 1.3 of the applicant's EIAR states that the context for the preparation of the masterplan related to the designation of lands including part of the former Bailey Gibson site as a SDRA. Noting the preparation of the Development Framework Plan in 2017, it is stated that the stimulus for the preparation of the Masterplan was two-fold:

- (a) Since the adoption of the City Development Plan and the publication of the Framework Plan, national planning policy has changed with the publication of Project Ireland 2040 and the Eastern and Midlands Regional Spatial Economic Strategy, together with Ministerial Guidelines that include Guidelines on Urban Development and Building Heights and Design Standards for New Apartments 2018; and
- (b) The coming into single ownership of the Player Wills and Bailey Gibson sites.

The Masterplan itself refers to the above stimuli as the reason for its preparation. It also schedules guiding principles for regenerating the area which are stated to safeguard the Framework requirements, while it is submitted that the mix of land uses identified in the 2017 Framework Plan are being maintained. It is acknowledged

that the spatial distribution of land uses proposed in the Framework Plan have been reviewed. It is further submitted that regard was had to national and regional policy and the need for compact regeneration and growth, with further consideration given to appropriate distribution of built development across the site to deliver increased densities, resulting in refinement of the Development Framework parameters. The Masterplan also submits that adjustments have been made to the building height strategy in response to new national Building Height Guidelines and notes that the City Development Plan allows for consideration of taller buildings on the site.

The following is noted:

Proposed Layout

The following is submitted in the Masterplan which relate to the layout of the Bailey Gibson lands:

- The general street layout, the general block locations and the general open space location remain unchanged from the Development Framework.
- There are only minor refinements proposed to the principles established in the Framework Plan. The refinements are stated to be:
 1. Improved vehicular connection with Rehoboth Place and South Circular Road. The Masterplan proposes to increase the carriageway along Rehoboth Place and connect to an entry street positioned south of No.40 Rehoboth Place. The arrangement eliminates the SDRA road network pinch point that is created by No.40 Rehoboth Place, a property outside of the SDRA lands and outside of DCC/Hines APG ownership. The road network adjustment necessitates a change in building line from the SDRA for Blocks BG1 & BG4. Pedestrian and cyclist connection with Rehoboth Place is maintained with BG1 building line adjusting to allow a visual vista into the SDRA Lands
 2. Relationship between blocks in different ownership improved. The Framework Plan proposal for blocks DCC5 & BG2 straddled the DCC/Hines APG ownership line creating both buildability and building management / ownership complications. The Masterplan proposes a revised building line for both blocks removing these difficulties.

3. A redistribution of open space to create a Local Park adjacent to the School.
4. Street hierarchy established with the main streets increasing from 15 to 18 metres
5. A comprehensive sunlight examination of the proposed SDRA building blocks has been carried out, see the “Overshadowing & Sunlight Access” Chapter for more information. The results have informed the shaped the proposed Masterplan massing, allowing for better penetration of sunlight into the public spaces and residential courtyards

Mix of Uses

1. Residential

The residential component shall comprise a mix of units to respond to current market demand, and traditional market units. The exact mix of rental vs. market housing, and the typologies, shall be determined at planning application stage having regard to market demand.

2. Ground Floor Active Uses

Ground floor active uses shall be provided at key locations to generate activity at ground floor level and to ensure high levels of passive surveillance.

3. Open Space

The refined Masterplan shall deliver public open space generally in accordance with the SDRA Framework requirements. A re-balance and/or re-distribution of this open space will be considered to respond to specific layout requirements and to ensure appropriate spatial distribution of open space across the Masterplan lands.

The development of a municipal playing pitch on the DCC lands is a key component of the Masterplan.

A playground will be provided on the Player Wills site adjacent to St. Catherine’s National School.

A hierarchy of public parks of differing scales and functions catering for passive and active recreation will be distributed across the DCC and Player Wills site. A plaza at

the entrance from Rehoboth Place to the Bailey Gibson site will provide an opportunity for the community to gather.

4. Social and Community

- Education

The site to the north-east of the Player Wills site is reserved for a school extension.

- Childcare

For the purpose of childcare provision, studios and 1-bedrooms are discounted in line with policy guidance, as they are unsuitable for families ...

The Masterplan lands would generate 231 no. children aged 0-4. Across the 3 no. sites the following numbers would be generated:

- DCC Lands: c.138 no. children aged 0-4
- Player Wills: c. 57 no. children aged 0-4
- Bailey Gibson: c. 36 no. children aged 0-4

Building Heights and Rationale

It is a requirement of the Development Framework adopted by Dublin City Council in March 2017 to: “develop sensitively and at an appropriate scale at the interface of the SDRA lands with surrounding existing residential units. Increase the scale of development as appropriate towards the centre of the land block. The development plan allows for midrise development up to 50 metres in height cc. 15/16 stories residential in certain area of the SDRA lands”. The Masterplan adopts, examines and develops the established Framework Plan building height rationale.

The rationale for reviewing the approach to building height arises from the emergence of changes in the national planning policy framework with the publication of the Development Framework Plan, national planning policy has changed with the publication of the Project Ireland 2040 - National Planning Framework and the Eastern and Midlands Regional Spatial Economic Strategy together with Ministerial Guidelines including Guidelines on Urban Development and Building Heights for Local Authorities and the Design Standards for New Apartments – Guidelines for Planning Authorities both published in 2018. These documents post date

the City Council's current Development Framework Plan for Teresa's Gardens and SDRA.

Key to the rationale is developing at a sensitive and appropriate scale at the fringes of the SDRA lands allowing the development to integrate with its surrounding residential neighbourhood. The perimeter interfaces were examined in the perimeter, intermediate and central blocks in detail and in most cases, the proposed building heights were reduced along the perimeter when compared to the Development Framework heights.

The increased scale is proposed centrally, where it will not materially impact upon neighbouring areas when considered against a range of environmental criteria, such as daylight/sunlight impact and visual impact. Taller buildings are grouped or clustered centrally to create a cohesive and strongly-defined new urban district. A collective considered new skyline is created. Taller buildings are positioned to terminate key vistas or flank public spaces allowing them to create a positive contribution to the urban realm within the Masterplan and from the surrounding neighbourhood.

All building heights shown in this Masterplan are indicative and are intended to be maximums. Minor height increases above those stated may be considered where required for architectural expression.

The Masterplan compares the block building heights proposed with that of the SDRA Framework Plan. For the Bailey Gibson lands, this illustrates that the blocks in the original plan varied up to 7 storeys, while the proposed changes provide for block heights ranging from 2 to 16 storeys. Details are provided on the block arrangements, with perimeter blocks (2/3 storeys), intermediate blocks (2-6 storeys) and central blocks (inclusive of the 11 and 16 storey blocks).

Overshadowing and Sunlight Access

The masterplan illustrates that all open spaces perform strongly when examined under BRE Guidelines and that the proposed block arrangement throughout the overall lands passes BRE guidance.

Projected Unit Schedule

Projected unit numbers for the Bailey Gibson and Player Wills sites assumes a model with unit mix approximately - 30% studio, 44% 1 Bed, 21% 2 Bed and 5% 3 Bed.

It is proposed that 400-450 units would be delivered on the Bailey Gibson lands.

Up to 2,275 units would be delivered across the three sites, i.e. DCC lands, Player Wills and the full extent of the Bailey Gibson lands.

I note that the Masterplan also addresses façade materiality, an access strategy and street hierarchy, an illustrative landscape masterplan, an open space hierarchy, landscape infrastructure, a drainage strategy, and a parking strategy.

I acknowledge that the recent masterplan places weight on two factors that have stimulated its preparation, namely new policy and guidance at national and regional level and the coming into single ownership of the Player Wills and Bailey Gibson sites. I consider that it is important to review the recent policy and guidance provisions upon which the new masterplan depends on its justification. With regard to the issue of single ownership, it is my submission to the Board that this is not particularly relevant. At all times since the adoption of the Dublin City Development Plan this location has been considered an integrated grouping of lands that have been subject to designation as a SDRA. This has resulted in the delivery previously of a Development Framework Plan for the overall lands. In the context of providing an orderly overall masterplan, distinguishing ownership of lands should bear no particular relevance and should have no influence on re-ordering of layouts, provision of public spaces, reviewing building heights, etc. across the totality of a

planned scheme for the lands if due regard is to be given to proper planning and sustainable development.

13.4.5 Policy and Guidance

1. Project Ireland 2040: National Planning Framework

The following is noted:

Effective Regional Development

Dublin City and Metropolitan Area

“Dublin needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice, transport mobility and quality of life ...

At a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.” (p. 36)

“Key future growth enablers for Dublin include:

Identifying a number of ambitious largescale regeneration areas for the provision of new housing and employment throughout the city and metropolitan area and the measures required to facilitate them as integrated, sustainable development projects;” (p/37).

Making Stronger Urban Places

National Policy Objectives include:

National Policy Objective 4

Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 6

Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

National Policy Objective 11

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

(It is noted that the National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. (p.65))

National Policy 13

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

The NPF also states:

“To enable brownfield development, planning policies and standards need to be flexible, focusing on design-led and performance-based outcomes, rather than specifying absolute requirements in all cases. Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes ...

In particular, general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location ...” (p.67)

People, Homes and Communities

Healthy Communities

National Policy Objectives include:

National Policy Objective 27

Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Housing

National Policy Objectives include:

National Policy Objective 33

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 35

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 36

New statutory guidelines, supported by wider methodologies and data sources, will be put in place under Section 28 of the Planning and Development Act to improve the evidence base, effectiveness and consistency of the planning process for

housing provision at regional, metropolitan and local authority levels. This will be supported by the provision of standardised requirements by regulation for the recording of planning and housing data by the local authorities in order to provide a consistent and robust evidence base for housing policy formulation.

2. Eastern and Midlands Regional Spatial Economic Strategy 2019-2031

The following is noted:

Regional Strategic Outcomes

The Regional Strategic Outcomes of the RSES include

1. Sustainable Settlement Patterns

Better manage the sustainable and compact growth of Dublin as a city of international scale ...

2. Compact Growth and Urban Regeneration

Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.

Compact Growth

Guiding Principles include:

Proposals for strategic brownfield and infill sites should be accompanied by a site brief and/or masterplan that sets out a phased programme for the regeneration of the site and demonstrates how the proposal will comply with National Guidelines that seek to achieve sustainable compact development and to integrate principles of good urban design and placemaking.

Note: The Guidelines referenced are DHPLG Guidelines 'Urban Development and Building Heights' and 'Sustainable Urban Housing; Design Standards for New Apartments', 2018, 'Design Manual for Urban Roads and Streets (DMURS)', 2013, and 'Sustainable Residential Development in Urban Areas', 2009.

Regional Policy Objectives include:

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines’, and the ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

Dublin Metropolitan Strategic Plan (MASP)

Regional Policy Objectives include:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines’, and the ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs and the development of Key Metropolitan Towns ...

Housing and Regeneration

The RSES notes:

“The NPF requires a change in strategy in relation to meeting housing need from the traditional approach of developer led provision of housing, often on greenfield sites at a remove from an urban settlement, to a plan led strategy of consolidation with the provision of the majority of housing in cities and other defined settlements. This will require a change in housing typologies and, given the changing economic and demographic patterns envisaged in the NPF, a change in tenure typologies as well.

Recent trends in the delivery of specialised housing typologies such as student accommodation, build to let developments and shared accommodation is indicative of the change in approach that will be necessary to accommodate the changes in

demand and demographics in the Region into the future, and the RSES needs to reflect this.”

Regional Policy Objectives include:

RPO 9.4: Design standards for new apartment developments should encourage a wider demographic profile which actively includes families and an ageing population.

RPO 9.8: To work with local authorities, government departments and relevant agencies to promote increased urban densities in all existing settlements ...

Recreation and Open Space

Regional Policy Objectives include:

RPO 9.14: Local authorities shall seek to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.

3. Urban Development and Building Heights Guidelines for Planning Authorities

Background and Context

The Guidelines note that they set out national planning policy which:

- Expands on the requirements of the National Planning Framework; and
- Applies those requirements in setting out relevant planning criteria for considering increased building height in various locations but principally (a) urban and city-centre locations and (b) suburban and wider town locations.

In referring to specific planning policy requirements (SPPRs) of the Guidelines, it is submitted that, where SPPRs are stated in the document, they take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.

The Guidelines state:

“A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.” (para 1.20)

Building Height and the Development Plan

The Guidelines state:

“Locations with the potential for comprehensive urban development or redevelopment (e.g. brownfield former industrial districts, dockland locations, low density urban shopping centres etc) should be identified where, for example, a cluster of higher buildings can be accommodated as a new neighbourhood or urban district or precinct. Such areas, particularly those in excess of 2 ha (approx. 5 acres) in area, should be accompanied by appropriate master-planning exercises and local planning frameworks to deal with movement, public realm, design and other issues that are best addressed at a neighbourhood level rather than at an individual site scale.” (para 2.11)

A SPPR of the Guidelines is:

SPPR 1

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height .

Building Height and the Development Management Process

In the making of a planning application, the Guidelines require an applicant to demonstrate that a proposed development satisfies a range of specified Development Management Criteria at the scale of the relevant city/town, at the scale

of district/neighbourhood/street, and at the scale of the site/building. Where a planning authority or the Board considers that the criteria are appropriately incorporated in development proposals, they are required to apply SPPR 3 under section 28(1C) of the Planning and Development Act. SPPR 3 states:

“It is a specific planning policy requirement that where;

- (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise ...”

4. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities

These Guidelines address apartments and statutory development plans, apartment design standards, communal facilities in apartments, Build to Rent and Shared Accommodation sectors, and apartments and the development management process.

From Section 1.5 of the applicant’s EIAR it is confirmed that the application seeks permission for a Build to Rent Strategic Housing Development at the site. The following is noted from Chapter 5 of the Guidelines which relate to Build to Rent:

- Amenities: The provision of dedicated amenities and facilities specifically for residents is usually a characteristic element.
- Residential Delivery: The potential for accelerated housing construction through BTR can make a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning Framework. The potential to augment existing housing delivery models by attracting new investment into the sector will assist in achieving additional housing output.

- Specific BTR Developments: Residential development may be proposed as a specific BTR development in the planning process at planning application stage:

Specific Planning Policy Requirement 7

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 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.

- Following the expiration of the time period specified in relation to SPPR 7(a) above, and unless specified to the contrary in any attached condition to a planning permission or covenant, the individual apartment units included in the development may then be sold individually or collectively without the need for any further enabling planning permission.
- Where the requirements of SPPR 7 are fulfilled, the proposed BTR development will qualify for assessment by the planning authority as a specific BTR scheme, where a number of distinct planning criteria may be applied. These are as follows:

Specific Planning Policy Requirement 8

For proposals that qualify as specific BTR development in accordance with SPPR 7:

- (i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;
 - (ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases 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;
 - (iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;
 - (iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;
 - (v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.
- Part V requirements under the Planning Act (as amended) apply to BTR developments.

13.4.6 Assessment of the Proposal's Compliance with Plans and Guidelines

The information detailed above constitutes a reasonable review of the relevant plans, policies and guidance that influence acceptance or otherwise of the principle of the proposed development. It is now necessary to determine if the proposed development satisfactorily complies with these plans, policies and guidance. It is proposed to consider the proposed development at national, regional and local policy levels, with due regard being given to the applicant's reliance on national planning guidelines relating to building height and apartment design standards.

The Proposed Development and the National Planning Framework

It is my submission to the Board that the principle of the proposed development sits comfortably with the National Planning Framework. It is reasonable to ascertain the following:

- The proposal meets with the provisions relating to Dublin City that promote a focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.
- It clearly aspires to comply with National Policy Objectives 6, 11, 13, 33, 35 and others, whereby the development seeks to rejuvenate the area at increased scale, height and density, on underdeveloped brownfield lands, and in a location that can support sustainable development.
- The design of the proposed development clearly utilises the recently published Section 28 Guidelines arising from National Policy Objective 36 to maximise the potential development output within the landholding.

The Proposed Development and the Eastern and Midlands Regional Spatial Economic Strategy

At regional level, it may reasonably be determined that the proposed development concurs with the objectives and provisions of the Eastern and Midlands Regional Spatial Economic Strategy as they relate to sustainable settlement patterns, compact growth and regeneration. The scheme seeks to regenerate this area by making better use of under-used brownfield land. It is wholly in keeping with the Regional Strategic Outcomes of the Strategy and the masterplanning for the lands is in keeping with the Guiding Principles associated with the Strategy's provisions relating to 'Compact Growth'. Furthermore, it meets with the requirements of Regional Policy Objective RPO 5.4 as they relate to the development of Dublin City, providing for higher density development. It is noted that the RSES acknowledges the requirement for a change in housing typologies and that build to let development is indicative of the change in approach that will be necessary to accommodate the

changes in demand and demographics in the Region into the future when considering residential development and regeneration.

The Proposed Development and Local Plan Provisions

Dublin City Development

Dublin City Development Plan 2016-2022 has designated St Teresa's Gardens and Environs a Strategic Development and Regeneration Area (SDRA 12). This is a location that is expressly viewed as one capable of delivering a significant quantum of homes and employment for the city. As well as encompassing Dublin City Council lands, it also includes the former Player Wills and Bailey Gibson sites and Coombe Hospital. Thus, the site the subject of the proposed development before the Board is acknowledged as a location that has been designated to deliver a significant scale of residential accommodation.

The Development Plan sets out overall guiding principles for SDRA 12 of which most of the site of the proposed development forms a part. When considering these principles, it is reasonable to determine:

- The proposed development aids in the intent to contribute to the achievement of the development of a network of streets and public spaces to ensure the physical, social and economic integration of St Teresa's Gardens with the former Player Wills and Bailey Gibson sites.
- The development would form an integral part of a vibrant mixed-use urban quarter when the overall scheme is built out, with complementary strategies across adjoining sites in terms of urban design, inter-connections and land-use.
- It is of concern that, as an independent residential scheme, it does not meet with the principles that relate to public open space and recreational facilities provision. It is understood to be part of a larger rejuvenation scheme that is overall responsible for the delivery of such spaces. As a proposed development seeking permission as an independent scheme, albeit part of an area within a defined Master Plan, it is noted that the lack of provision of public open space to meet the needs of residents and others associated with

the development is a material issue which the applicant has not given consideration to in the planning application.

- The City Development Plan sees the potential for one or two midrise buildings (up to 50m) within the entire SDRA 12. It is particularly noted that the proposed development seeks to accommodate tall buildings over 50 metres in height with the 11 and 16 storey buildings. In understanding that the overall SDRA 12 is intended in the City Plan to accommodate one or two midrise buildings in total and in the knowledge that there are several other tall blocks planned within the overall master plan lands, the proposed development, incorporating two tall buildings on this section of the site alone could not be seen to be in keeping with the provisions of SDRA 12 as they are provided for in the statutory City Development Plan. This is a material change when one considers the definitive emphasis placed in the Development Plan on one or two midrise buildings for the entire SDRA 12. I note that this is not a material issue which the applicant has given consideration to in the planning application.
- The layout of the proposed development meets with the requirement to produce strong permeability through the lands to generate movement and activity east-to-west and north-to-south.
- It is acknowledged that the proposed development provides for a limited number of uses beyond residential use which may be availed of by the wider neighbourhood.

Having regard to the 'Key Development Principles' for SDRA 12 as they relate to the site and as illustrated in Figure 32 of the Development Plan, I acknowledge that the boundary of the SDRA does not extend to lands immediately adjoining Rehoboth Place and Rehoboth Avenue and as far as South Circular Road. While it appears that a buffer is provided between the indicative land uses within the SDRA and the neighbouring streets, it must reasonably be understood that the intervening lands must form an inherent component of the overall development to allow for appropriate integration and gradation of new development in such locations. The principle of the orderly development of such lands is integral to the physical regeneration process. Furthermore, it is noted that the zoning provisions for such lands facilitate this orderly

development at these interface locations. Finally on the Key Development Principles, I note that the City Development Plan indicates that mixed use development is the primary land use type promoted within the area relating to the current application site and that the north-western section of the site forms part of a larger public open space that extends eastwards. It is evident that residential use is the proposed primary use of the lands, with limited mixed uses produced at street level, while it is again noted that there are no provisions within the scheme for public open space.

Overall, it may reasonably be considered, in the context of the current Dublin City Development Plan, that the proposal adheres in part to SDRA 12 guiding principles and key development principles for the lands, while in part failing to adhere to such principles, mainly in relation to the number of tall buildings, the height of the taller buildings, and the public open space provision. It must reasonably be understood that each of these issues that do not meet with the requirements of the City Development Plan are material issues that culminate in the proposed development being in contravention of the City Development Plan.

Further to the above, I note the Development Plan provisions as they relate to building height and taller structures. It is apparent that the Plan recognises the merit of taller buildings, including landmark buildings, in a very limited number of locations and that clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are seen to be likely to be achieved in a limited number of areas. The Plan states that taller buildings (over 50m) are considered acceptable at locations such as at major public transport hubs and in some SDRAs. It is again notable that the whole of SDRA 12 is considered as being suited to one or two midrise buildings. The Plan acknowledges that there are a few areas where there are good transport links and sites of sufficient size to create their own character, such that a limited number of mid-rise (up to 50m) buildings will help provide a new urban identity. It may be reasonably understood that SDRA 12 would form one such area. The Plan requires that, in all cases, proposals for taller buildings are required to respect their context. Policy SC16 of the Plan recognises the potential and need for taller buildings in a limited number of locations, inclusive of

within designated strategic development regeneration areas (SDRAs). Policy SC18 seeks the promotion of a co-ordinated approach to the provision of tall buildings, including strategic development and regeneration areas principles, in order to prevent visual clutter or cumulative negative visual disruption of the skyline.

Having regard to the Plan provisions as they relate to taller buildings, it appears that tall buildings (in excess of 50m) are not promoted within SDRA 12, while it is acknowledged that areas such as SDRA 12 have good transport links that comprise lands of sufficient size to create its own character that will help provide a new urban identity, which will allow for a limited number of mid-rise (up to 50m) buildings. The development of taller buildings within the site as part of SDRA relative to neighbouring properties can generally be seen to be compatible with Policies SC16 and SC18 of the Plan.

Further to the above, I note that the Development Standards section of the current City Development Plan reflects the provisions set out above.

Masterplans for the Site and Adjoining Lands

Development Framework for St. Teresa's Gardens and Environs 2017

Following the designation of SDRA 12, a Development Framework Plan was prepared in 2017 by the City Council. While not a statutory development plan, it is noted that the Plan was approved by City Councillors. Effectively, this Plan took the guiding principles of the City Development Plan and devised a master plan, i.e. a framework that espoused these principles, addressing plan form, layout, building heights, open space provision, etc. that were required by the Development Plan for SDRA 12. It reasonably added the buffer areas between the designated SDRA and neighbouring properties to plan for the interface between both. By doing so it incorporated the 0.97 hectares of Bailey Gibson lands outside of SDRA 12 into the Framework Plan. It is apparent that the Framework espoused the requirements of a scheme on these lands as set out in the City Development Plan and produced planned responses to meet with these requirements, reflecting tenure, land use, building heights, open space provision, permeability, etc. I note that the overall yield for the Framework Plan area was estimated at 1050 units (945 / 1155 units) subject

to detailed design. This provided for a density of development in excess of 100 units per hectare on the totality of the lands.

With regard to the Bailey Gibson lands, it is clear that the Framework Plan met with the provisions of the City Development Plan as they relate to open space provision, mixed used blocks, building heights, route hierarchy, and density of development. I note that the Framework Plan sought to accommodate 195 units on the Bailey Gibson lands, representing less than 47% of the units proposed at present.

*SDRA 12 Masterplan for Player Wills, Dublin City Council and Bailey Gibson Lands
January 2020*

I first note that the recently prepared Master Plan has been prepared by the City Council in association with Hines who are operating on behalf of the applicant. There is no understanding that this Plan has been subject to approval by the elected members of the City Council. As with the Development Framework Plan, it is a non-statutory plan. I acknowledge that the context for the preparation of the master plan is related to the designation of lands (including part of the former Bailey Gibson site) as a SDRA. The Plan states that the stimulus for the preparation of the Master Plan was two-fold:

- (a) Since the adoption of the City Development Plan and the publication of the Framework Plan, national planning policy has changed with the publication of Project Ireland 2040 and the Eastern and Midlands Regional Spatial Economic Strategy, together with Ministerial Guidelines that include Guidelines on Urban Development and Building Heights and Design Standards for New Apartments 2018; and
- (b) The coming into single ownership of the Player Wills and Bailey Gibson sites.

I have addressed the latter earlier in this assessment and do not see how this should directly affect the need for a new Master Plan for these lands. I have also addressed earlier the national and regional planning policy context set out in the NPF and RSES and am satisfied that the proposed development clearly is compatible in principle with the objectives espoused at national and regional policy levels. The issue of Ministerial Guidelines will be examined further. However, at the outset, it is

considered reasonable to highlight where the Master Plan provisions for the Bailey Gibson lands materially deviates from the statutory provisions for SDRA 12 as set out in the current Dublin City Development Plan.

I first note that the guiding principles set out in the Master Plan seek to reflect those set out in the Framework Plan, which themselves reflect the principles of the City Development Plan in relation to SDRA 12. The following is noted from the revised Master Plan:

- The spatial distribution of land uses has been substantially revisited. The mixed use nature of development that was espoused for the Bailey Gibson lands has been eroded notably and the scheme for this location is now predominantly residential in nature. This is a distinct change to the land uses proposed for this part of the Framework Plan area.
- Clearly, the delivery of increasing densities across the site is, in principle, seeking to follow the aims set out at national and regional policy levels. It is apparent that the change in density of under 130 units per hectare on the 1.53 hectare site to over 270 units per hectare for the Bailey Gibson lands, i.e. increasing the development of residential development from 195 units to 416 units, constitutes a material change to the Framework Plan. I question the view that this change in density could be perceived as constituting a refinement of the Development Framework Plan nor could it be understood to be a minor or immaterial adjustment.
- I note that the Master Plan submits that adjustments have been made to the building height strategy in response to new national Building Height Guidelines and notes that the City Development Plan allows for consideration of taller buildings on the site. The first matter that must be acknowledged is that the City Development Plan is reasonably definitive about the limited number of taller buildings that may be accommodated at this location, i.e. one or two midrise buildings on the overall SDRA lands. The number of tall buildings is well in excess of that provided for in the City Development Plan. For the Bailey Gibson lands to have two tall buildings alone, with emphasis placed on the taller buildings within the central areas of the overall SDRA, and with the clear intent for further tall buildings throughout the Master Plan lands,

this is evidently a material change which contravenes the provisions of the City Development Plan. I consider that it is important to note that the Master Plan does not seek to justify the building height changes or numbers of tall buildings in the context of the development management criteria of the Guidelines. I accept that the applicant's 'Statement of Consistency with National, Regional & S.28 Ministerial Guidelines' expressly addressed these development management criteria. However, this is in the context of the Bailey Gibson lands alone and is not in the context of the overall Master Plan. I view this as a significant omission as this Master Plan appears to be intended to be the guiding plan for the overall development of the lands at this location into the future.

- The Master Plan identifies 'Key Refinements' in relation to the layout which relate to vehicular connection with Rehoboth Place and South Circular Road, the relationship between blocks in different ownership, the redistribution of open space to create a local park at the school to the east, the street hierarchy with the main streets increasing, and a sunlight examination of the SDRA blocks. The Plan also claims that the general street layout, the general block locations and the general open space location remain unchanged from the Development Framework Plan. When examining the Bailey Gibson lands, this is a claim which cannot reasonably be upheld. There are distinct footprint, configuration and locational changes to blocks, changes to east/west access through the site, and of particular note is the principle public open space which has been removed from the site in its entirety. It also noted that the scale, layout and configuration of this principal public open space has been reduced to facilitate the revisions made, and clearly there are substantial increases in building height and density of development that follow from this reduction of public open space. Evidently, this has repercussions in a material sense to the amenities of those who intend to occupy the scheme. Having regard to these observations, I am of the opinion that it could not reasonably be claimed that these material changes from the Development Framework Plan constitute 'refinements' or 'minor adjustments', which appears to be the thrust of the Master Plan's explanation about the extent of changes being proposed over the proposals in the Framework Plan.

- It has at all times been understood that development of these lands was required to be carried out in a sensitive manner and at an appropriate scale at the interface of the SDRA lands with surrounding existing residential units. The increase in the scale has always been promoted at City Plan and Framework Plan levels towards the centre of the overall land block which makes up the Master Plan area. The provisions as set out in the City Development Plan and the Development Framework Plan have at all times expressly allowed for one or two midrise buildings up to 50 metres in height in certain areas of the SDRA land and these are definitively limited in number. It is my submission to the Board that the proposed development of the Bailey Gibson section of the site is in distinct conflict with and materially contravenes the provisions of the City Development Plan as they relate to height and to the number and spatial distribution of the higher buildings. I consider that it is reasonable to determine that the proposed development takes an insular perspective, seeking to expand the provisions intended across the entire SDRA lands and to internalise those provisions within the Bailey Gibson site itself. This, in my opinion, refutes the claim that the single ownership of the Player Mills and Bailey Gibson lands functions as a stimulus to spur on a new Master Plan. If there was to be an integrated, coherent approach to the development of these lands in single ownership the scheme should have better reflected this integration. Instead, it is apparent that there is now a very distinct separation between blocks and spaces in different holdings, reducing the inter-connectivity, allowing the current proposal to be treated in isolation. Further to this, it is clear that the proposed scheme within the Bailey Gibson lands seeks to materially increase building height provisions that are intended to be applied to the wider scheme in order to gain increased height for blocks within its own site. To this end, it is clear that the development of the 11 and 16 storey blocks are central components of this planning application scheme. Given their proximity to the south-western perimeter of the SDRA lands, this reduces the ability of the proposed development to integrate in a more satisfactory manner with its adjoining residential neighbourhood. In spatial terms, the treatment of the perceived sensitive interface has been distorted by the 11 and 16 storey blocks. While central to the Bailey Gibson lands, they are in no way central to the Master Plan lands and because of their peripheral

siting within the overall Plan area, they have a distinct bearing on how the development affects its resident neighbours and how the development presents itself to the wider public realm. The development of tall buildings within this part of the SDRA lands adversely impacts on the true understanding of perimeter, intermediate and central blocks when one has due regard to the overall scheme and the intent to effectively grade building height, seeking to provide a balanced interface between existing established residential properties and the new development blocks. I note that the Master Plan submits that the rationale for reviewing the approach to building height arises from the emergence of Project Ireland 2040, the Eastern and Midlands Regional Spatial Economic Strategy, and Ministerial Guidelines including Guidelines on Urban Development and Building Heights for Local Authorities and the Design Standards for New Apartments – Guidelines for Planning Authorities both published in 2018. I accept that at the national and regional policy level increased building heights are generally promoted at locations such as those in which the site for the proposed development is located. I consider that the Design Standards for New Apartments bear no relevance to the delivery of increased building height in this instance. The Building Height Guidelines themselves will be examined later in this assessment. However, it is evident that the Master Plan, with its intent for several tall buildings across the SDRA site, and the proposal to develop two tall buildings on the Bailey Gibson lands alone cannot rely on national and regional policy and building height guidance to justify the deviation and the material changes in the numbers and location of tall buildings within the scheme as definitively planned in the city's statutory development plan. I submit that the building height changes proposed for the Bailey Gibson lands, as advocated in the 2020 Master Plan, are far removed from the provisions of the City Development Plan, are clearly material in difference, and promote an insular scheme of higher structures intended for this part of the SDRA.

- I acknowledge that the Master Plan submits that all open spaces perform strongly when examined under BRE Guidelines and that the proposed block arrangement throughout the overall lands passes BRE guidance in relation to overshadowing and sunlight access.

In conclusion on the review of the 2020 Master Plan, I am of the opinion that one may reasonably determine that the Plan constitutes a new master plan for the SDRA. It is not some form of refinement or adjustment of the Development Framework Plan. Importantly, this new Plan, when regard is had to the current proposed development of the Bailey Gibson lands, is far removed from the City Development Plan provisions which seek to guide SDRA 12. There are several material changes in the Master Plan that are distinctly different from the requirements of the City Development Plan as they relate to SDRA 12. One cannot relate the proposed scheme with the guiding principles set out in the City Development Plan and cannot in any reasonable manner determine that the new Master Plan provisions bear resemblance to the Development Framework Plan provisions.

The Proposed Development in the Context of the Building Height Guidelines

The applicant's position on the compatibility of the proposed development with the Guidelines is clearly set out in its submission entitled 'Statement of Consistency with National, Regional & S.28 Ministerial Guidelines'. I note that the applicant argues that the proposed development is in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of the Guidelines. It is my submission to the Board that the applicant's interpretation is in question. It is evident from the above assessment that the proposed development of the Bailey Gibson lands is removed from the requirements of the development plan. One cannot take SDRA 12 scheme-wide provisions and internalise them for this section of the overall lands at the first phase of development of these overall lands, which then effectively allows for multiple higher buildings within the overall scheme. This is not what the development plan espouses and I cannot find within the Building Height Guidelines any provisions which espouse such actions. The applicant submits that the current proposal has evolved in response to the Masterplan prepared by the City Council which is consistent with Section 2.11 of the Guidelines. It has been demonstrated that the 2017 Development Framework Plan is a reflection of the Development Plan's intent for SDRA 12. I question that it is reasonable to conclude that the 2020 Master Plan is an accurate reflection of the

intent of the provisions of Dublin City Development Plan as they relate to these lands, even allowing for the Building Height Guideline provisions.

The applicant submits that the numerical limitations on building height identified within the City Development Plan do not align with the objectives and policies of the National Planning Framework which seek out significant increases in building heights and overall density of development in appropriate urban locations. With due regard to the Guidelines, one accepts that increases in building heights are clearly promoted. It is also reasonable to ascertain that the designation of SDRA 12 and its pursuit of higher density development and higher buildings within its context goes some way to meet with the intent of the National Planning Framework, albeit that its designation predates the NPF. If there is a push to accommodate tall buildings and to increase the numbers of tall buildings at this location this cannot be achieved by changing the guiding principles of the SDRA 12 as set out in the Development Plan without acknowledging that both the increase in the number of tall buildings and the tall buildings themselves constitute material changes to the development plan. These material changes in the number of tall buildings and building heights are reinforced by their material planning outcomes which result in more than doubling of density of development on the site and the omission of public open space. I submit to the Board that this is not what is espoused either by the NPF or by the Building Height Guidelines.

The above considerations are at a level of principle. I note that the applicant seeks to justify the proposed development by assessing it against the Guidelines' development management criteria at city/town, district/neighbourhood/street, and site/building levels. At the city/town level, one accepts that there are high levels of accessibility to public transport at this location and that redevelopment at this location will rejuvenate the area. However, what the applicant sees as a development satisfactorily integrating with the area and making a positive contribution to placemaking is not readily apparent in the current application which is removed from the development plan intent. The proposed development seeks higher structures and higher density development on one side of a scheme beside established residential properties that is not planned for. At the district / neighbourhood / street level, it is again accepted that the development of these lands will bring a brownfield site into productive use, that it takes cognisance of flood risk,

and that it clearly has the potential to improve legibility, permeability and connectivity. However, there must be a concern about the potential monolithic representation of the new SDRA 12 when the overall scheme is built out premised upon the guidance of the new Master Plan, of which the proposed development forms a part. At the neighbourhood and street level, due to the increase in scale and height and proximity to established properties and the precedent this will create for the remainder of the scheme lands, the proposal potentially presents as monolithic and will most likely be imposing and overbearing. Furthermore, it cannot easily be determined that the proposed development positively contributes to the mix of uses and dwelling types of this area, with the focus primarily on residential use and uniformity of housing typology selected. At the site/building level, the Guidelines require that the form, massing and height of proposed developments be carefully modulated to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. Where daylight provisions cannot be fully met compensatory design solutions are required to be set out. I acknowledge the applicant's sunlight and daylight assessment and note the conclusions drawn from the detailed assessment undertaken. I am concerned, however, that the introduction of higher buildings throughout this part of the overall scheme, the provision of tall structures within this part of the overall scheme, and the erosion of the gradation of building height may result in a somewhat stark contrast in building height at the interface with low rise established buildings, culminating in gathering of higher buildings that produce concern for light to structures at lower levels within the scheme and raising potential overshadowing concerns and increased overlooking for neighbouring properties bounding this proposed development. Finally, with regard to specific assessments identified in the Guidelines, I acknowledge the site-specific assessments that have been carried out in support of the application, inclusive of those that relate to micro-climate effects, to bats, to design and to environmental impacts.

In conclusion, I cannot reasonably take the view that the proposed development wholly satisfies the development management criteria of the Building Height Guidelines..

Compatibility with Other Public Guidance

I acknowledge that the applicant has made a submission to the Board which addresses other guidance which includes Rebuilding Ireland: Action Plan for Housing and Homelessness, the Design Manual for Urban Roads and Streets, Sustainable Residential Development in Urban Areas and its accompanying Urban Design Manual, and Childcare Facilities for Planning Authorities. The applicant's principal reliance on the acceptability of the proposed development has been premised upon the previous plans and policies referred to above. I, therefore, do not intend to address these other guidelines in any detail. The clear intent of public policy to increase the numbers and quality of new homes and neighbourhoods, to improve the sustainability of residential development, and to make provisions for improved accessibility and services is acknowledged. It is understood that the proposed development would seek to be compatible with the objectives of this public policy and guidance.

Third Party Submissions

Many of the third party submissions focus on the applicant's reliance on the 2020 Master Plan, the lack of public engagement, and the failure to adhere to the SDRA 12 provisions of the Development Plan. There is recognition also that the proposed development appears to function in isolation of the overall development of the lands at this location. My considerations on the proposed development are reflective of a number of these third party concerns.

13.5 Public Open Space Provision

13.5.1 I note the provisions of Dublin City Development Plan as they relate to public open space. This must first be understood in the context of the City Development Plan's provisions as they relate to 'Sustainable Communities and Neighbourhoods' as set out in Chapter 12 of the Plan and in relation 'Zoning' as set out in Chapter 14. The role of the provision of public recreational space in helping to create sustainable communities is recognised in Chapter 12. Policy provisions include:

SN19: To enhance and improve the provision of playgrounds, play spaces, playing pitches and recreational spaces in residential areas and in the city centre in accordance with the City Council's standards and guidelines.

SN29: To promote built environments and outdoor shared spaces which are accessible to all. New developments must be in accordance with the principles of Universal Design, the City Development Plan's Access For All Standards, and the National Disability Authority's 'Building For Everyone'.

13.5.2 With regard to Zoning, I note that three land use zoning objectives affect the lands - Z1 'Sustainable Residential Neighbourhoods' in the north-west section, Z4 'District Centres (incorporating Key District Centres) to the west, and Z14 'Strategic Development and Regenerations Areas (SDRAs) forming the main body of the site. The following is noted from the Plan in relation to Z1 and Z14 lands:

Z1

"The vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres."

Z14

The Plan notes that, in the case of each of the SDRAs, a number of development principles to guide development of each area have been identified. Relevant guiding principles for SDRA 12 include:

- The development of a network of streets and public spaces will be promoted to ensure the physical, social and economic integration of St Teresa's Gardens with the former Player Wills and Bailey Gibson sites, with further integration potential with the sites of the Coombe Hospital and White Heather Industrial Estate

- A vibrant mixed-use urban quarter will be promoted with complementary strategies across adjoining sites in terms of urban design, inter-connections and land-use. To provide for an area zoned sufficient in size to accommodate a minimum 80 m by 130m playing pitch
- A new public park is proposed as a landmark feature with passive supervision by residential and other uses; it will have a comprehensive landscaping strategy to provide significant greenery within the scheme and will make provision for a diverse range of recreational and sporting facilities for use by the wider neighbourhood

13.5.3 It is clear from the above that the role of public open space is integral to the zoning provisions applicable to the site of the proposed development.

13.5.4 Turning then to the Plan's Development Standards (Chapter 16), I note that Section 16.3 relates to 'Public Open Space – All Development'. The Plan states:

"In order to progress the city's green infrastructure network, improve biodiversity, and expand the choice of public spaces available, the provision of meaningful public open space is required in development proposals on all zoned lands.

There is a 10% requirement specifically for all residential schemes ..."

13.5.5 It is pertinent to note that the Plan's provisions in relation to a financial contribution in lieu of public open space is in the event that a site is considered to be too small or inappropriate to fulfil useful purpose in regard to open space.

13.5.6 I acknowledge the applicant's 'Planning Statement & Statement of Consistency with Dublin City Development Plan 2016-2022'. Therein it is stated:

"The proposed development does not provide for public open space within the bounds of the application area." (Section 7.4)

13.5.7 It is my submission to the Board that the proposal to develop the site without providing public open space fails to meet with the provisions of the City Development Plan. The Plan's policies as they relate to developing sustainable residential communities, the zoning provisions as they relate to the development of this site, and development standards all require the provision of public open space within this site to meet the needs of those which the proposed scheme on this site seeks to serve. The proposed development is an independent application, albeit that it is intended to form part of a wider master plan area. As an independent application for development, it is required to meet with basic public open space, recreation and amenity provisions of the Plan. There is no provision within the Plan which allows for future development of public open space elsewhere to which this development can seek to avail and which may relate to another possible future scheme on a separate site.

13.5.8 Having regard to the above, I can only reasonably conclude that the lack of public open space in the proposed development constitutes a material contravention of the City Development Plan.

13.6 Height, Size and Scale of the Proposal

13.6.1 I have advocated that the Development Framework Plan previously prepared in 2017 is representative of the City Development Plan's objectives for SDRA 12. Based upon the proposed new Master Plan, it may reasonably be determined that the principle of higher structures (when compared with established residential properties) in the western peripheral blocks within the proposed development are somewhat in keeping with the Development Plan intent to provide an appropriate interface. However, in my view, the proposed development of the 11 and 16 storey blocks are not in keeping and, due to their proximity to established housing, would be incongruous, significantly overbearing and would intensify the extent of overlooking and overshadowing of neighbouring properties. It is apparent that for a site that originally intended to accommodate blocks up to seven storeys in height under the Framework Plan the scheme's towering effect for the wider neighbourhood by the siting of the taller proposed blocks would be very significant. In my opinion, this will set the tone for the future development of the adjoining lands to the east. The

adverse impact cannot be understated in terms of the silhouette of tall buildings that would accrue and the abrupt transition that would be understood to occur.

Notwithstanding the applicant's Architectural Design Statement, photomontages and other supporting documentation on the visual presentation of the proposed development, I cannot reasonably conclude that the number, siting and development of the taller blocks to the height proposed, together with a clustering and massing of higher structures on this site relative to adjoining established properties, have an acceptable visual impact. I repeat also that one cannot ignore the precedent which this development sets for the remainder of the overall scheme lands contrary to City Development Plan provisions.

13.7 Density

13.7.1 I have previously alluded to how the proposed development seeks to meet with the NPF, the RSES and other policies and guidance in terms of increased densities. I note that the proposal at 272 units per hectare is significantly greater than that which prevails in the area and is more than double the density proposed in the Development Framework Plan for SDRA 12. I note that Table E of the Core Strategy of the City Development Plan indicates that SDRA 12 in its entirety has the capacity to accommodate between 800-1000 residential units. It is evident that the very significant increased density of development proposed is being achieved by the proposed construction of the two tall buildings on the site. Being inextricably linked to the development of these tall blocks, which do not represent the intent for the development of the SDRA at this location in my opinion, it is considered that the density of development proposed at this location is misplaced in the context of the build out of the SDRA lands.

13.8 Unit Mix and Tenure

13.8.1 Unit Mix

I note the City Development Plan's provisions as they relate to 'Quality Housing'. The planning authority's 'Strategic Approach' includes:

- providing for an appropriate quantity and quality of residential accommodation incorporating sustainable densities and designs
- providing for a variety of housing typologies and tenures which are adaptable, flexible, and meet family needs and the changing needs of people throughout their lives

Policies include:

QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

QH19: To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable, mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.

QH26: To promote the transformation of the key regeneration areas into successful socially integrated neighbourhoods including those on the Main Inner City Regeneration Areas Map and promote area regeneration in parts of the city which require physical improvement and enhancement in terms of quality of life, housing and employment opportunities, including the Docklands.

It is acknowledged that the Plan seeks to foster a strong, sustainable, professional and well-regulated private rented sector and in this regard supports the provision of purpose-built, managed, high-quality, private rented accommodation with a long-term horizon (Section 5.5.5). It is also noted that the Plan advocates that successful apartment living requires that a scheme must be designed as an integral part of the neighbourhood (Section 5.5.6).

Further to the Development Plan provisions, I again note the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities”. The Guidelines acknowledge that the potential for accelerated housing construction through BTR (build to rent) can make a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning

Framework. It is evident that the proposal meets with specific requirements relating to BTR and is in accordance with SPPR 7 of the Guidelines. Having regard to SPPR8, I accept that there are no restrictions on dwelling mix in the development of the proposed scheme.

Notwithstanding the Development Plan's intent on seeking variety in housing typologies which appear to seek to attain a more sustainable form of community development, it is noted that the applicant's BTR proposal is consistent with the Guidelines. The applicant has presented detailed unit mix and housing quality assessments to justify the proposed unit mix and these again are acknowledged. As the Board will note, the proposed development intends to provide 65% of the residential units as one bedroom or studio apartments. In my opinion, this uniformity of approach to housing typology is understandably of concern to the established local community. At the scale of development proposed, it clearly would impact on the diversity of the residential community at the local level but must also be recognized at the inner suburban city context. Accepting that there are reasonable public concerns about the limited mix of residential units on the site, these concerns must, in my view, be somewhat increased when regard is had to the proposals on adjoining lands. I note from page 1-7 of the applicant's EIAR that the adjoining Player Wills site owned by the applicant is at pre-application stage with the Board and it is proposed to develop 471 Build to Rent units and 331 Shared Accommodation units on those lands. It is my submission that it is likely that the unit mix for these lands in totality will be a socio-economic issue with implications for the structure of the residential community in the medium term as this rejuvenation area is built out.

13.8.2 Tenure

I note the applicant's Part V submission. There is not a clear proposal for the delivery of social housing on this site. The applicant reserves the right to avail of any of the six types of Part V agreements as set out in Circular 36 of 2015. The proposal contained in the Part V submission refers to on-site provision of units if this is deemed the preferred option by the applicant, with 41 Part V units proposed. It is intended that these would be leased on a 15 year long-term lease arrangement with the City Council. It is noted that all of these units would be located in Block BG4 (not

BG1 as illustrated in the Site Layout Plan with the Part V submission) at the south-western end of the site.

It is reasonable, having regard to the above, to determine that the applicant's proposals for social housing are unclear at this stage, even though Part V requirements apply to BTR proposals. Further to this, it is evident that the tentative proposal on site provides for a clear segregation of the social housing units from the remainder of the development. I note that Block BG 4 provides 49 apartments in total and the 15 one bedroom apartments and 26 two bedroom apartments represent over 83% of this single block. It is evident that such a provision in the manner proposed within the site would require revision if social housing on this site is to be appropriately integrated with the scheme.

13.9 Daylight & Sunlight

13.9.1 The applicant has undertaken a comprehensive assessment of the impact of the proposal on sunlight availability, on daylight, and on overshadowing. It is concluded that, in terms of shadow casting, there is minimal overshadowing from the proposed development, categorised as a minor adverse impact under BRE Guidelines. In terms of sunlight penetration, the analysis undertaken indicates that, on the vernal equinox, all of the amenity areas provided would receive at least 2 hours of direct sunlight and therefore would exceed the BRE recommendations. In terms of average daylight the results of the assessment undertaken on the second, third and fourth floors across the site indicate that 96% of the spaces tested have an average daylight factor exceeding the recommended values in line with the BRE Guidelines. It is submitted that, since these rooms can be viewed as worst case locations, the development as a whole would exceed BRE recommendations.

13.9.2 While I do not query the authenticity of the applicant's findings, I note the number of apartments that are accommodated at ground and first floor levels and many single aspect units throughout the site, the spatial distribution, footprints and proximity of blocks. I consider that consistent separation distances of well below 20 metres between blocks within the central part of the site, together with the aspect of many of

the principal habitable rooms within many of the units at ground and first floor levels within this central area of the site, are likely to make for poor provisions for natural light for these units. Furthermore, given the proposed building heights, the proximity of the proposed 11 storey, five and six storeys that form Block BG1 (i.e. separation distances of up to only 20 metres between the block and neighbouring properties to the west), and the orientation of this block (immediately east and south of these residential properties), I am of the opinion that substantial overshadowing of the two storey houses and rear yard spaces of Rehoboth Avenue would arise. In my opinion, there must be a concern for the functionality of the scheme within the central section of the site and for its impacts beyond the site's boundaries. I note and accept that the development of the SDRA 12 scheme has at all times provided for the development of blocks of greater height, mass and scale at these locations when compared to neighbouring residential properties. Notwithstanding this, I must acknowledge that adverse impacts are somewhat exacerbated by the increased building heights, the loss of public open space and the form, bulk, mass and scale of the building blocks now proposed.

13.9.3 Finally, I note the many third party submissions that raise concerns about sunlight, daylight and overshadowing. In particular, I acknowledge the submission from Marcus Donaghy and Anne Heary. The considerations offered in that submission in many ways reflect my assessment and concerns of the likely impacts for occupants and neighbours of the proposed development. The adverse impacts resulting from the proposed development, inclusive of impacts on sunlight and daylight, ultimately point to overdevelopment of a restricted site that accrues due to building block forms, footprints, scale, mass and height, the lack of public open space, separation distances, etc.

13.10 Other Design Issues

13.10.1 A number of issues have been raised by third parties which relate to the impact the proposed scheme would have on the developability of adjoining lands which form other parts of SDRA 12. Leaving aside the critically important issue of delivering a public open space as part of the proposed development, it is noted that the peripheral components of blocks at the east and north of the site are not proposed to

be excessively greater in building height than those proposed under the Development Framework Plan. I do accept that there is a substantial increase in the footprint of building blocks at these locations and they are likely to influence the configuration, scale and layout of future neighbouring blocks. Finally, I do not accept that the proposed scheme, due to its separation distance, would have any notable influence on the protection of the Player Wills factory to the east.

13.11 Community / Commercial Uses

13.11.1 I note that there is a limited range of uses proposed for the site, with a clear focus on the delivery of apartments. With the Z4 (District Centre) and Z14 (SDRA) zoning provisions for the site, there may reasonably have been an understanding that the proposed development would have delivered on a wider range and more substantial form of mixed uses that would meet resident and community needs. Both the zoning provisions and the guiding principles for SDRA 12 appear to advocate this.

13.11.2 As a proportion of the overall development on this site, some co-working space and a gym in Block BG2, one communal living/kitchen area in the same block, two small concierge offices, a small creche facility, and one ground floor area within Block BG1 for retail/community space/office uses do not make up a significant component of mixed uses intended for these lands. Clearly the focus is on tenant amenity with very restricted emphasis placed on retail and community uses. Setting aside tenant amenity facilities with a gross floor area of 812 sq.m, this development would provide a creche with a gross floor area of 233 sq.m and commercial floor area totalling 388 sq.m out of a total gross floor area of 31,117 square metres.

13.11.3 As a standalone proposal, I submit that it is reasonable to conclude that the mix of uses to meet the variety of needs must be viewed as limited.

13.12 Water Services

13.12.1 Third party concerns have been raised about water services in this area, including the adequacy of water pressure, structural vulnerability of the pipe network, and overloading of sewers. I draw the attention of the Board to Appendix 7.1, Volume III of the applicant's EIAR. This consists of a response from Irish Water to the

applicant's pre-connection enquiry for water and wastewater and a response to the applicant's design submission. Irish Water raise no concerns in relation to water pressure in this area, the vulnerability of the pipe network related to connectivity, and any concern about the overloading of sewers in this area. Irish Water clearly states that a connection is feasible to the piped water network and to public sewers and that there is no objection to the design approach.

13.12.2 Having regard to the above, it is reasonable to determine that the proposed development can be adequately served by mains water and sewerage and that it is not anticipated that there would be adverse impacts on established services within the local community.

13.13 Flood Risk

13.13.1 The site of the proposed development is located within an area designated Flood Zone C, an area where the probability of flooding is low. The applicant's Flood Risk Assessment acknowledges this. In accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities, development in such a zone is regarded as appropriate from a flood risk perspective once meeting the normal range of other proper planning and sustainable development considerations. I further acknowledge that the Drainage Division of Dublin City Council has no objection to the proposal and raises no concerns associated with flooding.

13.13.2 It may reasonably be concluded that the proposed development would not result in a significant flood risk within or beyond the site.

13.14 Fire Safety

13.14.1 It has been submitted that an assessment should be carried out to ensure that all high rise blocks have all necessary fire controls, including fire proofing and water pressure. These are matters to be addressed separate from the planning code under the fire safety and building regulation provisions and do not impact on the making of a planning decision in this instance. Further to this I note the following from the Urban Development and Building Heights Guidelines for Planning Authorities':

“Compliance with fire safety requirements is a separate, parallel, regulatory requirement. In order to avoid unnecessary delay, developers need to engage with the appropriate fire services authorities at the earliest stage for projects that include taller buildings. This engagement should be reflected in the design approach proposed.” (para 3.3)

13.15 Disability

13.15.1 It has been submitted that there is no consideration given to people with disability in the planning application. The Board will be aware of the developer’s responsibilities as they relate to Part M of the Building Regulations and the obligation to ensure adequate provision is made in a new development for people in terms of access and use of a building. Thus, the developer has a duty to meet with these requirements in the design of the scheme. It is also noted that on-site parking provisions as part of the development proposal intend to accommodate spaces for disabled.

13.16 Biodiversity

13.16.1 A number of concerns have been raised about the extent of biodiversity on the site, with reference to the removal of hedgerow, loss of habitat for birds and other creatures, and the use of the site by foxes and bats. The Board will note my considerations relating to appropriate assessment. The site is not known to have any features of significant conservation value. It is a distinct urban, brownfield site that almost in its entirety is made up of buildings and artificial surfaces. I acknowledge that there was a small community garden in the south-west corner of the site. The site has been subject to a number of field surveys in 2019 and 2020 and no species or habitats of conservation value were recorded. I note for the Board that the applicant’s bat survey (Appendix 10.1, Volume III of the EIAR) recorded no evidence of bat roosting on the site and no suitable features on site for roosting.

13.16.2 Given the site’s lack of any distinctive ecological value, it may reasonably be concluded that there would be no significant habitat loss. The applicant proposes a range of mitigation measures in Chapter 10 of the EIAR to address fauna at the site during the construction phase. These are appropriate measures in the context of the redevelopment of a brownfield site. Overall, it may reasonably be concluded that the

proposed development would not have any significant impact on biodiversity by its construction and occupancy.

13.17 Residential Amenity

13.17.1 Notwithstanding any plan or policy provisions that may apply to the site of the proposed development and to which the proposed scheme may adhere to in principle, it is evident that a scheme of this nature has significant potential to impact upon the resident neighbours in the immediate vicinity of the site. I am satisfied that my assessment to date has demonstrated that the proposed development constitutes overdevelopment of this site. As a reflection of this overdevelopment, adverse impacts for the amenities of established residents follow. I concur with the wide range of third party submissions that include:

- Rehoboth Place and Avenue would suffer excessive overshadowing and overlooking due to scale, bulk, form and proximity of proposed blocks to established houses; and
- Privacy would be a concern, arising from overlooking from Block BG4 into the rear gardens of houses on South Circular Road.
- The change in block form, configuration, orientation and layout are distinctly different from that originally proposed under the Development Framework Plan.
- The adverse consequences for Nos. 330-338 South Circular Road are accepted.

It is apparent that the previous block format and layout sought to minimize overlooking and sought to provide substantial space between block components to allow a distinct openness immediately to the north-west of Nos. 330-338 South Circular Road, representing more of a buffer between structures. This critical component has been lost in its entirety by the block now proposed.

13.17.2 Having regard to these observations, I accept the concerns raised by the occupants of No. 336 South Circular Road and No. 1 Rehoboth Avenue.

13.17.3 I note that concerns were raised also about the impact Block BG3 would have on the amenities of Nos. 302-312 South Circular Road. It is my submission that it is difficult to uphold these considerations in light of the development intent for this part of the site which has been progressed from the adoption of the City Development Plan. The layout and building height proposed is reflective of that which has been espoused from the outset for this location. I acknowledge that, while separation distances between BG3 and the existing houses would be in excess of 22 metres, it is also understandable that there would be a perceived level of increased overlooking from this higher block.

13.17.4 I also note the concerns of the occupants of No. 35 Rehoboth Place which are linked to the development of the townhouse block at the north-western corner of the site. I do not concur with the concerns raised. The layout, orientation, scale and building height for this block would ensure that there are no particular concerns for the privacy of established properties to the south of this location. It is again noted that this location has, since the adoption of the City Development Plan, been earmarked for development of this nature.

13.17.5 I note also that many third parties raised concerns about security, anti-social behaviour, and increased social problems. The management, design and maintenance of a high quality development of the nature proposed should pose no particular concerns in relation to these issues. These concerns cannot reasonably be upheld.

13.17.6 Finally, I note that many concerns have been raised about the effects of the demolition and construction of the development on established residential properties. The proposal for pre-construction surveys are acknowledged. A construction management plan agreed with the planning authority should make provision for such surveys and works could reasonably be overseen to reduce potential stability concerns.

13.18 Access and Traffic

13.18.1 A substantial number of the objections to the proposed development relate to access and traffic. A one-way system is proposed to be provided whereby traffic entering the

site will do so via Rehoboth Place and vehicles exiting the site will do so by the existing site access between Nos. 234 and 330 South Circular Road. The scheme intends to provide a total of 133 car parking spaces and 543 long-stay bicycle parking spaces. To facilitate the functioning of the access proposals it is proposed to partially realign and widen Rehoboth Place to provide a new carriageway width of 5 metres. This would enable fire tender and refuse truck access and would provide minimum footpath widths of 2 metres on both sides of the street. There would also be improvement works at the existing entrance on South Circular Road that would include the removal of the existing uncontrolled pedestrian crossing and the provision of a new signalised pedestrian crossing. I also note the applicant's traffic and transport assessment. This gave a clear oversight of the baseline conditions, the proposed development and associated trip generation and distribution, an assessment of the road network to accommodate the development, and the development's parking strategy.

13.18.2 In considering the traffic and access issues, I first observe that, since the making of the City Development Plan and the designation of SDRA 12, access arrangements utilising Rehoboth Place and South Circular Road have at all times been understood to be an inherent part of the functioning of new development on these lands. Another observation that may be reasonably made is that the site of the proposed development is very well placed to avail of public transport provisions in the form of accessibility to quality bus and Luas services.

13.18.3 Having regard to the above, it is my submission to the Board that the parking provisions being proposed are adequate to meet the development's needs and to ensure sustainable transport usage is delivered. The applicant's Mobility Management Plan also provides a structured strategy to facilitate the pursuit of sustainable transport modes and reduce reliance on the private car. Concerns have been raised about the loss of on-street parking and overspill of parking onto the neighbouring streets. The on-site provision of parking is considered adequate to meet the development's needs such that significant adverse impact by way of parking overspill should not likely result.

13.18.4 In terms of the wider road network, the development would have very limited impact on this network resulting from the trip generation estimated for the scheme, generating 33 vehicular departures and 9 arrivals during the AM peak hour and 11 departures and 23 arrivals during the PM peak hour. This volume of vehicular traffic should not result in a significant impact for the functioning of Rehoboth Place nor should it result in significant conflict with established road users as a result of traffic turning movements onto this road and onto South Circular Road from the site.

13.18.5 It is accepted that the proposed development would have impacts for the neighbouring streets arising from increased pedestrian and cycle movements. While this will have localised impacts for Rehoboth Place and Rehoboth Avenue, which are streets that at present are somewhat secluded from the main flow of traffic in the area, the ability of these streets to accommodate the increased pedestrian and cycle movements is accepted. It is recognised that this will impact on these quieter established streets but it is again noted that this street network has from the designation of SDRA 12 been earmarked for increased accessibility and traffic associated with the development of these lands.

13.18.6 Finally, with regard to a number of other access and traffic issues that were raised in the objections to the Board, I submit that:

- The widening of the junction of Rehoboth Place and South Circular Road is a necessity to fulfil access requirements;
- The management of the entrance onto Rehoboth Place can be guided by the requirements of Dublin City Council to ensure optimum access provisions can be achieved;
- The road improvement provisions are necessary to accommodate emergency vehicles and waste disposal trucks;
- Appropriate traffic calming measures are being pursued and such necessary provisions would be agreed to the standards required by Dublin City Council; and

- The proposed development would enhance connectivity and permeability east / west and north / south in this area in accordance with the clear intent of the City Development Plan provisions as they relate to SDRA 12.

13.19 Construction Impacts

13.19.1 I note and understand the wide range of third party concerns relating to the construction phase of the proposed development. However, I must first acknowledge that the rejuvenation of these lands has been earmarked for several years and redevelopment was always a likely outcome, bringing with it a number of years of related impacts for the established local community. I further acknowledge that the applicant's application includes very substantial proposals for this stage of the development and provides a wide range of mechanisms to lessen community impact in terms of construction management, waste management, traffic and transport, etc. I further note the planning authority's requirements by way of recommended planning conditions as they relate to construction and demolition and noise. It is my submission to the Board that the development of these lands is integral to the rejuvenation of this area and has been planned for. The management of the construction phase needs to be agreed in conjunction with the requirements of the planning authority. I am satisfied that this can be done in a manner that will ultimately seek to minimise community disruption in terms of controlling on-street parking, minimising structural damage to neighbouring properties, siting of plant, pollution, noise, dust, traffic, etc. The proposed development does not warrant a refusal of permission based upon construction-related impacts, albeit they have significant potential for disturbance at local community level.

13.20 Public Consultation

13.20.1 There has been extensive criticism of the extent of public consultation with local residents in the area in which the development is proposed. Section 1.13 of the applicant's EIAR outlines the extent of consultation, including pre-planning consultation with Dublin City Council, public open days in July 2019 and March 2020 and notification via leaflet drops, social media and press advertisements, and

consultation with prescribed bodies. I acknowledge third party submissions relating to what was presented at open days and the lack of receipt of leaflets in particular.

13.20.2 Public consultation, while not a statutory requirement generally within the planning system, is most desirable for schemes of the type now before the Board. Engaging with the public before an application is made aids in refining an application to respond to neighbourhood concerns, provides informed details of the development and its impacts on those most likely to be affected, and can frequently assist in allaying community concerns.

13.20.3 Having regard to the number of third party submissions that have made reference to the limited extent of public consultation, I have no reason to doubt the concerns that have arisen, particularly in the context of the evolution of a masterplan to guide the development of the site and adjoining lands which deviates from the Development Framework Plan of 2017 that applied to the Strategic Development and Regeneration Area 12 – St. Teresa’s Gardens. Further to this, I must acknowledge the extent of engagement by third parties in this current application process.

13.20.4 Finally, I note that there have been several submissions that have included requests for the appointment of a full-time community liaison officer. In the event of permission being granted and given the lengthy term over which the site and adjoining lands will be developed, this would appear to be a reasonable requirement in seeking to address wider community concerns as the development of lands at this location proceeds.

13.21 Planning Conditions

13.21.1 I note the planning authority’s schedule of conditions recommended to be attached with any grant of planning permission as set out in the final section of the Chief Executive’s Report of 20th July 2020. I further note that a number of the third party submissions request the attachment of a range of conditions in the event of a grant of permission by the Board, many of which relate to the construction phase of the development.

13.21.2 The conditions set out by the planning authority would be important in guiding the orderly development of the scheme at the construction and operational phases of the development, subject to refinement by the Board. The conditions recommended by

third parties relating in particular to the construction phase merit consideration. In the event of permission being granted, comprehensive conditions relating to the construction phase would be essential and would likely reflect the intent of minimising the impact of the construction of the development on the local community.

13.22 Application Details

13.22.1 I note third party concerns relating to the adequacy of the application details with reference in particular to public notices and site sections.

13.22.2 I note the provision of site notices at this location. I further note the extent of public engagement in the application process. I have no reason to determine that third parties have been undermined in participating in the planning process relating to the application now before the Board based upon deficiency in public notices.

13.22.3 I acknowledge the details, plans, drawings and other supporting documentation which seek to demonstrate the nature and extent of the proposed development. I consider that the details provided in the application meet with the provisions of Articles 297 and 298 of the Planning and Development Regulations 2001, as amended, inclusive of site sections that relate to the proposed development now before the Board which show this proposed development relative to existing development in the vicinity.

13.23 Material Contravention of Dublin City Development Plan

13.23.1 I note that the applicant has focused solely on building height in consideration of material contravention of the Dublin City Development Plan and did not address the number and siting of tall buildings within the site and the SDRA 12 lands nor did the applicant consider the lack of public open space provision as required by the Development Plan. I observe that the applicant's 'Material Contravention Statement' continues with the format espoused in the application, which portrays an insular approach to the development of this site, while maintaining it forms part of a 'Master Plan' that relates to the City Development Plan for SDRA 12. I submit that the proposal seeks to apply the scheme-wide provisions to the confines of the site itself,

centrally placing high buildings within this site (which forms the south-western section of the overall scheme) and incorrectly seeks to justify the proposed significant increases in building height on this site, while not addressing the material issue of the number of tall buildings being introduced. This proposal materially contravenes the Development Plan because it contravenes the very specific requirements relating to the build out of SDRA 12, which provides for the accommodation of one or two midrise buildings only throughout the entirety of SDRA 12.

13.23.2 The proposed development for this site also fails to make any provision for public open space. It omits the development of any parkland or other such public open space within this holding. This failure to provide public open space is material, as it is a requirement for all development in accordance with Dublin City Development Plan to provide meaningful public open space in development proposals on all zoned lands at a rate of 10% specifically for all residential schemes. Such public open space is necessary to meet basic amenity and recreational needs of the occupiers of the development. The consequences of allowing a scheme of this nature to develop without basic public open space cannot go unnoticed. Internal streets and remaining spaces between building blocks do not form functional public open space. I am concerned that, if a master plan can be developed after a development framework plan, which is presented as a support to advocate the proposed development of the Bailley Gibson lands, then the nature of sustainable planning for the remainder of the overall lands can itself change again. Importantly, there is no guarantee that public open space will be developed beyond this site and in what manner, within any specified timeframe to serve the needs of occupants of the proposed development.

13.23.3 In terms of the provision of basic amenities, positively contributing to placemaking, incorporating new public spaces, improving legibility through the site and beyond, etc., it may reasonably be determined that these objectives of the scheme are not achieved. It is disconcerting when the applicant's Material Contravention Statement presents the scheme as achieving these outcomes in support of its reasoning as to why a material contravention is acceptable on this site.

13.23.4 Based upon a reasonable assessment of the proposed development and the applicant's submission, I cannot conclude that there is sufficient justification for the Board to grant permission for the proposed development which allows for the material contravention of the Dublin City Development Plan.

13.24 Conclusion

13.24.1 Having regard to my assessment set out above, I submit to the Board that the proposed development constitutes a gross overdevelopment of the site based on:

- building heights,
- the number of tall buildings proposed without justification,
- the excessive density of development as a result,
- the lack of public open space without justification,
- the substandard provisions in amenity for occupants of the proposed development as a consequence, and
- the injury to the amenities of residential properties in the vicinity due to the proximity, scale, height, bulk, mass, and layout of the proposed development.

13.24.2 In addition, the proposed development would result in a material contravention of the Dublin City Development, not alone as it relates to building height but also in relation to the number and placing of tall buildings within this site and the lack of public open space to serve the needs of the occupants of the scheme.

14.0 Recommendation

I recommend that permission be refused in accordance with the 'Recommended Order' set out below.

Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th day of May 2020 by DBTR – SCR1 Fund, a Subfund of the CWTC Multi-Family ICAV.

Proposed Development

The development will consist of;

- i. the demolition of all buildings and structures on the site, including 9 no. buildings (11,234.42 sq.m GFA) and 1 no. ESB substation (21sq.m) to make way for development of the site;
- ii. the construction of 416 no. residential units in 5 no. blocks, with a cumulative gross floor area of 31,117 sq.m for the residential component comprising;
 - a. 404 no. apartments in 4 no. blocks (BG1-4) ranging in height from 2 storeys to 16 storeys, over single level basement on part of the site, incorporating 19 no. studio units; 251 no. 1 bed and 134 no. 2 bed, all with private amenity space in the form of balconies;
 - b. 2 no. 2-storey 2-bedroom duplex apartments all with private amenity space in the form of balconies contained in BG3.
 - c. 6 no. 3-storey 3-bedroom triplex apartments all with private amenity space in the form of terraces contained in BG1;
 - d. 4 no. 3-storey 4-bedroom townhouses all with private amenity space in the form of back gardens and 4 no. car parking spaces contained in BG5;
- iii. the construction of tenant amenities with a cumulative gross floor area of 812 sq.m comprising; in BG1, a concierge office (86 sq.m at ground floor level); in BG2, gymnasium (260 sq.m), combined concierge/marketing/coworking space

(191 sq.m) at ground floor and communal living/ kitchen (166 sq.m) and residents lounge (29 sq.m) at first floor level; and in BG3, a resident's lounge (24 sq.m) that connects with the communal garden.

- iv. provision of 2,618 sq.m of communal open space distributed as follows; in BG1, central courtyard area (774 sq.m) and roof terrace (60 sq.m); in BG2, roof terrace (926 sq.m); in BG3, courtyard (545 sq.m); and in BG4, courtyard (313 sq.m).
- v. the construction of a childcare facility with a gross floor area of 233 sq.m and associated play areas of 50 sq.m and 3 no. set-down parking spaces;
- vi. the construction of 164 sq.m of commercial floorspace to facilitate a restaurant/café/bar at ground level in Block BG2 and 224 sq.m of commercial floorspace at ground floor level in Block BG1 to facilitate a range of uses including Class 1 (shop), Class 2 (financial/professional services) , Class 8 (health services), Class 10 (community/arts) and Class 11 (bingo hall);
- vii. the construction of a single storey ESB sub-station (14 sq.m GFA) and a double ESB substation (28 sq.m GFA);
- viii. partial realignment and widening of Rehoboth Place to provide a new carriageway width of 5m, enabling fire tender and refuse truck access, and minimum footpath widths of 2m on both sides of the street.
- ix. at basement level, the provision of 106 no. car parking spaces including 10 no. dedicated disabled parking spaces. 10% of the spaces will be fitted with electric charging points. 12 no. motorcycle spaces will also be provided at basement level.
- x. at podium level, the provision of 12 no. car parking spaces, including 1 no. disabled parking space (10 no. reserved for car sharing scheme 'Go Car') and 15 no. on street visitor car parking spaces (4 no. of which will be reserved for 'Go Cars'), including 1 no. dedicated disabled parking space, together with 3 no. set down parking spaces for taxis and crèche drop offs and a loading bay to service the commercial units.
- xi. the provision of 543 no. long-stay bicycle parking spaces, comprising 315 no. spaces at basement level, accessed via a dedicated cycle stairway, and 228 no. spaces at surface level. 84 no. short stay visitor cycle spaces are provided at surface level.

- xii. vehicular access will be via Rehoboth Place and vehicular exit will be via the existing access on South Circular Road. Provision of 3 no. pedestrian access points; 1 no. from the South Circular Road; 1 no. from Rehoboth Place; and 1 no. from Rehoboth Avenue. Improvement works to the existing entrance on South Circular Road, removal of existing uncontrolled pedestrian crossing and provision of a new signalised pedestrian crossing is proposed on South Circular Road to facilitate improved access for existing and future residents of the area to bus stops along with improvement to the footpath provision along South Circular Road opposite Rehoboth Place entry.
- xiii. all ancillary site development works, plant, waste storage, meter rooms, rooftop solar photovoltaics, landscaping, boundary treatment and lighting.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

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

Stage 1 - Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated Natura 2000 Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening documents submitted with the application, the Inspector's report, and submissions

on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, which include significant adverse landscape and visual impacts arising from the number, form, bulk, scale and height of the proposed blocks which will have an overbearing impact on surrounding area, inclusive of Residential Conservation Areas, significant adverse impacts on the amenities of residential properties in the immediate vicinity due to the layout, proximity, scale, height and mass of the proposed development and where the placing of the taller blocks within this site will have a particularly overbearing impact, and significant adverse impacts on the amenities of occupants of the proposed residential blocks arising from the scale, height, proximity and layout of the blocks and the lack of public open space to serve the needs of occupants of the scheme. The Board concluded that it cannot reasonably be determined that the main direct and indirect effects of the proposed development on the environment would be mitigated

Reasons and Considerations

1. The site of the proposed development is located within a designated strategic development and regeneration area (SDRA 12) as set out in the current Dublin City Development Plan, adjoining lands associated with SDRA 12 to the east and north, established low rise residential properties to the west at Rehoboth Avenue and Rehoboth Place, and established low rise residential properties to the south on South Circular Road which form part of a Residential Conservation Area.

The site, forming part of SDRA 12, is subject to specific guiding principles and development controls which include the potential for one or two midrise buildings (up to 50 m) within the overall SDRA 12 lands and the provision of a new public park.

In addition, it is a requirement of Dublin City Development Plan that meaningful public open space is provided in development proposals on all zoned lands at a rate of 10% for all residential schemes.

It is considered that the proposed development would seriously conflict with the policies and objectives of the planning authority by reason of:

- (a) The number, scale, height, bulk, mass and form of the tall buildings (over 50m) which the proposal would deliver away from the central area of the SDRA 12 scheme and within the south-western peripheral area of the scheme;
- (b) The siting of and the resulting serious visual intrusion from the proposed tall building blocks on the neighbouring residential areas and the wider public realm;
- (c) The siting, scale, height, mass, bulk and layout of proposed blocks and the adverse impacts arising for the amenities of neighbouring residential property;
- (d) The scale, height, form and character of the development and lack of public open spaces contrary to the SDRA 12 guiding principles and the substandard amenity provisions resulting for future occupants of the proposed scheme;
- (e) The precedent that would be set for the remaining build out of the SDRA 12 lands culminating in excessively prominent development with poor architectural expression to the public realm; and

- (f) The disproportionate density of development resulting from the excessive building heights, lack of public open space and the configuration and layout of the proposed blocks.

Having regard to the serious injury to the amenities of the area and the consequent significant adverse environmental effects of the proposed development, it is considered that the development as proposed would contravene materially the current Dublin City Development Plan, would seriously conflict with the objectives of Strategic Development and Regeneration Area 12, would constitute a gross overdevelopment of the site, and would, thereby, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

11th August 2020