



An
Bord
Pleanála

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

Inspector's Report ABP-307463-20

Strategic Housing Development

240 no. apartments, childcare facility
and associated site works.

Location

Daneswell Place, Former
Printworks.Smurfit Site, Botanic Road,
Glasnevin, Dublin 9.
(www.botanic-shd.com)

Planning Authority

Dublin City Council North

Applicant

Scanron Limited

Prescribed Bodies

The Minister for Culture, Heritage and
the Gaeltacht

The Heritage Council

An Taisce

An Chomhairle Ealaíon

Failte Ireland

Irish Water

Transport Infrastructure Ireland

National Transport Authority

Dublin City Childcare Committee

Observer(s)

1. Anne Marie Bennett
2. Bernadette Ryan
3. Brian Byrne
4. Brian Clerkin
5. Brian Flannery and Marie Josee Leclerc
6. Caoimhe Fitzgibbon and Aonghus McCarthy
7. Carmel Sherry
8. Columba O'Connor
9. Claire Conlon and Patrick Madden
10. David and Catherine Rea
11. Declan and Collette Carew
12. Des and Kathy Lynch
13. Fionn and Sonja Casey
14. Fran Ward
15. Frances and Trevor Hutchinson
16. Frank Little
17. Geraldine Quinn
18. Graham and Ann Harding
19. Grainne McDonnell
20. Greg and Ann Coyle
21. Iona and District Residents Association
22. Joan and Philip Baxter
23. Liam Bennett
24. Liam Egan
25. Mairead D'Arcy
26. Maura Fanning
27. Neasa Hourigan
28. Noelle and Cathal Casey
29. Orla McGowan
30. Padraig and Lorraine McLoughlin
31. Patricia Mulligan and Ger Murphy
32. Patricia McKenna and Martin Gillen

- 33. Patsy Stafford and Thomas Dowling
- 34. Paula Carey
- 35. Ruth Carty
- 36. Senator Mary Fitzpatrick
- 37. Sheila and Sean Lynch

Date of Site Inspection

14th September 2020

Inspector

Rachel Gleave O'Connor

Contents

1.0 Introduction	5
2.0 Site Location and Description	5
3.0 Proposed Strategic Housing Development	6
4.0 Planning History.....	8
5.0 Section 5 Pre-Application Consultation.....	10
6.0 Relevant Planning Policy	12
7.0 Statement of Consistency	14
8.0 Third Party Submissions	15
9.0 Planning Authority Submission	23
10.0 Elected Members	28
11.0 Prescribed Bodies	29
12.0 Assessment.....	29
13.0 Conclusion and Recommendation	64
14.0 Recommended Order.....	65

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located on Botanic Road, Glasnevin, approximately 3km north of the city centre. The area surrounding the site is predominantly residential in character, with the residential conservation area for Botanic Road surrounding the site. The architectural conservation area for De Courcy Square is located to the west of the site (behind Botanic Road), the Botanic Gardens is located to the north west and Phibsborough Village is to the south. To the east of the site is the residential conservation areas for Iona Road, Iona Park and Iona Crescent, alongside other conservation areas including Drumcondra Road further to the east.
- 2.2. The site fronts onto Botanic Road near an area known as Hart's Corner, a major arterial junction that forms a main busy route into the city. Immediately to the east of the site there is a hotel on Iona Park, to the immediate south there are the rear lane, garages and gardens serving houses in Iona Road. The gable sides of nos. 31 and 31A Botanic Road overlook the site from the south. To the north of the site is the former Players Factory, formed of granite façade, railings, gate, piers, plinth walls and red brick chimneystack, which is listed as a Protected Structure under the City Development Plan (RPS ref. no. 855). The factory is now in community / commercial use.
- 2.3. The site forms part of the former Printworks site / Smurfit site. Redevelopment has taken place along the southern boundary of the Daneswell Place development site, in conjunction with construction of 35 no. houses (permitted under ABP Ref.PL29N246124, DCC Ref.3665/15). Houses are also permitted for construction to the east of the application site under this consent.
- 2.4. The site itself is accessed from Botanic Road via a temporary street. House numbers 1-24 have been constructed and are substantially complete, the foundations of the remaining houses (25-35) have also been constructed.

3.0 Proposed Strategic Housing Development

3.1. The proposed development will consist of :

- Construction of 240 apartment units comprising 92 no. one bed apartments; 137 no. two bed apartments and 6 no. three bed apartments in 5 no. blocks;
- Block A (36 no. apartments) is part 3 to part 5 storeys in height;
- Block B (44 no. apartments) is part 5 to part 6 storeys in height over basement;
- Block C (54 no. apartments) is part 5 to part 7 storeys in height over basement;
- Block D (54 no. apartments) is part 5 to part 7 no storeys in height over basement;
- Block E (52 no. apartments) is part 5 to part 6 storeys in height over basement;
- Balconies and winter gardens are provided to all blocks, facing north, south, east and west;
- The development provides resident amenity spaces (727sqm) including gymnasium, swimming pool, cinema and flexi space at basement level, and concierge (82sqm) at ground level in Block B;
- 4 no. non-residential units are proposed, comprising creche (197sqm), café (234sqm), residential management suite (76sqm) and medical consulting unit (119sqm) at ground level in Block A;
- Extinguishment of the existing secondary vehicular access to Botanic Road at the south-west corner of the site;
- 148 no. car parking spaces, 8 no. motorcycle spaces, bicycle parking, bin storage, boundary treatments, hard and soft landscaping, lighting, plant, ESB substations and switch rooms, photovoltaic panels, green roofs, and all other associated site works above and below ground.

Key Figures

Site Area	1.036 ha
No. of units	240
Density	231.7 units/ha
Plot Ratio	2.30
Site Coverage	35.9%
Height	Between 3 and 7 storeys
Dual Aspect	48%
Commercial Floorspace	Café 234sqm and medical suite 119sqm
Communal Amenity Space	1,780sqm (external) 727sqm (internal; gym, cinema, flexi space)
Part V	27 no. units
Vehicular Access	Main entrance from Botanic Road (to the west)
Car Parking	148 no. spaces (140 at basement level) (0.56 per unit); 5 no. car share spaces
Bicycle Parking	534 no. cycle spaces
Creche	197sqm

Unit Mix					
Apartment Type	Studio	1 bed	2 bed	3 bed	Total
No. of Apartments	-	97	137	6	240
As % of Total	-	40	57	3	100

4.0 Planning History

4.1. Subject site:

4.2. Strategic Housing Development ABP Ref. 303875-19

Permission refused for 299 no. apartment units, childcare facility, café, public open space, car parking and bicycle spaces. The application proposed an amendment to permitted residential development (ABP Reg PL29N.246124; Dublin City Council Reg. Ref. 3665/15 (as modified by DCC Reg. Refs. 4267/17, 2133/18 and 4306/18)).

Reason for Refusal: The proposed development is located close to architecturally sensitive areas and close to buildings and streetscape elements associated with the former Players site (Record of Protected Structures reference 855) listed in the Record of Protected Structures of the Dublin City Development Plan 2016-2022. It is considered that the proposed design strategy as it relates to the design, scale and massing of apartment buildings B, C, D and E proposed proximate to the adjacent site to the north and the location of Block A, in close proximity to the newly constructed houses to the east, does not provide the optimal design solution having regard to the site's locational context and would, therefore, be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018. The applicant has not satisfactorily demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of the area, having regard to the topography of the site and the proximity of domestic scale residential development. At the scale of the city and given the topographical and architecturally sensitive constraints in and around the site, the proposed development would not successfully integrate with existing development in the vicinity and would, therefore, be contrary to the Ministerial Guidelines and would be therefore contrary to the proper planning and sustainable development of the area.

4.3. Reg. ref. 3665/15 and ABP ref. PL29N.246124

Permission granted 10th August 2016 for a residential scheme comprising 131 no. residential units (43 houses and 88 apartments in 4 blocks), café and childcare facility at the development site, with access to Botanic Road. Condition no. 2 of PL29N.246124 required the following amendments:

- (a) Block D (duplex units nos. 120 to 131 inclusive) together with the road fronting this shall be omitted from the proposal. Units nos. 36 to 43 inclusive (including their rear garden boundaries) shall be moved 2sqm to the west;
- (b) Houses nos. 31 to 35 inclusive shall be moved 2sqm to the west, thereby providing longer rear gardens to these units;
- (c) The space thus released shall be incorporated into the public open provision of the scheme.

4.4. Reg. Ref. 3444/14

Application refused for 147 no. units comprising 63 no. apartments, 18 no. maisonettes and 66 no. houses, as well as 504sqm creche facility.

The reason for refusal related to the development massing, insufficient amenity space, close proximity to boundaries and design.

4.5. Adjacent to the site:

4.6. Planning history relating to the wider Daneswell site is set out below.

4.7. Reg. Ref. 4306/18

Subsequent modification of the permitted residential development (ABP Reg PL29N.246124; Dublin City Council Reg. Ref. 3665/15 (as modified by DCC Reg. Refs. 4267/17 and 2133/18)), change of permitted house type nos. 25-35 inclusive from 5 bed three storey terraced units to 5 bed three storey semi-detached units; resulting in a reduction from 11 no. to 10 no. units, each comprising c.235sqm (same area as permitted under Reg. Ref. 2133/18).

4.8. Reg. Ref. 2133/18

Permission granted to amend the development permitted under PL29N.246124 to consist of amendments to permitted houses nos. 20 to 35 along the southern and eastern boundary of the site, with a change to permitted House Type T1 to provide for 16 no. 5-bed, 3 storey terrace units (c.235.1sqm GFA, an increase of 23.2sqm each); revisions to layouts and elevations; no change to allocated surface car parking within this portion of the site; modifications to the boundary treatments and all other associated site excavation and site development works above and below ground.

4.9. Reg. Ref. 4267/17

Permission granted by Dublin City Council to amend the development permitted under PL29N.246124, to consist of amendments to permitted dwelling houses nos. 1 to 19 along the southern boundary of the site, with a change to permitted House Type T2 to provide for 4 no. 4-bed, 3-storey terrace units (c.186sqm GFA, an increase of 23sqm each) and to House Type T3 to provide for 15 no. 5-bed, 3 storey terrace units (c.187.3 sqm GFA, an increase of 24.3sqm each); revisions to the overall height, layout and elevations of the structures; reorganisation of allocated surface car parking within this portion of the site resulting in the provision of 1 no. additional space from that permitted. Permission also granted for modifications to the boundary treatments and all other associated site excavation and site development works above and below ground.

5.0 Section 5 Pre-Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 19th March 2020 in respect of the proposed development of 233 no. apartments in blocks between 3 and 7 storeys in heights, as well as 197sqm creche, 119sqm medical consulting suite, 835sqm residents amenity (gym, pool, cinema and flexi space), 149 car parking spaces and 594 bicycle spaces. Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the notice of Pre-Application Consultation Opinion dated 20th March 2020 (ABP Ref. 306540-20) the Board stated that it was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. Further consideration was required in respect of the following matters summarised below:

- Design Strategy
 - Block A fronting Botanic Road and context with adjacent Protected Structure;
 - Elevational treatment;

- Landscape strategy and condition / functionality external spaces.
- Residential Amenity
 - Daylight / Sunlight analysis for future occupiers.

Specific information was also requested and is summarised below:

- Photomontages/drawings;
- Report describing materials and finishes;
- Landscaping Plan;
- Housing Quality Assessment.

5.3. **Applicant's Statement**

5.4. The application includes a statement of response to the pre-application consultation (Response to Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

Further consideration items:

Item 1 – Design Strategy

- Design amendments including omission of undercroft areas, relocation of substations, change to housing mix, set back of upper floors, granite frame to entrances in blocks C-E, canopies over entrances in Block A, detailing to fenestration and cladding, variation in window type, inclusion of DCC land to west within redline boundary.

Item 2 – Residential Amenity

- A Daylight and Sunlight Assessment has been submitted with the application.

Specific Information Items:

Item 1 – Photomontages/drawings

- Photomontages, architectural and landscape cross section drawings, landscaping strategy, architectural heritage impact assessment and daylight and sunlight analysis is submitted with the application.

Item 2 – Report describing materials and finishes

- A Materials and Finishes Report is submitted with the application, as well as an Outline Management Plan and Building Lifecycle Report.

Item 3 – Landscaping Plan

- A Landscape Masterplan and Landscape Report have been submitted with the application.

Item 4 – Housing Quality Assessment

- A Housing Quality Assessment has been submitted with the application, as well as a schedule of accommodation.

6.0 Relevant Planning Policy

6.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the ‘Sustainable Residential Development Guidelines’).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001).
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands (1999).

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. Local Policy

Dublin City Council 2016-2022 is the operative plan for the local area.

- 6.3. Land-Use Zoning Objective Z1: To protect, provide and improve residential amenities. 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. The policy chapters, especially Chapters 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development.
- 6.4. Development Plan section 11.1.5.3 Protected Structures – Policy Application, regarding protected structures. The site is located to the south of RPS reference number 855 Former Player’s factory: granite façade, including railings, gate, piers, plinth walls and red brick chimneystack. In addition, section 11.1.5.4 Architectural Conservation Areas and Conservation Areas, section 11.1.5.6 Conservation Area Policy Application are relevant.
- 6.5. Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development, Section 16.10 – Standards for Residential Accommodation. The plan states the following in relation to Phibsborough:
- Phibsborough will remain a low rise area with the exception of allowing for (i) up to a max of 19 m in the centre of the Smurfit site and immediately adjoining the proposed railway station at Cross Guns Bridge; and (ii) the addition of one additional storey of 4 m will be considered in relation to any proposals to re-clad the existing ‘tower’ at the Phibsborough Shopping Centre.*

- 6.6. Phibsborough LAP (not adopted)
- 6.7. The development site was identified as a key development site in both the Phibsborough-Mountjoy LAP 2008 and the draft Phibsborough LAP 2015 (not adopted). Both LAPs set out to provide a Local Site Framework Strategy for the Printworks / Smurfit site, which encompasses the development site and the neighbouring site to the north. It was envisaged that both sites would be developed to form “a high quality residential enclave within the context of the established residential area.” The 2008 LAP provided for local retail and community facilities with the Z10 zoning within the Dublin City Development Plan 2011-2017, an objective to facilitate mixed use development. This was subsequently revised to a Z1 zoning in the 2016 Development Plan. Both Framework Strategies included indicative urban form guidance with the 2008 LAP providing an indicative masterplan. The masterplan proposed that a pedestrian and cycle route pass through the sites to link Botanic Road with Iona Crescent. The protected structure in particular the chimney stack would form a focal point along this route and it was identified that a quality public space adjacent to the chimney should be provided to further enhance it as a neighbourhood landmark.
- 6.8. The draft 2015 LAP states that although the overall Printworks / Smurfit site is divided into two halves an integrated approach will be expected of any development on one half of the site, particularly in relation to street design and ability to connect the southern half of the site to Iona Crescent. The focus should be on enhancing permeability and creating an attractive public realm. The draft 2015 LAP further states that parking for apartments should be provided at basement level to create an attractive pedestrian environment.

7.0 **Statement of Consistency**

- 7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of the National Planning Framework, Section 28 Guidelines and the City Development Plan and I have had regard to the same. The following points are noted:

- The proposed development is located in close proximity to a number of employment locations, services and community facilities. The site is well served by public transport with the Cabra Luas stop a 14 minute walk and Drumcondra Rail Station a 15 minute walk.
- The subject site is considered to be located in Zone 2 and provides a reduced number of car parking spaces than set out in the Development Plan.
- There will be limited demand for school places arising from the development given the nature of the scheme providing primarily 1 and 2 no. bedroom units. A social and community infrastructure audit is enclosed with the application.
- Heights have been reduced since the previously refused scheme (ABP Ref.PL29N3030875) and setbacks introduced to neighbouring boundaries.
- The subject site is considered to be located within a central and / or accessible location by virtue of being situated within 1.5km of significant employment including hospitals (Mater Private Hospital (c.1km as the crow flies)) and third level institutions (for example DCU St Patrick's Campus (1.1km as the crow flies) and TU Dublin Grangegorman (c.1.4km as the crow flies)).
- The development proposes 48% of units as dual aspect, with no single aspect units facing north. This fully accords with the Apartment Guidelines, which requires a minimum of 33% in more central and accessible urban locations.
- The Development Plan sets out a maximum height of 19m in the centre of the Smurfit site and immediately adjoining the proposed railway station at Cross Guns Bridge. The application proposes heights of up to 22.81m and as such a Material Contravention Statement has been submitted.

8.0 Third Party Submissions

8.1. 37 no. submissions on the application have been received from the parties as detailed at the start of this report. The issues raised are summarised below:

General/Principle/Nature of Development

- Materially contravenes the Z1 and Z2 zoning objectives of the DCC Development Plan.
- None of the criteria which allow the Board to grant permission for a development that materially contravenes the development plan are met.
- The proposed development does not comply with SPPR3 criteria.
- Failure to compare the proposal to the extant permitted development granted under 3665/15 (as amended).
- The development should be considered as only one half of a whole site.

Infrastructure

- Cumulative impact upon infrastructure from forthcoming SHD development located along Griffith Avenue.
- Strain on existing schools.
- Cumulative impact upon infrastructure from both sides of the site being developed (i.e. the Printworks factory) should be considered.
- Adverse impact upon water / sewage infrastructure.

Residential Amenity

- The height of the proposed development will greatly impact the residential amenity of the area, compromising privacy, light and previously enjoyed views to protected structures. Particularly in relation to residents of Iona Road and the new houses built as part of phase 1 of Daneswell Place.
- No regard taken of residents who have recently purchased the new homes at Daneswell Place.
- The daylight analysis for the proposed development demonstrates that a large percentage of living rooms in the proposed blocks will only reach minimum daylight standards.
- Insufficient daylight and sunlight between the proposed blocks and in proposed open spaces / pathways.
- As a result of insufficient space between the proposed blocks there will be overlooking in the proposed development.

- Insufficient information submitted to demonstrate potential impact upon site to the north.
- The proposed development will have undue adverse impact on the amenities of existing and future adjoining neighbours.
- Disregard for the principle that residents are entitled to expect that their new homes will offer decent levels of amenity, privacy and security.
- Balcony screens are needed to ensure privacy of new homes built and under construction to the east, north and west.
- Negative impacts upon residents in Marguerite Road not fully considered.
- High rise buildings will generate adverse wind conditions.

Transport

- Negative impacts on traffic and transport in the area that cannot support increased development.
- Botanic Road is at a standstill every morning and cars use Iona Road as a main thoroughfare.
- Cars accessing this site will cause delays to traffic on Botanic Road because of the location of the entrance.
- An application predicated upon the development of the Metrolink or Busconnects is premature. The site is not walking distance to existing high frequency / capacity services.
- The development will result in overspill parking into surrounding streets.
- During peak rush hour bus services are at capacity by the time they reach the subject site.
- There is no analysis of the capacity of existing public transport.
- The quantum of proposed residences and associated parking will exacerbate current traffic congestion.
- Lack of electric vehicle spaces.

- Subject site is located over 800m from a high capacity transport link and while the Metro Station is not guaranteed.

Height / Density / Design

- Excessive height which materially contravenes objectives of the DCC Development Plan and is contrary to best practice promoted by 2018 Height Guidelines.
- The zoning of the site includes a height restriction of 19m and the Board cannot grant planning permission if it amounts to a material contravention of the zoning objective contained in the Development Plan.
- Reject the assertion that the 19m restriction for height is now outdated as a result of the progression of National Policy.
- The development is monolithic in size, overbearing and oppressive.
- The justification for the increase from the permitted 4 storey to the proposed 7 storey has not been made.
- The development replaces 3 storey blocks with 7 storey blocks.
- Despite the use of red brick and granite, which are similar materials used in existing building in the area, the overall result is still heavy and overbearing and out of harmony with the existing streetscape and protected structures.
- Prominent site position will have a wider visual impact than just the immediate setting as the site is located at a higher ground level than surrounding sites and streets.
- Height of the proposed development will impact views from Botanic Gardens and Glasnevin Cemetery.
- The proposed development on Botanic Road is incongruous with existing streetscape which is two storey.
- The development is not cognisant of the existing building line established by dwellings to the south of the site, and significantly forward of the protected former Players Tobacco factory.
- Development is not an appropriate scale of the site.
- The extant permission addressed the underused or underutilised nature of the site.

- Negatively impacts the future development potential of the Players Tobacco factory site.
- Because of its location in a sensitive architectural area, it is not an appropriate location for increased height.
- Increased height may be acceptable for blocks located towards the centre of the site. However additional height to 5 storeys fronting Botanic Road is detrimental to the streetscape and overbearing.
- Wintergardens will be used as storage areas and detract from the aesthetic of the buildings.
- The 5 and 6 storey blocks proposed in application ref. 3444/14 were refused because DCC considered that the proposed heights 'represent excessive height' which would materially contravene' the standards set out in the development plan.
- Block A fronting onto Botanic Road is not in keeping with surrounding buildings.
- Increase in height from 15.3m (permitted) to 22.82m (proposed) will diminish architectural interest across the site.
- Gable walls of the blocks on the north site are featureless with virtually no windows. These gable walls are not represented in full format and the full impact is not illustrated.
- Zinc cladding gives the appearance of an office development.
- The proposed development would be 134 units per hectare, over 4.6 times the current density and 2.3 times the existing permitted development.
- Overdevelopment of the site.
- Overall design and massing of the development is poor quality.
- The density of the site is pushed beyond what many European countries see as best practice.
- The density is comparable to Manhattan.
- Negative effects from the proposed development will push future development on the printworks site down hill toward houses on Marguerite Road, pushing further negative effects upon residents there.

- The submitted views of the proposed development do not accurately reflect the impact it will have on the area.

Heritage

- The proposed development is located in the curtilage of the Protected Structures to the north and the applicant fails to take account of this.
- Impacts on heritage setting and poor urban design not being sympathetic to existing conservation areas.
- Granting permission for this increased development would contravene several objectives of the Development Plan in relation to the character of conservation areas.
- Overshadowing of the 2 storey print works factory building, a protected structure.
- Impact on the protected chimney stack with its landmark effect being diminished.
- The site sits 2m above the former Players Tobacco factory site to the north and consequently increased height along this boundary is injurious to the protected setting of this building.

Site excavation and construction impacts

- The submitted Basement Impact Assessment is insufficient and contains ambiguous descriptions of the basement proposals and works.
- There has been insufficient attention given to the impact that retaining wall heights will have on the protected structures to the north of the site and in particular the chimney stack.
- Insufficient assessment of potential impact upon the new houses in Daneswell Place as a result of construction and basement excavation works.
- The depth of the basement is not clear in the submitted application.
- Lack of structural assessment of adjacent Protected Structures and potential impacts.
- Proposed to reduce site level by 1.5m, which will impact the houses on the site.

Housing mix

- The unit mix does not deliver a larger scale of 3 and 4 bedrooms sought in the area. Lack of family units will increase transient population in the area.
- Deviation from the mix of housing proposed under the permitted scheme ref.3665/15.
- The proposal is geared toward Airbnb and buy-to-let which are not supportive of owner occupiers and families.
- Provision of 27 social housing units are all situated in one block which is akin to ghettoization. The block will also be the last to be delivered and is opposite a hotel that houses homeless people.
- Concern that the development will lead to an increase in student occupation in the area.
- Increase in number of units from pre-planning stage and change of mix to include more 1 and 2 beds and less 3 beds.
- No affordable housing proposed.
- The proposal amends the approved development to a lesser number of houses (35 rather than 43) and increase apartments (76 to 240), a revised total of 275 units on the site.

Landscape

- The public and communal landscape areas throughout the scheme are not adequate and are fragmented.
- Massive reduction in green usable space on the site and 10% requirement not met.
- Condition 2 of the extant permission required omission of Block D and space released for public open space provision for the scheme.
- The illustration of integrated link walkways are on the adjacent site to the north, not the application site and they fail to take account that the northern boundary drops up to 1m in places.
- Loss of mature trees on Botanic Road.

Sustainability

- The Energy and Sustainability Report submitted is vague and targets minimum energy saving levels only.
- No indication of where air source heat pumps will be located in the drawings, these will be noisy in practice.
- High rise buildings use more energy than buildings 4 storeys and lower.

Creche

- Creche has decreased in size while the development has increased in size.
- Creche play area is overlooked by adjacent properties.

Other

- The developer has misled purchases of homes in Daneswell Place regarding plans to develop the site up to 7 storeys in height rather than the 4 storeys permitted.
- Reliance on hypothetical scenarios regarding future development of the site to the north.
- Previous reports from Inspectors at An Bord Pleanála and Dublin City Council have rejected development on the site at heights of 5 and 6 storeys.
- No consultation with residents by the developer prior to lodging application.
- Need to take into account covid-19 in the design of development.
- Critique of Inspectors pre-planning stage report and it is not considered that the proposed development addresses the points raised in the report.
- Concern that the remaining houses yet to be built on the site will not be constructed if this application is approved.
- Developer is in breach of condition 17 of the extant permission relating to phasing.

Submitted attachments include: Extracts from application documents, including figure 2.3 Daneswell Place Development 3D Model Wind Microclimate Report, page 19 of Basement Impact Assessment, comparison images of extant scheme and proposed development, extract from north west area committee meeting minutes concerning partial approval of phasing strategy details; Extracts of photomontages; Photos of the site.

9.0 Planning Authority Submission

9.1. Dublin City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows:

Principle – Zoning and Site Designations

- The proposed development complies with the zoning objective, and the planning authority is satisfied with the proposed residential use on this site.

Height, Scale and Design

- The specific height limit set for the site in the Development Plan is 19m in the centre of the site. It must be assumed given this limit that the lower limit of 16m applies to the perimeter of the site.
- The proposal for heights of between 16.67m and 22.8m would therefore materially contravene the Dublin City Development Plan 2016-2022.
- The photomontage shows that the proposed development blocks the view of the protected structure and chimney to the north. It is acknowledged that the permitted four-storey block would have a similar concealing effect; however, the height increase and the minimal setback of the top floor makes this a more prominent and blocker building, and it is not an improvement. Similarly, when viewed from north on Botanic Road, both Block A and B are prominently visible, with both the increased massing and height making them more prominent than those permitted.
- The relocation of railings is not visually successful.
- While the use of red brick is broadly welcomed by third parties, its extensive largely uninterrupted use emphasises the mass of each block. This is an issue both to the public realm, and within the site.
- Materials proposed are considered broadly acceptable, and the Planning Authority echoes the concerns of third parties regarding the cladding of top floors.

Density, Site Coverage and Plot Ratio

- No objection to the density proposed, subject to safeguarding the amenity of neighbouring land uses, the provision of high quality residential environment, and compliance with Development Plan policies.
- The proposal for site coverage is slightly below the quantitative standard and the planning authority has no objection.
- The proposal has a plot ratio higher than the upper end of the development plan standard and higher than the proposal recently refused on the site, it has not been demonstrated that a development with such a plot ratio is appropriate.

Residential Quality Standards

- A number of the designated dual aspect units have a single small north-facing window as a second aspect. This is the case for all but the top floor of Blocks B-E, while the ground floor apartments have one high level window to the north. The Planning Authority has concerns regarding the access to sunlight of this apartment type, and does not consider that this arrangement constitutes a dual aspect apartment of sufficient quality, and calculates the number of genuinely dual aspect units at 73 or 30%.
- Some of the living rooms will require artificial lighting. A number of kitchen areas and dining areas have been omitted from the daylight assessment on the basis they are internal, although they are part of an open plan livingroom. The inclusion of winter gardens as living space has increased the ADF result for units.

Pedestrian and Cycle Permeability

- The development includes a pedestrian connection to the north which would improve permeability of the wider area.

Private, Communal and Public Open Space

- Some concern regarding the impact of winter gardens on the daylight to living areas. All ground floor terraces and winter gardens are provided with buffer planting to ensure privacy.

- The proposed spatial distribution of public open space includes a main area between blocks C and D and a strip along the internal road. This provision is not regarded as meaningful public open space as the area indicated includes space similar to the communal open spaces between other blocks, space indicated up to the facades of the proposed buildings with no privacy buffer, incidental roadside space and not meeting full recreational potential. The public open space proposal is de-facto communal/private open space.
- Condition proposed to omit a block to provide a more meaningful area of public open space.

Resident Facilities

- It is not clear whether the facilities provided are the most appropriate for the area.

Part V

- The applicant has previously engaged with the Housing and Community Services Section of Dublin City in relation to the development and is aware of obligations under Part V.

Childcare Facility

- It is not clear that adequate crèche facilities are proposed and there are concerns with the submitted creche and childcare audit.

Social Audit and School Capacity Assessment

- No assessment is provided of the total capacity of schools in the area, and third party comments on the issue are noted. However, the relatively small number of three-bed units is unlikely to lead to a large number of school-going children in the development.

Transportation

- Broadly satisfied with documentation submitted, conditions recommended.

Conclusion

Planning Authority recommends refusal of the application for the following reason:

- The proposed development by reason of its excessive height and overall massing represents a significant and incongruent transition from the scale of the surrounding established residential conservation area (Z2) neighbourhood, which fails to successfully integrate into or enhance the character of this architecturally sensitive area, does not create visual interest in the streetscape character of this architecturally sensitive area, does not create visual interest in the streetscape and fails to make a positive contribution to the neighbourhood or streetscape. The development would also be likely to have a significant overbearing impact on the 3-storey houses currently under construction to the south, which fall within the application site. The proposed development would therefore be seriously injurious to the character and visual and residential amenities of the area and would be contrary to the requirements of the Urban Development and Building Heights Guidelines for Planning Authorities and Policy SC25 of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

9.2. Planning Conditions and Reasons

35 conditions are recommended if the Board considers it appropriate to approve the application. Conditions of note are highlighted below:

Condition 1 – i) Reduce height of blocks B and D to 5 storeys and Block C to 6 storeys, and all blocks to incorporate set back upper floor. ii) Omit block E and resulting space to be used as public open space with children’s play.

Condition 2 – Retain ‘Festival of Britain railings’ and plinth in current location.

Condition 3 – Resident facilities should not be occupied as commercial facilities.

Condition 7 – a. Final details of public realm interface with Bus Connects to be provided.

Condition 10 – Retention of trees in their current location at the front of the site.

Departmental Reports

Air Quality Monitoring and Noise Control Unit

- No objections in principle, submitted to conditions regarding ventilation and odours.

Housing and Community Services

- The applicant has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to the site.

DCC Parks, Biodiversity and Landscape Services

- The proposed removal of trees is not acceptable and is contrary to the City Tree Strategy.
- The public open space should be accessible to both proposed residents and the wider community and should be meaningful space of suitable size with good recreational facilities. It is recommended that either block A or block E is omitted in the development and replaced with public open space.
- Potential visual impact on the National Botanic Gardens and Glasnevin Cemetery as a result of the topography of the site, which is not properly considered in the EIA Screening.
- There is no analysis of cumulative impacts of other nearby recent residential developments in the locality.
- Deficiencies in the submitted biodiversity report. There has been no consultation by the Applicant with DCC Parks, Biodiversity and Landscape Services in relation to impacts on biodiversity. The council have identified four native bee species in the locality. The planting should therefore be designed to provide food for these species.
- Potential for soil contamination has not been investigated.
- Based on other records within the locality, there is potential for invasive alien species of flora to occur. This should be investigated and should influence methods of construction.
- The planting plan is not appropriate.
- Contribute to loading of wastewater to the Ringsend Wastewater Treatment Plant which is exceeding capacity.
- The proposed building heights and their landscape and visual impacts require assessment; however no report is submitted.

- The fragmented open spaces result in little potential biodiversity or recreational value.
- It is the view of the Council that an Environmental Impact Assessment Report will be necessary due to the nature of the proposed development and the close proximity of its site to landscapes and sites of historical, cultural or archaeological significance.
- Recommend conditions on open space, landscape consultant, implementation of landscaping scheme, biodiversity, planting and alien species.

Transportation Planning Division

- The results of analysis indicate that the development will have a negligible impact upon the base scenario.
- Reduced car parking is accepted in this instance.
- The proposal has been designed to ensure that emerging Bus Connects proposal is not compromised, with Block A, which fronts Botanic Road having been sufficiently set back along with a 2m strip of land parallel with Botanic Road, between the public footpath and the proposed landscaping area having been set aside for any land required to accommodate the proposed route.
- The division has no objection to the proposed development subject to conditions on interface with BusConnects, taken in charge areas, car parking management strategy, construction management plan, traffic management plan, recovery of DCC costs and compliance with the Code of Practice.

Waste Division

- Recommend conditions regarding arrangements for managing waste in association with construction and operation of the site.

10.0 Elected Members

10.1. A summary of the views of elected members as expressed at the Central Area Committee Meeting at the meeting on 27th July 2020 is included in the Chief Executive's Report and is reproduced below:

- Members were particularly concerned about the height of the proposed development and impact it will have on the local area. A number of questions were raised about the adequacy and distribution of social housing units in the development. Members also expressed concerns about the impact of the proposed development on traffic management in the area.

11.0 Prescribed Bodies

11.1. Irish Water

The applicant was issued a confirmation of feasibility in 2018 in respect of 265 residential units for connection(s) to the Irish Water network(s).

The development has to incorporate Sustainable Drainage Systems / Attenuation in the management of stormwater and to reduce water inflow into the combine sewers. Maximum storm flow release from the total Daneswell Place Development site should be 4 l/s. Full details have to be agreed with Dublin City Council Drainage Division.

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.

Condition requested in relation to a connection agreement.

11.2. Transport Infrastructure Ireland

- 11.3. The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen's Green To Broombridge Line) under S.49 Planning and Development Act 2000, as amended. If the application is successful and not exempt, as a condition of the grant please include for the Section 49 Contribution Scheme Levy.

12.0 Assessment

- 12.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Height, Scale, Mass, Design and Density

- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Material Contravention
- Environmental Impact Assessment Screening
- Appropriate Assessment Screening
- Other Issues

12.2. Principle of Development

- 12.2.1. The application site is zoned Z1 'To protect, provide and improve residential amenities'. Residential is a permissible use in this zoning. A creche and medical consulting unit are also proposed and are permissible under the zoning. Café use is open for consideration under the zoning and is accepted in principle on this site as part of the wider residential redevelopment proposed.
- 12.2.2. The vision for Z1 is for residential development in the city, 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.
- 12.2.3. The principle of residential development on the site is therefore consistent with the land use zoning under the DCP and has previously been established under the previous planning consent for the site (PA ref. 3665/15 and ABP ref. PL29N.246124).

12.3. Height, Scale, Mass, Design and Density

- 12.3.1. Height, Scale, Mass and Design
- 12.3.2. Concerns have been raised regarding the height of the proposed development in many of the representations received on the application. The concerns centralise around the visual impact of the proposed development at the proposed height and scale upon the surrounding environment. Third party responses also highlight

concerns around the detailed design and materiality of the proposed development. These concerns are echoed by the Planning Authority.

- 12.3.3. The application site has planning permission (dated 21st September 2015) for 119 residential units in the form of apartments and houses (PA ref. 3665/15 and ABP ref. PL29N.246124). That approved development comprised apartment blocks with a maximum height of 4 storeys over semi-basement level. 35no. three storey dwelling houses were also approved under that development and construction / occupation of these houses is underway. A SHD application was also submitted on the site more recently (ABP ref.30387-19), for 299 residential units in blocks up to 9 storeys in height over basement level (Block A: 7 storeys, Block B & C: 9 storeys and Block D: 8 storeys). That application was refused in June 2019 for a single reason, relating to the design, scale and massing of the apartment buildings, which was not considered to be the optimal design solution for the site proximate to architecturally sensitive areas. It was concluded that the applicant had not satisfactorily demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of the area.
- 12.3.4. The proposed development is for five apartment blocks up to 7 storeys in height (Block A: 5 storeys, Blocks B & C: 7 storeys and Block D: 6 storeys). Block A includes a 3 storey element to the south of the site to transition to the lower rise buildings adjacent, this 3 storey element was also included within both the refused and pre-application schemes.
- 12.3.5. I note the representations received in relation to the height of the development and concern that the amendments introduced since the refused development are insufficient. Residents also request that a comparison is made with the planning permission on the site as part of the consideration of this current application. The planning permission relates to four blocks of 4 storey apartment blocks, as well as 3 storey housing. I therefore confirm that my assessment has been informed by consideration of the complete planning history on the site as summarised above.
- 12.3.6. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased

height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.

- 12.3.7. SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the development plan indicates a maximum height of 19m, while the proposed development has a height of approximately 23m. I have addressed the material contravention of the development plan in section 12.7 below and I will provide further assessment against the criteria in section 3.2 here.
- 12.3.8. The first criterion relates to the accessibility of the site by public transport. The site is approximately a 15 minute walk to both the Cabra Luas stop and Drumcondra Train Station for DART services. Botanic Road is also served by a number of buses and is on a core route, as a result the frequency of buses will be between 5 and 15 minutes during peak times. The site can therefore be considered to have good accessibility.
- 12.3.9. The second criterion relates to the character of the area in which the development is located. The criterion asks that development for increased height, including proposals within architecturally sensitive areas, successfully integrate into / enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such proposals should undertake a landscape and visual assessment, by a suitably qualified practitioner.
- 12.3.10. I note that the previously refused application on the site was concluded to fall short of the expectations under this aspect of the Building Height Guidelines and refused as a result (SHD ref.303875-19). The proposed development has incorporated a reduction to the height of the proposed blocks in order to address this, as well as extensive design modifications to the elevational treatment and overall appearance of the blocks. While I note the reduction in height to the blocks, I retain reservations

about the scale of proposed development. This is particularly in consideration of the design modifications undertaken for the current application, which in my view represent a deterioration in design quality and exacerbate the developments scale, in this architecturally sensitive location.

12.3.11. The application does not include a separate landscape and visual assessment, however the Architectural Heritage Impact Assessment submitted does incorporate a section on the visual impact of the development and is informed by photomontages that accompany the application. I therefore refer to this in my assessment, however I note that the absence of a specific landscape and visual assessment is contrary to the criteria under section 3.2 of the Building Height Guidelines. I also have reservations regarding the completeness of the applicants assessment of visual impact, and I describe this further below.

12.3.12. The Architectural Heritage Impact Assessment identifies the potential impact of the proposed development on the adjacent protected structure (former Players Factory), the established residential streets (to the south and east) and the Architectural Conservation Area (to the west), as key areas. The assessment concludes that the proposed development has very limited impact on the neighbouring protected structure, the established residential streets of Iona Road and Iona Park and the Prospect Square, De Courcey Square and Environs Architectural Conservation Area. A number of mitigation measures are also recommended and largely concern the material finish of the development.

12.3.13. I do not concur with the findings of the applicant's assessment. In my opinion, the proposed development would have a disjointed appearance in the streetscape positioned adjacent to the Protected Structure. This is as a consequence of the detailed design and materiality of the proposed blocks, which in my view exacerbates the scale and mass of the development. I have concluded this in comparison to the recently refused scheme on the site, and in consideration of whether this current proposal has adequately overcome the reason for refusal specified at that time.

12.3.14. The proposed development comprises a significantly modified design when compared to the 2019 refused scheme, however these modifications are in my view unsuccessful, and in many respects represent a deterioration of design quality. For example, in the current development there is a reduced fenestration size, which

increases the solidity and visual heaviness of the development and counteracts measures to reduce scale through the removal of storey heights. Therefore, the overall effect of inappropriate scale and mass to the blocks remains. I note that third parties and the Planning Authority have raised similar concerns in relation to the design strategy for the blocks.

12.3.15. This is most apparent in the appearance of Block A on Botanic Road and illustrated in photomontages 6 which shows a jarring appearance next to the Protected Structure, and 10 illustrating the materially dense and unrefined appearance of the block. This is created by the incorporation of large sections of red brick and an upper zinc clad floor. Furthermore, the site occupies a prominent position on Botanic Road with a reduction in level to the north. This juxtaposition between the proposed development and the Protected Structure is therefore particularly sensitive given the typography of the site.

12.3.16. In relation to lower floors, the image on page 28 of the Architectural Design Statement of the proposed Block A, shows the use of granite in a bid to reference the Protected Structure. However, the overall effect is superficial, with an inconsistency to the use of the granite material on the lower levels of the block. While the corners are finished in granite over the lower 2 storeys, the overall impact is diluted with the incorporation of red brick columns that extend to the ground across the extent of the rest of the block.

12.3.17. As a result of the above considerations, I do not consider the design approach for the proposed development as successfully integrating with, or enhancing, the character and public realm of the area. This is particularly in consideration of the surrounding architectural sensitives, including the proximity to a Protected Structure and residential conservation areas. Having regard to topography, context and setting of the site, I do not consider the proposed design strategy to be appropriate for the site. As a result, I do not consider the previous reason for refusal for SHD application ref.303875-19 to be overcome in this current application, and the proposed continues to fall short of the expectations under this aspect of the Building Height Guidelines.

12.3.18. The remaining pertinent criteria under section 3.2 of the Building Height Guidelines relate to the following: contribution of the proposal to the place-making; its contribution to the streetscape; the avoidance of uninterrupted walls; contribution to

public spaces (including inland waterway/ marine frontage) and compliance with flood risk management guidelines; improvement of legibility; contribution to mix / typologies in the area; and daylight performance against BRE criteria as well consideration of overshadowing / ventilation / views. Specific assessments are also required depending on the scale of the building proposed. In relation to specific assessments, an Architectural Design Statement, Photomontages, Material and Finishes Report, Architectural Heritage Impact Assessment, Wind Microclimate Modelling Report and Bat Report have been submitted.

12.3.19. My assessment above, considers the contribution of the proposed development to the streetscape and placemaking, which I conclude to be harmful. While the elevations have been broken down with fenestration and balconies, I consider the overall appearance of Block A monolithic on Botanic Road as a result of the elevational treatment and design finish which exacerbate the scale of the block.

12.3.20. I note that the Inspector's assessment of the refused scheme clearly stated that *'the powder coated zinc cladding to upper floors accentuates the perception of height'* yet these upper powder coated zinc clad floors persist in this current application proposal. The Inspector for the refused scheme also stated in his report that *'In my view the upper floors and step-down treatment to the southern elevations are both inelegant and crudely executed.'* This remains the case in the current application proposal, albeit with a design that has been further downgraded.

12.3.21. In addition, the height and mass of blocks centrally within the site (Blocks B, C, D and E) will have an inappropriate relationship with the adjacent site to the north. This is a consequence of the same detailed design and materiality considerations I outline above, but also as a result of the 6 and 7 storey height of blocks in proximity to the Protected Structure including the landmark chimney stack to the north of the site. In relation to the impact upon views of the chimney stack, I do not consider that the submitted photomontages illustrate this impact comprehensively. Additional views would be necessary to describe this, particularly from Botanic Road where the chimney is readily visible. Currently the chimney is clearly distinguishable projecting above the former Players Factory to the front of the site, however photomontage 6 does not include the chimney in view and further consideration of visibility from Botanic Road is required in my opinion. I consider it likely that the proposed impact will be to diminish the distinct form of the chimney at these points where it is visible

above the Players Factory. Views of the chimney will be obscured by Block A when viewed from the south (photomontage 10). However, consideration of the impact of views from the north are incomplete, where I consider it likely that the distinct red brick form of the chimney will likely be lost in the cluster of red brick blocks proposed as part of this application. I also note that long views of the chimney have not been considered, for example, from Griffith Park. While these are not protected views, I have reservations about the completeness of the submitted material to describe the visual impact of the development in general, most notably lacking a specific landscape and visual assessment. Overall, I consider the layout, height and mass of these blocks to be poor, exacerbating the mass of the development in surrounding views.

12.3.22. I note that the Inspector for the refused scheme considered the removal of floors by condition, however without imagery and technical analysis of this impact, there was uncertainty as to how effective this would be. The Board went on to refuse that application in 2019. The current application comprises a proposed development that has been subjected to a complete design modification which further deteriorates the quality of design detail and finish. While the height of the development is now reduced, the visual impact of the proposed development remains overdominant as a result of the heavy materiality and elevational treatment now exhibited in the detailed design of the proposed blocks. I have considered the use of a condition to reduce the height of the proposed development, however, as outlined above, I consider there to be wider issues with the design strategy than could be resolved through the removal of storey heights.

12.3.23. In relation to a comparison to the planning permission scheme, it is clear that the proposed development would have far wider reaching impacts as a result of the increased scale and height on the site, than compared to that approved development (ref.3665/15 ABP ref.PL29N.246124). Most notably in relation to visual impact as I have outlined above, as well as in relation to impact upon the site to the north, which I consider in section 12.4 below. It is my view that many of these impacts would be significant and harmful when compared to the planning permission on the site. I note that the Inspector for the recently refused application (SHD ref.303875-19) stated there was an improved material palette in that scheme, to better suit the surroundings and public realm. However, it is my view that notwithstanding the incorporation of the

same material palette in the current proposal, the overall design strategy does not represent an improvement upon either the planning permission or refused planning application for this site.

12.3.24. I therefore find that the proposed development fails to satisfy the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines. This follows the complete assessment set out in my report and particularly sections 12.3, 12.4, 12.5 and 12.11.

12.3.25. Density

12.3.26. A number of concerns have been raised regarding the density of the site, comparing this to high density cities in other countries and suggesting that the proposal results in overdevelopment of the site. In relation to responses comparing the proposed density to other international cities, I do not consider this a useful reference point. Dublin has historically been developed at very low densities and is heavily characterised by single dwellinghouse living. Therefore, for appropriate growth levels to be achieved in the city, it will be necessary for apartment development to deliver higher densities alongside these existing streets characterised by lower density housing. Overall, the density of Dublin as a city is considerably less than the international cities referenced in third-party responses and this application proposal will not alter the general density of Dublin City. It is also important to consider planning policy at national, regional and local level, which encourages higher densities in appropriate locations.

12.3.27. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of 'compact growth'. Of relevance, objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development encouraging increased densities in settlements where appropriate. Section 28 guidance, including the Building Heights Guidelines, the Sustainable Residential Development Guidelines and the Apartment Guidelines, assist in determining those locations most appropriate for increased densities. The Apartment Guidelines define the types of location in cities and towns that may be suitable for increased densities, with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.

12.3.28. The proposed density is 232 units per hectare. The application site is located on Botanic Road and a short walk (less than 5 minutes) to bus stops providing access to

high frequency bus services. This satisfies one of the locational descriptions set out in the Apartment Guidelines for Central and / or Accessible Urban Locations. The Apartment Guidelines also describe locations that are a 15 minute walk from principle city centres or significant employment locations, such as hospitals, as being within the description of Central and / or Accessible Urban Locations. The site is a 15 minute walk to the Mater Hospital. As a result, I consider the site to be a Central and / or Accessible Urban Location as defined in the Apartment Guidelines. In addition, I note that the site is located a 15 minute walk away from Drumcondra Rail Station with access to DART services, a 15 minute walk to Cabra Luas Stop and a 30 minute walk into the City Centre. Therefore, the site demonstrates good accessibility to a range of public transport forms. I note third party responses that suggest the application is premature pending future public transport upgrades, however my assessment is informed on existing public transport provision as described above. While concerns have also been expressed regarding the capacity of existing public transport, no concerns have been raised by the Planning Authority in this regard, no response was received from the National Transport Authority and Transport for Ireland have not objected to the application or raised capacity concerns.

12.3.29. The Apartment Guidelines suggest that Central and / or Accessible Urban Locations are suitable for small- to large-scale and high density development, with a clear stipulation in the guidelines that acceptable density levels should be informed by a local assessment and other relevant planning factors. While the density in itself may be acceptable for this accessible site, I have serious reservations regarding the impact of the proposed development upon the surrounding area, as outlined in sections 12.3 and 12.4 of this report.

12.4. Neighbouring Residential Amenity

12.4.1. Daylight, Sunlight and Overshadowing

12.4.2. A number of third parties have raised concerns regarding the impact of the proposed development upon the daylight and sunlight of existing properties, particularly in Daneswell Place. I note that since the time of the refused 2019 scheme, occupiers have moved into properties in Daneswell Place and therefore this represents a change in site circumstances for this current application assessment. Objections

have been received from residents in Daneswell Place concerning impact from the proposed development upon their access to daylight and sunlight.

- 12.4.3. A Daylight and Sunlight Report has been submitted with the application. This describes the performance of the development against BRE criteria (The Building Research Establishment guidelines on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice).
- 12.4.4. The report explains the methodology used in the assessment. This has generally been influenced by the methodology described in the BRE guidelines, however the applicant has then used an 'Applied Target Value' in the testing of VSC levels to existing neighbouring 3 storey dwelling houses in Daneswell Place. Properties on Daneswell Place are fully constructed to the south of the application site and have a high level of occupation. To the east of the application site properties are not yet constructed but have been included for daylight testing purposes.
- 12.4.5. The BRE guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received), of at least 27% or not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure), to ensure that there is no perceptible reduction in daylight levels and that electric lighting will be needed more of the time. However, in the submitted report the applicant has calculated the percentage of daylight reduction against an 'Applied Target Value' ('ATV') figure, rather than the baseline figure. The report explains that an 'ATV' figure has been generated by calculating 80% of the baseline VSC figure. The report explains that where the 'ATV' figure was above the recommended target (i.e. 27%) then the recommended target level has been used (being 27%). Where the 'ATV' figure is below the recommended target (i.e. less than 27%), then the 'ATV' figure is used (which will be the figure less than 27%). This 'ATV' figure then forms the baseline VSC figure for the applicant, who applies the BRE guidelines against that 'ATV' figure. What results is an arbitrary 80% figure of existing VSC or default 27% figure, and a further 80% calculation against this 'ATV' figure to describe the level of impact. There is no explanation of where the use of an 'ATV' figure has come from, or any justification for using these lower levels.
- 12.4.6. I appreciate that the application site was historically part of a wider development area (planning permission ref.3665/15 ABP ref.PI29N.246124), as a result, the

existing baseline VSC levels to properties on Daneswell Place are high, because currently there is no obstruction to daylight over the application site. Therefore, it would in my view be appropriate to seek an alternative target value for the Daneswell Place properties, but I have doubts about the approach taken by the applicant. While the BRE guidelines allow for the use of alternative target values, there is no support in the guidelines for the approach taken by the applicant, and the use of an 80% calculation of the existing VSC to Daneswell Place as the baseline figure (or defaulting to 27%). In fact, the BRE guidelines are implicit that an appropriate alternative target value might be where there is a planning permission for a site. In such circumstances a Planning Authority may allow the use of the VSC for the permitted scheme to set the baseline figure. This would have been the logical approach for this application but has not been adopted by the applicant.

12.4.7. The following are examples of the results generated by the applicant's methodology. Window 1b in Daneswell Place, has an existing baseline VSC of 37.54% and a proposed VSC of 22.26%, which I have calculated to be 59.29% of the former value and therefore a reduction vastly in excess of 0.8 times the former value. However, instead of the existing baseline figure, the applicant has used an ATV of 27.00% and therefore stated that VSC is 82.44% of the former value, and therefore within 0.8 times of the value. Similarly, window 1c Daneswell Place has an existing baseline VSC of 31.98% and a proposed VSC of 23.66%, which I have calculated to be 73.98% of the former value and therefore a reduction more than 0.8 times the existing baseline level. However, the applicant has used an ATV of 25.58% and therefore stated that the impact is equivalent to 92.50% of the former value, and therefore the reduction is less than 0.8 times of the value. These are just two examples of how the applicant's methodology impacts the results for daylight testing for Daneswell Place, however there is a broader impact across the assessment.

12.4.8. It is therefore clear, that by using the applicant's methodology and this 'Applied Target Value' figure, rather than calculating the reduction from the baseline existing value, dramatically different results are presented. In reality, this means that there are far wider reaching impacts in terms of perceptible reductions in daylight levels to properties on Daneswell Place, than acknowledged in the assessment results. As a result, I consider the applicant's approach to be unacceptable, lacking basis in the

BRE guidelines and being presented in the application without any supporting justification or comprehensive explanation.

- 12.4.9. The applicant's report goes on to assess the ADF of properties in Daneswell Place. An assessment of ADF is usually used to determine whether the daylight levels in a proposed development will be acceptable. The BRE guidelines state that use of the ADF for loss of light to existing buildings is not generally recommended (appendix F, F7). This is because the use of ADF as a criterion tends to penalise well-daylit existing buildings, because they can take a much bigger and closer obstruction and still remain above the minimum ADFs recommended. The BRE guidelines describe that a good daylight level requires an ADF of 5%, and that levels below this are likely to require the use of substitute lighting. Minimum levels are described for different room uses in proposed developments, being 2% for kitchens, 1.5% for livingrooms and 1% for bedrooms. The ADF test is a much less onerous daylight standard than the VSC test, and therefore I question the appropriateness of relying upon it for testing purposes in this development.
- 12.4.10. The ADF testing of properties on Daneswell Place demonstrates that all minimum target levels are achieved, but I note that the vast majority of these have an ADF below 5%. While I note that the applicant contends that an ADF test has been used because room use is known within the Daneswell Place properties, I also note that the BRE guidelines provide recommendations in relation to the 'no sky line' test to be used in these circumstances. The guidelines do indicate limited circumstances where an ADF test might be relied upon for existing properties, including for sites where a group of buildings is being built one after the other, however Daneswell Place now exhibits a high level of occupation, and therefore the ADF test becomes less appropriate in such circumstances.
- 12.4.11. The level of occupation has increased since the time of the previous refused application on the site in 2019 (SHD ref.303875-19) and therefore the assessment circumstances have changed. It is my view that the testing in this case should have used the permitted development as a benchmark in terms of testing daylight impact, with a model of the resulting VSC levels to properties in Daneswell Place from that permitted scheme (ref.3665/15 ABP ref.PL29N.246124). While it is likely that as a result of the increased height to blocks in the current application, the impact upon daylight would have increased when compared to the permitted scheme; it would

also have been possible for a balanced judgement to be made as to the appropriateness of this impact. Without this complete assessment, I am unable to make a judgement on the acceptability of impact upon the daylight access of properties in Daneswell Place as a result of the proposed development.

12.4.12. Overall, I have significant reservations about the methodology adopted by the applicant as part of their daylight and sunlight assessment. In the absence of any justification or comprehensive explanation for the use of the 'ATV' level, I question the appropriateness of this approach. I also consider the use of an ADF test for these properties inappropriate, given the change in circumstances since the previous refusal on the site and the now high level of occupation of these properties. I therefore consider the information before me to be insufficient at describing the impact upon daylight access to properties in Daneswell Place.

12.4.13. I also note that the Building Height Guidelines include in the section 3.2 criteria that regard should be taken of the BRE guidelines, and I consider the application to be deficient in relation to this.

12.4.14. Overlooking and Privacy

12.4.15. A number of third party responses have raised concern regarding the impact of the proposed development upon the privacy of surrounding residents. Concern is also raised by both third parties and the Planning Authority regarding the proximity of the proposed development to the northern boundary.

12.4.16. The proposed development fronts onto Botanic Road to the west and existing dwelling houses on Daneswell Place to the south. These houses now exhibit a high level of occupation, which has changed the site circumstances since the previous refusal on the site (ABP SHD ref.303875-19). No. 31A and 31 Botanic Road also appear to the south of Block A in the proposed development. The proposed development adjoins a boundary to a development site to the east, with dwelling houses approved under the approved application (PA ref.3665.15 and ABP ref.PL 29N.246124) that are yet to be constructed.

12.4.17. Separation distances to the front of both the existing, and the not yet constructed, properties on Daneswell Place are between approximately 16m and 22m. Separation to no.'s 31 and 31A Botanic Road exceeds 12m. I am satisfied that there will be no

opportunity for undue overlooking or adverse impact upon the privacy of these existing and future occupiers.

12.4.18. In relation to the boundary to the north, this is shared with the former Players Factory (Protected Structure RPS ref. no. 855). Block A in the proposed development is over 14m away from this boundary. However, Blocks B, C, D and E in the proposed development have a separation distance of 4m to this boundary and between approximately 5.8m and 10.6m to the Players Factory building itself. This Players site to the north is a future development site. While the form of that future development is not yet defined, it will likely involve significant retention of the existing Players Factory building fabric as it fronts Botanic Road as a designated Protected Structure. The approved application on the site (PA ref.3665.15 and ABP ref.PL 29N.246124), located blocks a comparable distance to the northern boundary as in the current application, however the approved design included a further inset of approximately 3.8m for habitable room windows. Creating a separation distance in excess of 7m from habitable room windows to this northern boundary. The proposed development locates secondary aspect windows to living room areas 4m away from the northern boundary.

12.4.19. It is likely that even with retention of the Players Factory on Botanic Road, significant alteration would be required to accommodate redevelopment to the rear of the Players Factory site. While the Phibsborough LAP is unadopted, it is still a useful reference point when considering how the Players site to the north may be developed in future. The Draft Phibsborough LAP describes a potential school use on the Players site or residential use. This Players site is zoned Z1 'to protect and improve residential amenities' in the Development Plan. Redevelopment would therefore require the insertion of new windows and building fabric onto the site to accommodate such uses. I consider that the close distance of habitable room windows in the proposed development to this boundary will unduly constrain the future development opportunities of the Players Factory site. If future development on the site to the north matched the separation to the boundary demonstrated in the proposed development, that would result in a building to building separation of just 8m. Or with the use of the existing building fabric on the site and insertion of windows, a separation distance of between 5.8m and 10.6m would be experienced. I would expect that a minimum separation distance of around 12m or 13m should be

reserved, as reflective of the general across street relationship experienced in many city streets.

12.4.20. The proposed apartments have a secondary aspect to the north that relies on the neighbouring Players site for outlook to those units. I have considered how these windows might be altered to mitigate the impact, however removing these secondary windows would reduce the number of dual aspect units in the proposed development. Similarly, a reduction in window size would impact the daylight testing that has been carried out to support the development proposal. As a result, I do not think it would be appropriate to alter the proposed development by way of condition to address this matter. I note that the previous refusal on the site (ABP SHD ref.303875-19) refers to similar concerns about the proximity of the development at that time to the northern boundary, however ultimately it was concluded that future redevelopment of the Players site could react to the application site to compliment the outlook from units in there. However, it was noted that the absence of a masterplan was extremely regrettable.

12.4.21. The relationship of the proposed development with the Players site to the north is in my view problematic. Whilst it is no doubt possible for any future redevelopment of the Players site to react to the application site, it is clear that a compromised solution would be required. It is therefore my view that the compromised relationship to the Players site to the north is symptomatic of overdevelopment of the application site. As a result, I consider that the separation to the boundary with the Players site to be unacceptable.

12.4.22. I note third party responses indicating that adverse impacts upon the amenity of residents in Marguerite Road have not been fully addressed. Marguerite Road is located to the north of the application site and separated from the proposed development by the Players Factory site. I consider there to be sufficient distance to this street from the proposed development site and I have no concerns regarding adverse amenity impacts upon those residents as a result.

12.4.23. Construction Impacts

12.4.24. A number of third parties have raised concern regarding potential impacts arising from construction of the proposed development upon surrounding structures,

including dwellings in Daneswell Place and the Protected Structure on the Players Factory site (particularly the red brick chimneystack).

12.4.25. A Basement Impact Assessment has been submitted with the application. The requirement for the submission of a Basement Impact Assessment only became policy for Dublin City Council recently, with the requirement for all development with any form of basement to include a basement impact assessment from 3rd February 2020. As a result, the previously refused application in 2019 (ABP SHD ref.303875-19) did not include a basement impact assessment.

12.4.26. The submitted Basement Impact Assessment identifies the location of surrounding structures and their distance to the proposed development basement area. The report states that a damage impact assessment of the neighbouring structures has been completed and that in order to minimise the potential damage to adjacent structures temporary propping of sheet piled retaining walls is proposed. The report states that *“the strains estimated to be imposed on adjacent buildings indicates that the potential Category of Damage to the neighbouring structures would be ‘Negligible’. This indicates that any potential damage would give rise only to hairline cracks of less than 0.1mm.”*

12.4.27. The submitted Basement Impact Assessment does not specifically identify that the Protected Structure includes a chimney stack situated close to the boundary. The assessment focuses on the point where the Protected Structure is closest to the proposed basement to the north west of the site.

12.4.28. I note that the approved development on the site (3665/15 ABP ref.PL29N.246124) included a basement, although a comparison has not been provided of the distance of the approved basement to boundaries / structures, compared to the proposed development. However, the principle of constructing a basement on the site is established, and therefore ensuring that these works do not result in negative impacts upon the structural integrity of surrounding structures is a question of detailed mitigation in my opinion. As a result, if planning permission were to be granted for this application, I am content that a condition could adequately secure appropriate mitigation during construction works.

12.4.29. In relation to general construction impacts, an Outline Construction Management Plan has been submitted and describes the application of mitigation measures to

reduce construction impact. Final details of construction management and transport movements can also be requested by condition.

12.5. Proposed Residential Standards

12.5.1. Daylight and Sunlight

12.5.2. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development.

12.5.3. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the development against BRE guidelines in relation to daylight and sunlight. The analysis is for lowest residential level in the proposed blocks as representative of the most constrained area in terms of daylight access, therefore if these units pass, it can be logically assumed units above will also pass. The analysis has excluded kitchen areas from the results where these are located in the far side of a room away from a window, defaulting to a 1.5% ADF value in these cases for the remaining living space. Based on this approach, the report demonstrates that all units comply with BRE minimum target daylight levels. The Planning Authority have raised concerns regarding this approach, however I note that the BRE guidelines do allow applicants to agree to the use of a 1.5% ADF value for galley kitchens as long as these are immediately attached to a well daylit living room.

12.5.4. I note a concern raised in a third party response and by the Planning Authority regarding the incorporation of winter garden areas to facilitate adequate daylight. I can confirm that the BRE guidelines state that glazing balconies and making the resulting enclosed area part of the living room (giving a private internal space), is a legitimate approach to improving the daylight conditions in a development.

12.5.5. In relation to sunlight, the submitted Daylight and Sunlight Report has assessed sunlight access to the proposed communal amenity areas only. Therefore, the application lacks an assessment of the Annual Probable Sunlight Hours (APSH) to describe the level of sunlight that would reach the main living room window for the proposed units. The BRE minimum value is described as 25% APSH on an annual basis or 5% on a winter basis. Without a complete assessment it is not possible to determine the acceptability of the proposed development in relation to sunlight. The

Apartment Guidelines are clear that the level of sunlight that reaches a living room window will greatly affect the amenity value of the space, however there is no specific planning policy requirement in relation to sunlight. In addition, I note that the criteria under section 3.2 of the Building Height Guidelines relates to daylight only. While I would not consider the omission of sunlight analysis alone a fundamental issue, given the matters outlined in section 12.3 and 12.4 of this report regarding my assessment of the acceptability of the development form and resulting impacts, I consider the failure to provide this information problematic. Overall, the omission of this analysis means that a definite conclusion regarding the quality of amenity in the proposed development cannot be reached and this contributes to the overall conclusion that the proposed development is unacceptable.

12.5.6. In relation to the proposed amenity spaces, shadow analysis is submitted with the application. This demonstrates that the communal amenity areas proposed achieve receive meet BRE recommended levels.

12.5.7. Dual Aspect

12.5.8. The proposed development includes 115 units as dual aspect equating to 47.9% of the scheme and therefore is in accordance with requirements under the Apartment Guidelines. There are no single aspect north facing units in the development. I note the Planning Authority concerns regarding the reliance upon units with a secondary north aspect over the Players Factory site to contribute to achieving dual aspect requirements. However, I consider this approach legitimate in relation to a pure consideration of aspect; albeit I have already outlined other reasons why the reliance upon this aspect is problematic in relation to separation distances from the proposed development.

12.5.9. Private and Communal Amenity Space

12.5.10. Documents submitted with the application describe a public open space figure of 2,073sqm and a communal open space figure of 1,498sqm. The public open space is formed of 'Public Park' located between Blocks C and D as well as the internal roadway and associated verges. The communal spaces are located between Blocks B and C, as well as D and E. These areas all include pathways, dedicated play areas for children, open lawn spaces and planting.

12.5.11. DCC Parks Division have raised serious concerns regarding the open space provision in the development. The Planning Authority do not consider the provision to be acceptable and request the omission of a block (either Block A or E) to allow meaningful open space provision in its place. The permitted development included the omission of Block D as a result of similar concerns regarding the fragmented provision of open space. In the assessment of the 2019 refused application (SHD ref.303875-19), the Inspector also indicated reservations regarding the fragmentation and usability of open space, as well as integration with existing ground levels.

12.5.12. In my view, there is clearly a consistent finding that the fragmented layout of open spaces on the site is problematic in general, and unacceptable to the Planning Authority. While I agree with the Planning Authority that the proposed development does not necessarily represent the optimum site layout, I also note that the previous application was not refused specifically in relation to this. The concerns highlighted in the Inspectors report in 2019 (ABP SHD ref.303875-19) regarding the microclimate conditions of the open space areas do appear to have been addressed in this current application, with all spaces now suitable for long term sitting. However, the piecemeal nature of the spaces will undoubtedly reduce the usability of these areas. The spaces are disrupted by circulation pathways and buffer planting, with what space remains then provided as lawn and play areas.

12.5.13. In my opinion there is a lack of a clear vision of how these spaces might be used, beyond the play provision included. The Landscape Report submitted indicates a simple strategy, with no provision for outdoor furniture (for seating or dining), resident planting zones (i.e. allotments), bbq areas or outdoor exercise areas (yoga / running / kick-about) that would be expected of a modern, high quality, high density development. The report also includes a planting strategy which the Planning Authority considers to be unacceptable, with a lack of native species and the inclusion of a toxic plant. The overall provision of open space is therefore poor, particularly given the scale of the development and the large number of residents that will rely upon it as an amenity provision.

12.5.14. This matter alone would not be fundamental to the determination of this application, however alongside wider concerns with the proposed development, I consider it a further indication of the poor quality of development proposed. I suggest that in the event that the Board determined to grant planning permission, a condition could be

used to require the submission of revised landscape proposals to address the matters I outline above.

12.5.15. Mix

12.5.16. The proposed mix is acceptable and conforms with SPPR1 of the Apartment Guidelines: 97no. 1 bed (40.42%); 137no. 2 bed (57.08%); and 6no. 3 bed (2.5%).

Floor Area

12.5.17. The individual floor area for apartments meet the standards outlined in the Apartment Guidelines and a majority (77.5%) are greater than 10% larger than minimum standards.

Floor to Ceiling Height

12.5.18. The proposed development provides for a ground floor height of 2.7m, in accordance with the minimum standards for ceiling heights described in the Apartment Guidelines.

12.5.19. Number of Apartments to a Core

12.5.20. The proposed development does not exceed the maximum of 12 apartments per core in accordance with policy standards described in the Apartment Guidelines.

12.5.21. Privacy

12.5.22. The proposed development does not generate any opportunity for overlooking between units, with courtyard areas located between blocks providing between 18m and 23m of separation. As a result, I consider the development to be acceptable in terms of overlooking within the development itself. (Overlooking to surrounding areas is covered in section 12.4 above).

12.6. **Traffic and Transport**

12.6.1. A number of third party responses highlight concerns about the impact of the proposed development upon the transport network, particularly in relation to traffic on Botanic Road. The Planning Authority have confirmed that they have no objection to the proposed development in relation to transportation impacts.

12.6.2. A Traffic and Transport Assessment has been submitted with the application. This describes the key transport related characteristics and potential impacts of the proposed development. Compliance with DMURS is also confirmed. The

assessment demonstrates how the scheme has been designed from a traffic and transport perspective, to integrate within the existing network and to minimise any potential impacts. The results of the analysis indicate that the development will have a negligible impact upon the base scenario. Swept path analysis and visibility splays have also been submitted to demonstrate that the proposed access point is appropriate and can function safely.

12.6.3. I am satisfied that with the inclusion of conditions concerning the detailed operation of the development, there will be no adverse impact upon the surrounding transport network as a result of the proposed development.

12.6.4. Car Parking

12.6.5. Concerns have been raised in third party responses about potential for overspill parking arising from the proposed development. The Planning Authority have confirmed they have no objection to the quantum of car parking included.

12.6.6. The proposed development includes a total of 148 car parking spaces. This is formed of 123 for future residents of the apartments, 8 accessible bays, 5 car club spaces, 2 creche staff spaces and 2 café staff spaces all within the basement area, along with 8 visitor spaces at surface level. 10 no. electric vehicle spaces are also proposed. The proposed development has a ratio of 0.54 car parking spaces per a residential unit. The rationale for the car parking provision is set out in the submitted Transport and Traffic Assessment and includes Census data for the area. Considering the existing good accessibility of the site to both the city and public transport, as well as future public transport upgrades proposed for the area, I am satisfied that the proposed parking quantum is acceptable.

12.6.7. Cycle Parking

12.6.8. A total of 534 cycle parking spaces are included at basement level in the proposed development exceeding Development Plan minimum levels.

12.6.9. Servicing

12.6.10. Refuse collection is proposed to take within the site and swept path analysis has been submitted to demonstrate adequate provision for this.

12.7. **Material Contravention**

- 12.7.1. The applicant has submitted a Statement of Material Contravention of the Dublin City Development Plan 2016-2021 with the application. The public notices make reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). There is one issue raised in the applicant's Material Contravention statement, it relates to building height.
- 12.7.2. The applicant notes in the statement that the Dublin City Development Plan 2016-2021 defines 'Rail Hubs' as sites 'within 500m of existing and proposed Luas, mainline DART, DART Underground and Metro Stations', where heights of up to 24m will be accepted; and the application site is located 300m of the planned Glasnevin Metro Link stop. However, the site is also subject to a specific policy relating to the former Printworks / Smurfit Site (the application site) which states in Section 16.7.2 that:
- 12.7.3. *'Phibsborough will remain a low rise area with the exception of allowing for (i) up to a max of 19m in the centre of the Smurfit site and immediately adjoining the proposed railway station at Cross Guns Bridge.'*
- 12.7.4. The proposed development has a maximum height of 22.82m exceeding the 19m cap and therefore materially contravening the Development Plan. Both the applicant and the Planning Authority accept that notwithstanding the proximity of the site to a proposed future rail station, the proposed development is a material contravention of the Development Plan given the specific policy requirement for the site. However, I note that the Planning Authority state that the application of a maximum 19m height is applicable only to the centre of the site, with an assumption that a lower height limit of 16m applies to the perimeter of the site.
- 12.7.5. The proposed development includes Block A at between 16.9m and 17.1m to the front of the site on Botanic Road, Block B at between 19.5m and 20m immediately to the rear of A, Block C is between 22.9m and 23.1m towards the centre of the site and alongside Block D at between 22.7m and 23.1m, and Block E at 19.8m and 20.1m adjacent to the rear boundary to the east of the site. As a result, all blocks exceed the implied limit that the Planning Authority states is applicable to the parameters of the site of up to 16m, while Blocks B, C, D and E exceeding the specified limit of 19m. It is my view that the most significant contravention relates to Blocks C and D centrally within the site.

- 12.7.6. The applicant contends that the height limits prescribed in the Dublin City Development Plan 2016-2022 have been superseded by the progression of National Policy. I have considered the Statement of Material Contravention submitted with the application which describes the justification for the proposed height.
- 12.7.7. In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. However, it is my view that SPPR 3 under the Building Height Guidelines does not apply in this case. This is because I do not concur with the applicants position in relation to the application of the Development Management criteria under section 3.2 of the Building Height Guidelines. I have described in detail in sections 12.3, 12.4 and 12.5 why the proposed development does not fulfil these criteria. Particularly at the scale of the street and the failure to make a positive contribution to the streetscape. As well as in relation to the scale of the proposed development and an assessment which fails to adequately demonstrate potential impact upon the daylight access to adjacent properties.
- 12.7.8. Having regard to the above, I do not consider that the provisions of section 37(2)(b) have been met in this instance.

12.8. Environmental Impact Assessment (EIA)

- 12.8.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 12.8.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Report (dated June 2020) and I have had regard to same. The report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.
- 12.8.3. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units;

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

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

12.8.4. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, it can be concluded in the first instance that there is no real likelihood of significant effects on the environment. In undertaking my screening assessment, I have been cognisant of comments received from DCC Parks, Biodiversity and Landscaping Services in relation to EIA.

12.8.5. The proposed development involves 240 residential units and ancillary facilities on a 1.036 ha site in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. There are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The subject lands are adjacent to Conservation Areas and Protected Structures, including the former Printing Works building located immediately north of the application site which is a Protected Structure. An Architectural Heritage Impact Assessment has been submitted with the application and describes the relationship of the proposed development with surrounding heritage, including visual impact upon the Protected Structure to the north of the site. Photomontages have also been submitted to assist this assessment. The site is sufficiently removed from the River Tolka and Royal Canal, and other sensitive sites beyond, to ensure that no likely significant effects will result. The proposed development is not likely to have a significant effect on any Natura 2000 site (as per the findings of section 11.3.22 of this report). I have also completed a screening determination form and included this on the file for the application (ABP ref.307463).

12.8.6. Having regard to;

- (a) the nature and scale of the proposed development, in an urban area on a site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is therefore considered that an environmental impact assessment report for the proposed development is not necessary in this case.

12.9. **Appropriate Assessment**

12.9.1. An Appropriate Assessment Screening Report (dated June 2020) was submitted with the application. I have had regard to the contents of same. This report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own or in combination with the effects of other plans or projects.

12.10. **The Project and Its Characteristics**

12.10.1. See the detailed description of the proposed development in section 3.0 above.

The European Sites Likely to be Affected - Stage I Screening

12.10.2. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity predominantly comprise residential and commercial along with transport arteries. The Royal Canal is over 300m to the south of the site and the River Tolka is over 400m to the north, both waterways flow north west to south east into the River Liffey and Dublin Bay respectively.

12.10.3. I have had regard to the submitted Appropriate Assessment (AA) Screening Report which identifies the following Natura 2000 sites as within 15km of Botanic Road that could theoretically be affected:

- Malahide Estuary SAC (0205);
- Broadmeadow / Swords Estuary SPA (4025);
- Rockabill to Dalkey Island SAC marine site (3000);

- Baldoyle Bay SAC (0199);
- Baldoyle Bay (4016);
- Ireland's Eye SPA (4117);
- Howth Head cliffs SPA (4113);
- North Dublin Bay cSAC (0206);
- South Dublin Bay cSAC (0210);
- North Bull Island SPA (4006);
- Sandymount Strand / Tolka Estuary SPA (4024).

12.10.4. I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

12.10.5. Of the sites listed above, only the Dublin Bay sites are considered further due to hydrological links via the drainage and sewer network from the application site to the South Dublin Bay and River Tolka Estuary SPA, the South Dublin Bay SAC, the North Bull Island SPA and the North Dublin Bay SAC.

I consider that the other Natura 2000 sites listed are a sufficient distance from the site and without hydrological links, and therefore it can be concluded that they will not be impacted by the development. I have therefore excluded them from Table 12.1 below.

Table 12.1 Natura 2000 Sites Qualifying Interests

Site (site code)	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
North Dublin Bay cSAC (0206)	5km	Mudflats and sandflats not covered by seawater at low tide (1140) Annual vegetation of drift lines (1210)

		<p>Salicornia and other annuals colonizing mud and sand (1320)</p> <p>Atlantic salt meadows (1410)</p> <p>Mediterranean salt meadows (1410)</p> <p>Embryonic shifting dunes (2110)</p> <p>Shifting dunes along the shoreline with Ammophila Arenaria (white dunes) (2120)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130)</p> <p>Humid dune slacks (2190)</p> <p>Petalophyllum ralfsii (Petalwort) (1395)</p>
North Bull Island SPA (4006)	5km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Sheduck (<i>Tadorna tadorna</i>)</p> <p>Teal (<i>Anas crecca</i>)</p> <p>Pintail (<i>Anas acuta</i>)</p> <p>Shoveler (<i>Anas clypeata</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>Curlew (<i>Numenius arquata</i>)</p>

		<p>Redshank (<i>Tringa tetanus</i>)</p> <p>Turnstone (<i>Arenaria interpres</i>)</p> <p>Black-headed Gull (<i>Larus ridibundus</i>)</p> <p>Wetlands and Waterbirds</p>
South Dublin Bay cSAC (0210)	5km	<p>Mudflats and sandflats not covered by seawater at low tide (1140)</p> <p>Annual vegetation of drift lines (1210)</p> <p>Salicornia and other annuals colonising mud and sand (1310)</p> <p>Embryonic shifting dunes (2110)</p>
South Dublin Bay / Tolka Estuary SPA (4024)	5km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Redshank (<i>Tringa tetanus</i>)</p> <p>Black-headed Gull (<i>Larus ridibundus</i>)</p> <p>Roseate Tern (<i>Sterna dougallii</i>)</p> <p>Common Tern (<i>Sterna hirundo</i>)</p> <p>Arctic Tern (<i>Sterna paradisaea</i>)</p> <p>Wetland and Waterbirds</p>

12.10.6. Table 11.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for each SAC / SPA area.

12.10.7. I note that the submitted Appropriate Assessment (AA) Screening Report erroneously refers to the Sandymount Strand / Tolka Estuary SPA, which does not exist. However, I have included the South Dublin Bay and Tolka Estuary SPA in my assessment.

12.10.8. I also note that the submitted AA Screening Report provides a generic list of qualifying interests for the SPAs with a number of species highlighted to be present only in 'Sandymount / Tolka Estuary SPA' (corrected to South Dublin Bay and Tolka Estuary SPA in my assessment). However, a number of the species listed are actually distinct to North Bull Island SPA as described in the qualifying interests set out by the NPWS. Furthermore, I note that a number of qualifying interests are not included within the submitted AA Screening Report, specifically the following for South Dublin Bay SAC:

- Annual vegetation of drift lines;
- Salicornia and other annuals colonising mud and sand;
- Embryonic shifting dunes (2110)

12.10.9. For North Dublin Bay SAC, *Petalophyllum ralfsii* (Petalwort) is omitted in the submitted AA Screening Report.

12.10.10. As a result, I consider the submitted AA Screening Report to be deficient in relation to the matters outlined above. However, I have undertaken my assessment and consequential AA screening of the development informed by the EPA and NPWS, and therefore in light of all qualifying interests for the correct SPAs and SACs in Dublin Bay.

Potential Effects on Designated Sites

12.10.11. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'.

12.10.12. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013), the North Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There is no objective in relation to water quality.

- 12.10.13. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA (NPWS, 2015a & b) the conservation objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space.
- 12.10.14. The site is approximately 5km from the boundary of the closest Natura 2000 areas within Dublin Bay / Tolka Estuary. In reality however, this distance is likely to be greater when following the hydrological pathway through the drainage network. There is no direct pathway to the Tolka Estuary from the development as it lies to the north of the River Liffey. Because of the distance separating the site and the SPAs/SACs noted above, including the distance to hydrological pathways (rivers / canal), there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs.
- 12.10.15. A Construction and Demolition Waste Management Plan has also been submitted with the application and describes the incorporation of best practise measures during works on the site. This includes standard operational procedures to control the possibility of potential pollutants exiting the site during construction. These measures are not designed or intended specifically to mitigate any putative potential effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a site whether or not they were explicitly required by the terms or conditions of a planning permission.
- 12.10.16. During the operational phase of the development, the main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, attenuation and SuDS are incorporated into the scheme to ensure no negative impact to the quality or quantity of run off to the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any Natura 2000 site. In terms of pollution arising from wastewater discharge, it is detailed that additional loading to the Ringsend Wastewater Treatment Plant arising from the development is not considered to be significant having regard to the fact that there is no evidence that pollution through nutrient input is affecting the conservation

objectives of the South Dublin Bay and River Tolka Estuary SPA and furthermore, that the upgrading works at the plant will address future capacity.

In Combination or Cumulative Effects

12.10.17. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the Dublin City Council Development Plan 2016-2022. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

12.10.18. I note the comments received from the DCC Parks, Biodiversity and Landscape Services in relation to the additional loading of wastewater to the Ringsend Wastewater Treatment Plant. In relation to the cumulative impacts of foul water discharge, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and that the facility is subject to EPA licencing and associated Appropriate Assessment Screening. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

12.10.19. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, it is reasonable to conclude 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 sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.10.20. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

12.11. Other Issues

12.11.1. Trees

12.11.2. There are 7 Category B trees located along the front boundary of the site with Botanic Road. They are located adjacent to railings that enclose the front of the site and which are proposed to be relocated as part of pavement widening works. The trees will be removed as a result of works to provide a new entrance, realign the footpath and pedestrian access to the site. The application details the replacement of these trees with new tree planting along this boundary.

12.11.3. The Planning Authority and third parties have raised concerns regarding these proposals. The Planning Authority suggest a condition, in the event that planning permission is granted, to require the retention of these trees.

12.11.4. The works to the public realm described by the applicant are in part a response to the future BusConnects route located on Botanic Road and the necessary public realm alterations required as part of that scheme.

12.11.5. The loss of these mature trees is regrettable, however it is clear that the public realm works described by the applicant is incompatible with retention of the trees. Works to this footpath are also reflected in the arrangements in the permitted development and included removal of this line of trees (ref.3665/15 ABP ref.PL29N.246124). These trees are also not protected under the Development Plan and they are located within the application site. As a result, I consider the proposed removal of trees and replacement tree planting to be acceptable, with details of species selection to be agreed by way of condition.

12.11.6. Ecology

12.11.7. A Bat Report has been submitted with the application. This contains the results of bat surveys undertaken on the site. The findings demonstrate that the site is in use by at least two species of bat for commuting / foraging. There is no expected adverse impact upon roosting bats as a result of the development. I am satisfied that conditions can adequately secure appropriate mitigation for commuting / foraging

bats, with the incorporation of sensitive lighting and planting across the site (as outlined in the submitted report).

12.11.8. I note that DCC Parks, Biodiversity and Landscape Services have raised concerns regarding the lack of biodiversity considerations in the application and consultation with their team. I have noted my own concerns with the landscape proposals in section 12.5 of this report above. Beyond the matters previously raised in relation to the fragmented provision of open space on the site, I consider adequate planting details could be sort by way of condition. The current condition of the site does not hold any great weight to biodiversity value in the area and as a result I am satisfied in that no significant adverse impact upon ecology or biodiversity would result from the proposed development.

12.11.9. Flood Risk / Surface Water Runoff / Drainage

A Flood Risk Assessment has been submitted with the application. This describes that the site is located in Flood Zone C. The assessment has been carried out in light of the Planning System and Flood Risk Management Guidelines and the proposed development is appropriate for the site location. The only risk of flooding identified for the site relates to the drainage system, and it is proposed to mitigate this through the incorporation of an appropriate drainage system into the development.

I note third party responses in relation to potential adverse impact upon sewage infrastructure. Irish Water have confirmed that a Statement of Design Acceptance has been issued for the development and request a condition in relation to a connection agreement. Details of stormwater management and surface water drainage have been provided in the application and should also be finalised by way of condition.

12.11.10. As a result, I am satisfied that with the incorporation of conditions, the proposed development is acceptable in relation to drainage and water infrastructure.

12.11.11. Archaeology

12.11.12. An Archaeology Assessment has been submitted with the application. The report findings state there are no archaeological remains evident on the site, from previous test excavations. Monitoring and mitigation measures are recommended in the event

that remains are discovered during construction works. I am satisfied with this approach.

12.11.13. Community Infrastructure Audit

12.11.14. Third party responses have raised concern regarding potential impact of the proposed development upon surrounding infrastructure and a lack of a cumulative assessment of impacts from other development in the area. A Social and Community Infrastructure Audit has been submitted with the application. This describes the location of a wide number of services and amenities in the area. While a review of the capacity of these services is not provided alongside consideration of cumulative impacts, the DCC Development Plan provides an overarching context for the area with consideration of population increase as a result of new development. The site also has extent permission for redevelopment for residential use.

12.11.15. I have considered the development alongside both approved and current planning applications in the area. I am satisfied that the proposal would not generate any significant negative impact in combination with surrounding developments.

12.11.16. Energy and Sustainability

12.11.17. Third party concerns include reference to the energy and sustainability proposals as part of the development being vague.

12.11.18. An Energy and Sustainability Report has been submitted with the application. This describes building regulation and how the proposed development responds to these requirements. Photovoltaic panels and air to water heat pumps are also included in the proposed development to address sustainable energy requirements. Plant areas are shown in the basement level for the proposed development. I have no concerns regarding the details in the submitted report.

12.11.19. Planning Authority Reason for Refusal

12.11.20. I have considered the Planning Authority's recommended reason for refusal in my assessment above, particularly in sections 12.3 and 12.4. I concur that the proposed development by reason of its overall scale and massing would fail to successfully integrate with the area or enhance the character of the architecturally sensitive setting. My view is specifically related to the relationship of the proposed development to the adjacent former Players site (Record of Protected Structures reference 855) listed in

the Record of Protected Structures of the Dublin City Development Plan 2016-2022. While the Planning Authority considers the developments excessive height to result in an incongruent transition from the scale of the surrounding established residential conservation area (Z2) neighbourhood, I consider this abrupt transition to also be as a consequence of the materiality and detailed design of the proposal, which exacerbates the scale and mass of the blocks.

12.11.21. I concur with the Planning Authority that the proposed development fails to successfully integrate into or enhance the character of this architecturally sensitive area, does not create visual interest in the streetscape character of this architecturally sensitive area and fails to make a positive contribution to the neighbourhood or streetscape.

12.11.22. The Planning Authority also concluded that the development would be likely to have a significant overbearing impact on the 3-storey houses to the south, and that the proposed development would therefore be seriously injurious to the character and visual and residential amenities of the area. I consider that the scheme does not enhance or harmonise with the existing character of the area. There is also an inadequate assessment provided by the applicant to accurately describe the extent of impact that would result upon adjacent properties, specifically in relation to potential loss of daylight.

12.11.23. I concur with the Planning Authority that the proposed development would be contrary to the requirements of the Urban Development and Building Heights Guidelines for Planning Authorities and Policy SC25 of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

13.0 Conclusion and Recommendation

13.1. Overall, the proposed development has an unacceptable layout, height, scale and mass, that adversely impacts the character and amenity of the surrounding area and represents overdevelopment of the site. This is illustrated through the impact of the proposed development upon the urban environment and residential amenities. Specifically, the proposed development fails to make a positive contribution to the surrounding streetscape or integrate positively to the sensitive architectural setting of the site, which is in close proximity to the adjacent former Players site (Protected

Structure) and surrounding residential conservation areas. This is a consequence of the increased solidity of the material palette for the proposed blocks, with inconsistent use of granite on lower levels, reduced fenestration size, incorporation of zinc cladding to the top of blocks and strident detailed design to blocks. In addition, the application incorporates an inappropriate methodology for the assessment of daylight impact upon adjacent properties on Daneswell Place, with an inadequate assessment of the extent of this impact or justification for the same. Consequently, the proposed development fails to fulfil the criteria under section 3.2 of the Building Height Guidelines. It is therefore my view that the proposed development has failed to overcome the previous reason for refusal described for the 2019 scheme (SHD ref.303875-19).

13.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is REFUSED for the development, for the reasons and considerations set out below.

14.0 Recommended Order

Planning and development Acts 2000 to 2019

Planning Authority: Dublin City Council

14.1. 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 2nd Day of July by Scanron Limited care of Thornton O'Connor Town Planning, 1 Kilmacud Road Upper, Dundrum, Dublin 14, D14 EA89.

Proposed Development

- Construction of 240 apartment units comprising 92 no. one bed apartments; 137 no. two bed apartments and 6 no. three bed apartments in 5 no. blocks;
- Block A (36 no. apartments) is part 3 to part 5 storeys in height;
- Block B (44 no. apartments) is part 5 to part 6 storeys in height over basement;

- Block C (54 no. apartments) is part 5 to part 7 storeys in height over basement;
- Block D (54 no. apartments) is part 5 to part 7 no storeys in height over basement;
- Block E (52 no. apartments) is part 5 to part 6 storeys in height over basement;
- Balconies and winter gardens are provided to all blocks, facing north, south, east and west;
- The development provides resident amenity spaces (727sqm) including gymnasium, swimming pool, cinema and flexi space at basement level, and concierge (82sqm) at ground level in Block B;
- 4 no. non-residential units are proposed, comprising creche (197sqm), café (234sqm), residential management suite (76sqm) and medical consulting unit (119sqm) at ground level in Block A;
- Extinguishment of the existing secondary vehicular access to Botanic Road at the south-west corner of the site;
- 148 no. car parking spaces, 8 no. motorcycle spaces, bicycle parking, bin storage, boundary treatments, hard and soft landscaping, lighting, plant, ESB substations and switch rooms, photovoltaic panels, green roofs, and all other associated site works above and below ground.

Decision

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

Matters Considered

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

Reasons and Considerations

1. The proposed development is located close to architecturally sensitive areas and close to buildings and streetscape elements associated with the former Players site (Record of Protected Structures reference 855) listed in the Record of Protected Structures of the Dublin City Development Plan 2016-2022. It is considered that the proposed design strategy as it relates to the design, scale and massing of the blocks, does not provide the optimal design solution having regard to the site's locational context. This is particularly in relation to the scale, mass and resulting visual impact of Block A and the layout, height, scale and resultant visual impacts of Blocks B, C, D and E. The proposal would therefore be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018. The applicant has not satisfactorily demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of the area, having regard to the topography of the site, the proximity of domestic scale residential development and proximity to Protected Structures. At the scale of the city and given the topographical and architecturally sensitive constraints in and around the site, the proposed development would not successfully integrate with existing development in the vicinity and would, therefore, be contrary to the Ministerial Guidelines, and the proper planning and sustainable development of the area.

Note:

The applicant should note that the Board considers that there is inadequate information submitted with the application in relation to daylight and sunlight assessment of both the proposed development and existing adjacent properties, as well as a lack of a landscape and visual impact assessment undertaken by a qualified practitioner. Inconsistencies / inaccuracies are also noted within the submitted AA Screening Assessment and should be addressed in any subsequent application.

Rachel Gleave O'Connor
Planning Inspector

1st October 2020