



An
Bord
Pleanála

Inspector's Report ABP-307581-20

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| Development | A shared living scheme comprising the provision of 114 shared living units |
| Location | Site at St. Mary's Place North & between no's 13 & 16 Mountjoy Street, Dublin 7 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 4691/19 |
| Applicant(s) | Durkan (Mountjoy St) Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third-Party vs. Grant |
| Appellant(s) | <ol style="list-style-type: none">1. Graham Hickey & others2. Allesandra Fantini3. Brigid Fitzgerald & others4. Gearoid Comaskey & Anne Louise Duignan5. Blend Residents Association & others |

Observer(s)

1. The Irish Georgian Society
2. Senator Marie Sherlock
3. Frank McDonald
4. Patrick Grant
5. District 7 Community Alliance
6. Phibsboro Village Tidy Towns.

Date of Site Inspection

4th January 2021

Inspector

Stephen Ward

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.1572 ha and is located in the north inner-city area of Phibsborough, at the corner of Mountjoy Street (to the west) and St. Mary's Place North (to the south). The site is bounded to the east by Paradise Place, St. Mary's Primary School and the Dorset Point student accommodation development. To the north of the site is the St. Mary's Avenue North residential development.
- 1.2. To the south of the site, on an island site within St. Mary's Place North, is St. Mary's Chapel of Ease (also known as 'The Black Church') which is a Protected Structure. The use of this building as a church was discontinued in the 1960's and it is now in use as offices. This Gothic Revival style limestone building forms an important local landmark at this prominent location.
- 1.3. The site itself is currently vacant and includes a derelict 3-storey building (No. 16 Mountjoy Street) at its south-western corner. Temporary security fencing and hoardings have been erected around the south, east and west site perimeter.

2.0 Proposed Development

- 2.1. The application originally proposed a shared living scheme containing 121 units. Through a response to a Further Information request by the planning authority, the proposed development was amended to a scheme of 114 units (ranging from 17 – 46 sq.m.) in one block over 3 to 5 storeys, and is comprised of the following:
 - demolition of no. 16 MountJoy Street
 - ground floor consisting of communal open space (c. 244 sq.m.), bin store, bike storage room for 134 spaces, lobby, gym, laundry room, meeting rooms, library, café lounge, games room, and communal kitchen/lounge for 12 living units
 - first floor consisting of lobby, sound booth and two communal kitchen/lounge areas for 28 living units
 - second floor consisting of sound booth and two communal kitchen/lounge areas for 30 living units

- third floor consisting of roof terrace, sound booth and two communal kitchen/lounge areas for 28 living units
- fourth floor consisting of two roof terraces, balconies, lounge areas and communal kitchen/lounge for 16 living units
- 3 no. entrances off Mountjoy Street, Paradise Place and St. Mary's Place North
- Landscaping and all associated site development works.

2.2 The following table sets out some of the stated key standards relating to the proposed development:

Table 1. Stated Development Standards

| | |
|-------------------------------|--------------------------------------|
| Site Area | 0.1572 |
| No. of bed spaces | 114 |
| Density | 725 bed spaces per ha |
| Total GFA | 4,017 sq.m |
| Building Height (maximum) | 5 storeys / 17.9 m |
| Plot Ratio | 2.55:1 |
| Site Coverage | 993m ² ground floor = 65% |
| Communal Open Space | 367 sq.m. |
| Amenity Floor Area (internal) | 840 sq.m. |
| On-site Car parking | 0 |
| Bicycle Parking | 134 spaces |

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

- Planning Report
- Shared Living Justification Report
- Architectural Visualisation images
- Architectural Conservation Impact Assessment
- Landscape Rationale
- Drainage Design Report

- Structural Inspection Report
- Durkan Partnership + Common Living prospectus.

2.4 In response to a further information request by the planning authority, the applicant submitted additional / updated reports, including the following:

- Architectural Visualisation
- Landscape Rationale
- Daylight and Sunlight Analysis
- Operational Plan
- Service Management Plan
- Construction Management Plan
- Mobility Management Plan

3.0 Planning Authority Decision

3.1. Decision

By order dated 19th June 2020, Dublin City Council (DCC) decided to grant permission for the proposed development, subject to conditions. In addition to those of a standard nature, the following conditions were included:

- Condition 3: Supplementary Development Contribution (€140,220) in respect of the LUAS Cross City Scheme
- Condition 5: Bed spaces shall operate in accordance with the definition of Build-to-Rent developments and shall be single occupancy only
- Condition 6: The development shall operate as a Shared Accommodation Development
- Condition 8: The development shall remain owned and operated by an institutional entity for a minimum of 15 years and no individual unit(s) shall be sold in that period.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The initial planner's report (14th February 2020) can be summarised as follows:

- The proposed residential use is appropriate in terms of the zoning for the site.
- There is a requirement for the type of accommodation proposed, which is considered suitable at this location given the proximity of the site to employment and public transport services.
- There is no objection to the demolition of No. 16 Mountjoy Street as it is of limited historical merit and is in poor condition.
- The proposed plot ratio and site coverage would exceed Development Plan standards but is considered acceptable given the location of the site.
- The proposed height (16.6m) complies with the maximum permissible (24m) and would be in keeping with surrounding development.
- The proposal takes careful consideration of the surrounding context, including the setting of 'The Black Church', and is a suitable design solution.
- A Shadow Study is required to demonstrate the impact of the development on the school to the east and residential properties to the north.
- Concerns are raised about the usability of the bedroom spaces and the privacy of bedrooms at street level and within the glazed corners.
- A daylight and sunlight analysis is required to determine the levels to be achieved within the proposed units.
- Concerns are raised about the quality of common living and kitchen facilities.
- Insufficient details were submitted regarding the ongoing operation and management of the scheme.
- A request for Further Information was recommended in order to address the above concerns, as well as those raised in the Transportation Planning Division report (see below).

3.2.2. A Further Information request was issued on 19th February 2020 in accordance with the planner's recommendation. The request was responded to on 14th May 2020 and was assessed in the subsequent planner's report as follows:

- A sunlight and daylight study has established that the future occupants will enjoy good levels of daylight in private rooms and shared amenity areas.
- Bedroom floor plans adequately demonstrate the usability of the spaces in terms of storage and circulation.
- At ground floor level the units along St. Mary's Place North have been replaced with additional communal space and privacy measures have been incorporated along Mountjoy Street and Paradise Place. The layout of the corner units has been amended to improve privacy. Proposals in this regard are considered acceptable.
- Revised kitchen layouts illustrate satisfactory usability for multiple residents.
- Further agreement is required in relation to the management of the scheme.
- It is indicated that the Transportation Planning Division is satisfied with the further information response, subject to conditions (no report included on file).
- A grant of permission was recommended, which forms the basis of the DCC decision.

Other Technical reports

3.2.3. The Transportation Planning Division report of 4th February 2020 requests further information in relation to footpath and landscaping treatment along Paradise Place; improvement and clarification of bicycle parking facilities; Mobility Management; Service Management; and Construction Management.

3.2.4. The Drainage Division report outlines that there are no objections, subject to conditions.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII): Section 49 supplementary contributions may apply.

- An Taisce: Contends that No. 16 Mountjoy Street has a relationship with the 'Black Church' and that the option of maintaining the building should be investigated. The design of the proposed building requires revision, which should reinforce the design and character of the 'Black Church'.

3.4. Third-Party Submissions

A total of 24 third-party submissions were received during the consultation period for the application. The issues raised are similar to those of the grounds of appeal and the observations to the appeal, which are collectively summarised in section 6 below.

4.0 Planning History

4.1. The following applies to the appeal site itself:

P.A. Ref. 3692/05: Permission was granted (17/8/05) for demolition of 2 no. unoccupied dwellings and construction of a commercial / residential development in 2 no. 4 to 6 storey blocks consisting of 30 no. apartments, 3 no. live/work units and 1 commercial / office unit.

ABP Ref. PL29N.244627: Permission refused (18/8/15) for a proposal to provide 34 residential units in 3 blocks. The reasons for refusal can be summarised as follows:

- 1) The scale, massing and height of the development would adversely impact on the setting of the landmark protected structure that is St. Mary's Chapel-of-Ease (The Black Church).
- 2) The proposed building line and height would detract from the integrity and consistency of the streetscape along the eastern side of Mountjoy Street and would adversely impact on the visual amenity of the area.
- 3) The proposed 12 parking spaces for 34 residential units fails to meet Development Plan standards and would be contrary to the proper planning and sustainable development of the area.

4.2. The following are notable recent proposals in the surrounding area:

P.A. Ref. 2838/15: Permission granted (26/8/15) for the construction of 108 no. student accommodation units (463 no. bedspaces) and associated uses comprising c. 14,248 sq.m gross floorspace including c. 297 sq.m of retail/ retail services/ café/ restaurant/ financial services/ medical floorspace on site located between Paradise Place and Dorset Street Upper to the northeast of the appeal site. This development is now operating as Dorset Point student accommodation.

P.A. Ref. 4341/16: Permission granted (12/7/2017) for student accommodation development with 77 no. bedspaces at Dominick Street Upper, now operating as part of Dominick Place student accommodation.

ABP Ref. PL29N.247225: Permission granted (12/1/17) for a residential student accommodation development at Dominick Street Upper, now operating as part of Dominick Place student accommodation.

ABP Ref. PL29N.308841: Current SHD application for 280 shared living bed spaces for the Hendrons building site at the junction of Western Way and Dominick Street Upper.

5.0 Policy & Context

5.1. National Policy / Guidance

5.1.1 The **National Planning Framework (NPF)** is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains a number of policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints
- NPO 4 promotes attractive, well-designed liveable communities
- NPO 6 aims to regenerate cities with increased housing and employment

- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

5.1.2 The primary statutory objective of the **Regional Spatial and Economic Strategy for the Eastern and Midland Regional Authority 2019-2031 (RSES)** is to support the implementation of the NPF. The RSES identifies regional assets, opportunities and pressures and provides policy responses in the form of Regional Policy Objectives. The spatial strategy and the Dublin Metropolitan Area Strategic Plan support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City.

5.1.3 Following the theme of ‘compact urban growth’ and NPO 13 of the NPF, **Urban Development and Building Heights, Guidelines for Planning Authorities (2018)**, hereafter referred to as the ‘Building Height Guidelines’, outlines the wider strategic policy considerations and a performance-driven approach to secure the strategic objectives of the NPF.

5.1.4 **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG, 2009)** sets out the key planning principles which should guide the assessment of planning applications for development in urban areas.

5.1.5 **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)** sets out the design parameters for apartments including locational consideration; apartment mix; internal dimensions and space; aspect; circulation; external amenity space; and car parking. These were the first guidelines to address the concept of ‘co-living’ and have since been revised (December, 2020), primarily to facilitate a technical update relating to ‘co-living’. This matter is discussed further in section 7 of this report.

5.1.6 **Architectural Heritage Protection Guidelines for Planning Authorities**, hereafter referred to as the ‘Architectural Heritage Guidelines’, sets out detailed guidance to support planning authorities in their role to protect architectural heritage when a protected structure, a proposed protected structure or the exterior of a building within

an ACA is the subject of development proposals. It also guides those carrying out works that would impact on such structures.

5.2. Development Plan

- 5.2.1. The site is zoned 'Z1 Sustainable Residential Neighbourhoods' in the Dublin City Development Plan 2016-2022, the objective for which is '*To protect, provide and improve residential amenities.*' Residential use is a 'Permissible Use' within this zoning objective.
- 5.2.2. Section 4.5.3.1 of the Plan relates to urban density and promotes sustainable density, compact development, and the efficient use of urban land. Chapter 5 outlines the Council's approach to the provision of quality housing and encourages a good mix of house types and sizes with a satisfactory level of residential amenity. Relevant policies can be summarised as follows:
- QH5 – addressing housing shortfall through active land management;
 - QH6 – support sustainable neighbourhoods with a variety of housing;
 - QH7 – promotion of sustainable urban densities;
 - QH8 – promoting the development of vacant and under-utilised sites;
 - QH11 – promotion of safety and security in new developments;
 - QH13 – new housing should be adaptable and flexible;
 - QH17 – support purpose-built, managed high-quality private-rented accommodation with a long-term horizon;
 - QH18 – support the provision of high-quality apartments;
 - QH19 – promote the optimum quality and supply of apartments.
- 5.2.3 Chapter 11 of the Plan deals with Built Heritage and Culture. Section 11.1.5.3 (Protected Structures – Policy Application) states that the Council will manage and control external and internal works that materially affect the character of Protected Structures. In summary, relevant policies include:
- CHC1** Seek the preservation of the built heritage of the city.
- CHC2** Ensure that protected structures and their curtilage is protected.

CHC4 To protect the special interest and character of all Conservation Areas.

- 5.2.4 Chapter 16 sets out detailed policies and standards in respect of development proposals within the city. Section 16.2 “Design, Principles & Standards” provides design principles outlining that development should respect and enhance its context.
- 5.2.5 Section 16.2.2.2 discusses ‘Infill Development’ i.e. gap sites within existing areas of established urban form. It is particularly important that such development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.
- 5.2.6 Section 16.7.2 includes height limits for development, including a 16m restriction for development in the Outer City and a 24m restriction for the inner-city and sites within 500m of rail hubs.
- 5.2.7 Section 16.10.17 deals with buildings of significance which are not protected and states that the planning authority will actively seek the retention and re-use of such buildings which make a positive contribution to the streetscape.

5.3. **Natural Heritage Designations**

The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (site code 004024), located approximately 2.5 kilometres northeast of the site, and the South Dublin Bay SAC (site code 000210), located approximately 4 kilometres southeast of the site.

5.4. **Environmental Impact Assessment - Preliminary Examination**

- 5.4.1. The proposed shared accommodation units do not constitute ‘dwelling units’ and, accordingly, Class (10)(b)(i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) need not be considered. Class (10)(b)(iv) sets out a mandatory requirement for EIA for urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area, or 20 hectares elsewhere. With an area of just 0.1572 hectares, the subject site is significantly below these thresholds.

5.4.2. Having regard to the nature and scale of the proposed development, the brownfield nature of the site and the absence of significant environmental sensitivity in the vicinity, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A total of five third-party appeals against the decision of the planning authority were received from the following:

- Graham Hickey & others (of St. Mary's Place North / Mountjoy Street)
- Allesandra Fantini, 21 Mountjoy Street
- Brigid Fitzgerald & others (of Palmerstown Place / Middle Mountjoy Street)
- Gearoid Comaskey & Anne Louise Duignan, 2 Palmerstown Place
- Blend Residents Association & others.

6.1.2. The issues raised in relation to the proposed development can be collectively summarised as follows:

Housing type

- There is support in principle for residential development that would provide good quality sustainable dwellings for future residents in the community, which has been absent in the area in recent times.
- Concerns are raised about the existing extent of student accommodation and other transient facilities in the area and the proposal to add a similar type of shared living, which does not meet the needs of the local community.
- Co-living is an untried model without appropriate standards and is currently under review.
- The Covid-19 pandemic has serious health implications for the co-living model.

Urban Design and heritage

- The north inner-city is rich in cultural and heritage value and regeneration of the area requires careful consideration of its history.
- The architectural, historic and cultural significance of St. Mary's Chapel of Ease ('The Black Church') as a local landmark Protected Structure is highlighted, and the development of the site is seen as an opportunity to improve its setting.
- There are strong concerns regarding the height, footprint, massing, alignment and elevational treatment of the proposed building, which gives little consideration to the setting of the 'Black Church', urban design or place making opportunities.
- The significance and prominence of the site within the wider city setting has not been properly considered.
- The demolition of the existing historic corner building is unwarranted and unjustified. A structural retention and repair strategy should have been put forward for the building, as has happened in other cases.
- The two proposed glazed towers facing 'the black church' are not an appropriate response to the interior or exterior of the building.
- The proposal shows a lack of design consideration which fails to integrate with the character of existing development along surrounding streets.

Residential Amenity

- Concerns are raised about the daylight and shadow impact on both existing and proposed development.
- The height and proximity of the development along Paradise Place could prejudice further development on the opposite side.
- Concerns are raised about the quality of the proposed units with regard to floor areas, storage, flexibility, occupancy per unit, and aspect.
- The area and quality of communal open space is substandard and substitution of outdoor spaces with indoor amenity areas is inappropriate.

- There is the potential that larger bedrooms will facilitate double occupancy.
- Bicycle parking facilities are unsatisfactory.
- The proposed roof gardens will overlook St Mary's Avenue.

Other matters

- The DCC evaluation failed to properly consider 3rd party submissions and architectural, heritage and urban design policy.
- The waste management plan is inadequate.
- The plans do not fully consider the implications of Building Regulations.
- External plant and maintenance requirements have not been fully considered.
- The development infringes on the privacy, amenity and operation of St. Mary's Primary School.

6.2. Applicant's Response

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

- The applicant has carried out world-wide research of the shared living concept in an effort to achieve best practice.
- The DCC assessment supports the principle of shared living at this location having regard to its proximity to amenities and services and the standard of residential amenity proposed.
- The development is consistent with NPF policy (objectives 3a and 35) and regional policy (objectives 4.3 and 9.9) which seeks to densify existing built-up areas.
- The proposed development compares favourably with other permitted developments and complies with the requirements set out in 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)' with regard to:
 - Bedroom areas (all exceed the single bedroom size of 12 sq.m.)
 - Storage space (all exceed the studio/1-bed size of 3 sq.m.)
 - Common living and kitchen facilities (average 5.17 sq.m. per person)

- Total amenity area (average 11.26 sq.m. per person)
- Open space (a total of 372 sq.m. complies with Development Plan and National standards).
- The examples of transient accommodation listed by the appellant are typical of any major city centre. Accommodation of this nature is suitable on the appeal site given the current housing shortage and the need to redevelop the site, as well as the site's proximity to public transport, employment centres and retail services.
- The proposed development is adequately distanced from St. Mary's Primary School and overlooking / overshadowing concerns should not arise.
- It is recognised that the development will impact on the amenity areas of dwellings on St. Mary's Avenue and Mountjoy Street, but the proposal is considered to be the most efficient use of this city centre site.
- The proposed height (16.6m) does not exceed the Development Plan limitation for city centre sites (24m) and would be in keeping with buildings in the immediate vicinity.
- The operation and management of the scheme will ensure that it is compatible with the procedures required to address Covid-19.
- An attached response by Lindsay Conservation Architects outlines that:
 - There are more than three 'island site' churches in the city.
 - There are inaccuracies and misunderstandings regarding the impacts of the development on the cultural heritage of the area.
 - There is little evidence of historic urban design of significance as the area generally developed on a piecemeal basis.
 - The development will not have any significant impact on historic vistas.
 - The appeal ignores various deficiencies that evidence the dangerous condition of the building.
 - The Architectural Conservation Impact Assessment has established the history of the site and contends that while there were some

negative impacts from some viewpoints, these will be balanced by the positive impacts of the proposal.

6.3. Observations

6.3.1. A total of 6 observations on the appeal have been received from the following:

- The Irish Georgian Society
- Senator Marie Sherlock
- Frank McDonald, The Granary, 20 Temple Lane, Dublin 2
- Patrick Grant, 10 Blessington Place, Dublin 7
- District 7 Community Alliance
- Phibsboro Village Tidy Towns.

6.3.2. The observations generally support the appeal, and the issues raised therein are covered in the 'grounds of appeal' set out in section 6.1 above.

6.4. Planning Authority Response

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

7.0 Assessment

7.1 Introduction

7.1.1. The 'section 28' Ministerial guidelines for planning authorities on 'Sustainable Urban Housing: Design Standards for New Apartments' have been subject to various amendments in recent years. The 2018 version was the first to formally address the concept of shared accommodation/co-living, which comprises professionally managed rental accommodation, where individual rooms are rented within a commercial development that includes access to shared or communal facilities and amenities. The format was supported as a new and exciting way to meet the housing needs of key sectors of society, including a young and increasingly international workforce, as well as older persons who want to live independently.

7.1.2. Following a Ministerial review of co-living development, the guidelines were updated on 23rd December 2020. Whilst the updated guidelines acknowledge that the format has a limited 'niche' role to play in the provision of new residential accommodation within Ireland's cities, it is concluded that there are already sufficient shared accommodation / co-living units either permitted or subject to consideration within the planning system, that may be built out to demonstrate and prove this concept, without impacting the housing system. Accordingly, the principal purpose of the technical update to the guidelines was to introduce a specific planning policy requirement (SPPR 9) for a presumption against the granting of permission for co-living development, subject to two exceptions, namely where the proposed development is either:

- (i) required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process; or,
- (ii) on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála, in which case the application or appeal may be determined on its merits.

7.1.3. With regard to point (i) above, I note that a HNDA has not yet been adopted by Dublin City Council and, accordingly, the exception does not apply. However, given that the proposed development has been the subject of a valid planning application and an appeal to the Board prior to the publication of the updated Guidelines, the exception outlined in point (ii) above does apply.

7.1.4. Therefore, notwithstanding the adoption and coming in to effect of the new Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government, as amended on 23rd December, 2020, and having regard to the provisions of the new Guidelines and the dates of submission of the original application (12th December 2019) and the subsequent appeal (14th July 2020), I am satisfied that there should be no presumption against the granting of permission in this appeal case and that it should be assessed on its merits.

7.1.5. I note that the applicable version of the Guidelines at the time of the submission of the planning application and the appeal was 'The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government, issued March 2018'. The planning application, its assessment by the planning authority, and the appeal documents, are, therefore, heavily influenced by the guidance, standards and criteria set out in the 2018 version. Accordingly, in assessing the appeal on its merits, I will have regard to the guidance relating to this residential typology as contained within the 2018 version (hereafter referred to as the '2018 Apartment Guidelines').

7.1.6. Having inspected the site and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are as follows:

- The principle of the development
- Proposed residential amenity standards
- Impacts on surrounding properties
- Heritage and Urban Design
- Traffic and transport.

7.2. The principle of the development

Zoning and location

7.2.1. The appeal site is situated on lands zoned 'Z1', with the objective to '*protect, provide and improve residential amenities*'. Under the terms of the Development Plan, residential uses are 'permissible' on these lands and, accordingly, I am satisfied that the proposal would comply with the current land-use zoning objective for the site.

7.2.2. In terms of location, the 2018 Apartment Guidelines state that the prevailing context of the site should be considered, with city centres being the appropriate locations for such developments. They may also be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations. The appeal site is located within the inner-city and benefits from good public transport links including several existing and proposed bus routes and the LUAS

stops at Broadstone and Dominick Street. The site is also close to major employment centres including the Mater and Rotunda hospitals, as well as TU Dublin Grangegorman.

- 7.2.3. Therefore, having regard to the Development Plan zoning and the inner-city location of the site in proximity to major employment centres, I consider the location of the site to be suitable, in principle, for the proposed shared living development. However, the 2018 Apartment Guidelines state that such developments are only appropriate where responding to an identified urban housing need at particular locations and that an excessive proliferation should be avoided, which is discussed further in the following sections.

The need for the development

- 7.2.4. Section 5.18 of the 2018 Apartment Guidelines states that *'the obligation will be on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly'*. In this regard the applicant has submitted a 'Justification Report' to provide a supporting rationale for the proposed units.
- 7.2.5. The report contends that the proximity of the site to surrounding employment centres creates a demand for the proposed development, which would provide affordable and convenient accommodation for the staff and users of:
- The Mater Hospital, an employer of almost 3,000 staff;
 - The Rotunda Hospital;
 - TU Dublin, an employer of over 600 staff; and
 - The Ilac Shopping Centre.
- 7.2.6. In addition, the report highlights the demand created by the 'Z1' residential zoning for the site and the various Development Plan policies that support the provision of a wide range of quality accommodation, particularly within higher-density developments on central brownfield/vacant sites with good public transport links.
- 7.2.7. In terms of demographic analysis, the report states that Dublin City's age profile matches the national average, with 39% of its population being under 29 years, and

that the proposal will provide a new affordable housing offer for young people who wish to live and work in the area.

- 7.2.8. The report includes research carried out in December 2019 (Daft.ie) which found only 64 properties to rent in Dublin 7, 33 of which were studio/1-bed units. It contends that the proposal will provide flexible contract arrangements at affordable prices that will help to tackle the shortage of properties. With regard to affordability, the report indicates that the average 1-bed rental property in the Dublin 7 costs €1,661 per month, while the average rents for rooms in traditional shared housing were €575 (single bed) and €710 (double bed). Adopting a 30% limit of average salaries for rental costs, the report concludes that there are no affordable accommodation options in the area for the average single income family or single persons seeking standard tenancies. I also note supporting documentation prepared by the prospective operator 'Common Living', which outlines that, on average, the cost to live in their units (estimated at €1,300) is 20-30% less expensive than a comparable studio.
- 7.2.9. It must be acknowledged that the Dublin rental market has experienced significant change since the submission of the application in December 2019, with availability almost doubling and rental inflation ending in the last year. I believe that the Covid-19 pandemic has been a significant driver of this trend due to a significant redistribution of properties from the short-term letting market to the long-term market, as well as an increase in remote working/studying in other parts of the country.
- 7.2.10. I have reviewed the Q3 2020 'Rental Price Report' from the source the applicant originally used (Daft.ie), which reveals the following trends over the last year:
- Overall, Dublin City-centre rents were 2.3% lower;
 - The discount for a one-bedroom apartment has fallen from 35% to 32%;
 - The monthly rent price for a one-bedroom apartment in Dublin 7 has fallen by 1.6%, a substantially lower drop compared to other city-centre areas including D1 (-4.6%), D2 (-4.1%), D4 (-3.9%) and D8 (-2%);
 - The monthly rent price for 2 and 3-bed houses in Dublin 7 has fallen by 3.1% and 4.4% respectively, substantially more than the 1-bedroom apartment decrease.

- 7.2.11. Having regard to these recent figures I consider that, despite the major rental market adjustment experienced in the last year, demand for one-bedroom units in Dublin 7 remains comparatively strong. This is evidenced by a lower fall in rental prices when geographically compared to other city-centre areas, as well a house-size comparison to larger 2/3-bed units.
- 7.2.12. Ultimately, I consider that the consistent trend of the last decade has been one of housing shortage and rent inflation, and that it would be premature to rely on the exceptional trends of the last year as an indication of improved supply and affordability. Even so, and notwithstanding the rental price decreases otherwise experienced in the city centre, I consider that the relatively strong performance of the 1-bedroom market in Dublin 7, together with the location of the site in close proximity to several employment centres, is adequate evidence of an established need for the proposed development.

The concentration of 'transient' accommodation

- 7.2.13. I acknowledge the concerns raised in the appeal regarding the over-concentration of 'transient' accommodation in the area. While the appellants do not refer to specific examples of existing 'co-living' developments of the type currently proposed, serious concerns are raised about the extent of student accommodation and other similar residential uses.
- 7.2.14. While the 2018 Apartment Guidelines acknowledge that 'Shared Accommodation' has characteristics similar to student accommodation, it should be noted that both types appeal to specific renter cohorts, with specific needs or requirements from their housing provision. Shared accommodation has a particular usefulness to the dynamics of the urban employment market, which I consider is more closely comparable to standard residential apartments than student accommodation.
- 7.2.15. I acknowledge the existence of several student accommodation facilities in the vicinity of the site, but I am not aware of any shared accommodation developments of significance. I note that there is a current SHD application on Dominick Street Upper for a development including the provision of 280 shared-living bed spaces, and that permission was granted in June 2020 for the provision of 132 shared-living bed spaces at Hill Street, a significant distance to the east of the site. Therefore, in the absence of any significant existing or permitted shared accommodation

developments in the immediate vicinity of the site, I do not consider that the proposed development would result in an over-concentration of a particular type of development. In this regard I consider that the proposed development appeals to a specific rental cohort, and should not, therefore, be of concern in relation to the cumulative effect of student accommodation and other 'transient' facilities.

Covid-19

- 7.2.16. Finally, regarding the principle of the development, health concerns have been raised relating to the impact of the Covid-19 pandemic on the proposed shared accommodation model. I also note that the appellant's response to the appeal confirms that property management will ensure the correct precautions are put in place and also refers to a recent report which concluded that the risk of transmission to residents in such facilities was generally low. In this regard, it should be borne in mind that An Bord Pleanála is not a public health authority and that there are currently no health policy restrictions on the development or operation of shared accommodation. Accordingly, I do not raise any objection to the development on grounds of public health.

Conclusion

- 7.2.17. In conclusion, I consider that the site is suitably zoned for residential use and is well-connected to public transport facilities and employment centres. The provision of this type of high-density accommodation on this infill brownfield site would be in accordance with the provisions outlined in Section 4.5.3 of the Dublin City Development Plan 2016-2022 aimed at creating a more compact sustainable city, and would help to meet local, regional and national housing targets for brownfield land. There is a need for a wide range of housing types to meet an ongoing demand, including smaller units of the nature proposed. Accordingly, I have no objection in principle to a shared accommodation development of the nature proposed on the subject site.

7.3 Proposed residential amenity standards

- 7.3.1. The grounds of appeal assert that the proposed development would result in a substandard level of amenity for the prospective occupants. Concerns have been raised in relation to the floor areas for bedroom spaces; the floor areas for shared

kitchen / living areas; the ratio of residents to shared areas; daylight availability within the building; and the adequacy of communal amenity space.

Bedroom spaces

7.3.2. Table 5a of the 2018 Apartment Guidelines sets out that the minimum floor area for a single bedroom shall be 12 m² (including ensuite). As set out in Table 2 below, the proposed bedroom floor areas exceed this requirement in all cases, and in many cases to a significant extent.

Table 2: Bedroom and storage space

| Proposed Unit Type | Bedroom Size (m ²) | Storage space (m ³) | Number of units |
|--------------------|--------------------------------|---------------------------------|-----------------|
| Type 1 | 21 | 5.2 to 7.1 | 46 |
| Type 2 | 15 to 18 | Not specified | 14 |
| Type 3 | 20 | 5.7 | 15 |
| Type 4 | 27 | 7.97 | 1 |
| Type 5 | 17 | Not specified | 20 |
| Type 6 | 28 | 4.8 | 2 |
| Type 7 | 27 | 7.83 | 3 |
| Type 8 | 30 | Not specified | 3 |
| Type 9 | 25 | Not specified | 1 |
| Type 10 | 29 to 33 | 12.95 | 7 |
| Type 11 | 44 to 46 | 9.5 | 2 |

7.3.3. In response to the Further Information request by DCC, the applicant also submitted detailed layouts of bedroom types indicating the available circulation and storage space. As outlined in Table 2 (above), the specified storage volume per unit generally exceeds 5 cubic metres, which the applicant equates to between 3.2 and 5.5 sq.m. SPPR 9 of the 2018 Apartment Guidelines states that flexibility shall apply in relation to the provision of storage space as set out in Appendix 1, which requires just 3 sq.m. for a studio apartment.

7.3.4. In terms of circulation space and the functionality of the proposed bedrooms, I note that the minimum width proposed is 3 metres. While no specific standard is quoted

for shared accommodation in the 2018 Apartment Guidelines, it is worth noting that a minimum of just 2.1 metres is required for single bedrooms. It would be reasonable to expect an increased width for shared accommodation bedrooms and I consider that the proposed minimum of 3 metres, which is exceeded in a significant number of units, is acceptable in this case.

- 7.3.5. All proposed bedroom spaces include a kitchenette area to facilitate some extent of meal preparation in a private space. The facilities include a cooking hob and sink, which would be consistent with the requirements of the Board in previous decisions (e.g. ABP-304249-19 (Eblana Avenue, Dun Laoghaire), ABP-305659-19 (Ardee Road, Rathmines), and ABP-306181-19 (Hill Street)). However, consistent with the approach of the Board in cases to date, the proposed units should not be considered as 'dwellings'.
- 7.3.6. Floor to ceiling heights are proposed at 2.8 metres on the first to fourth floors and an increased height of 3.2 metres is provided at ground floor level, which is considered acceptable.
- 7.3.7. Having regard to the above, I consider that the proposed bedroom areas, including the proposed configuration of circulation and storage space, are acceptable and will provide an adequate level of private space for the occupants of the proposed units.

Shared Kitchen / Living areas

- 7.3.8. Section 5.15 of the 2018 Apartment Guidelines proposes one format whereby 2-6 bedrooms, of single and/or double occupancy with a maximum of 8 persons, share a common kitchen/living area. In such a scenario, Table 5b indicates that minimum common areas would need to be provided at a rate of 8m² per person for bedrooms 1-3, and 4m² per person for bedrooms 4-6 (i.e. a total of 36 sq.m.). On the basis of the 8-person maximum, this could be equated to an average of 4.5 m² per person. However, applying single-occupancy bedrooms, as is currently proposed, would result in a requirement for 6 sq.m. per person and I note that this standard has generally been used in other appeal cases to date. Table 3 below sets out that the proposed development results in an average of 5.1 sq.m. per person, with floors 1 to 3 ranging from 4 to 4.8 sq.m.

Table 3: Common living / kitchen floor areas

| Floor level | Kitchen / Living Areas (m2) | No. of bedrooms (all single occupancy) | Ratio of bedrooms to shared Kitchens | Floor area per person (m2) |
|--------------------|------------------------------------|---|---|-----------------------------------|
| Ground | 77 | 12 | 12:1 | 6.4 |
| First | 134 | 28 | 28:2 | 4.8 |
| Second | 119 | 30 | 30:2 | 4 |
| Third | 121 | 28 | 28:2 | 4.3 |
| Fourth | 137 | 16 | 16:1 | 8.5 |
| Total | 589 | 114 | 114:8 | 5.1 |

- 7.3.9. It is important to note that, while section 5.15 of the 2018 Apartment Guidelines proposes the format described above, sections 5.22 and 5.23 outline that other formats may be proposed and that the granting of planning permission will be at the discretion of the planning authority. In assessing such proposals, planning authorities should ensure that sufficient communal amenities are provided in accordance with the specified standards in Table 5b and that the scale of the development is appropriate to the location/buildings involved and to the specific role that the development of the shared accommodation sector should play in the wider urban apartment market.
- 7.3.10. In this regard, it should be noted that the previously referenced schemes were permitted with a provision of kitchen / living space that was below 6 sq.m. per person. The permitted scheme at Ardee Road, Rathmines, provided 4.9 sq.m. per person. The scheme at Eblana Avenue, Dun Laoighaire, provided a rate of 4 sq.m. per person over each of floors 1 to 4, while the scheme at Hill Street provided an average of 4.2 sq.m. per person. Importantly, as is discussed further below, each of these schemes provided a total communal amenity area in excess of the 6 sq.m. per person standard. Therefore, although the proposed development does not provide an average of 6 sq.m. kitchen / living space per person, I consider that this should be examined further in the context of overall community amenity space proposed, as is provided for in section 5.23 of the 2018 Apartment Guidelines.

Other communal amenity spaces

7.3.11. In addition to the common living / kitchen areas discussed above, section 5.17 of the 2018 Apartment Guidelines states that a key feature of successful schemes is the provision of wider recreation and leisure amenities, including access to sports and recreation facilities that are dedicated for use by the residents only, thereby offering the opportunity to experience a shared community environment. In this regard, shared accommodation proposals are subject to the requirements of Specific Planning Policy Requirement (SPPR) 7(b), which provides that BTR proposals must be accompanied by details of (i) resident support facilities and (ii) resident services and amenities.

7.3.12. The 'resident support facilities' are set out in the Operational Plan and Service Management Plan submitted to DCC as Further Information. In summary, the following facilities and services will be provided:

- ground floor laundry room (23.7 m2) for free use by all residents
- Bike Store (96 sq.m.) for a total of 134 bikes
- Parcel and post storage (33 sq.m.)
- Typically, there is a Property Manager on site 24/7
- A concierge desk will provide support for residents
- An Event Manager will co-ordinate activities within the shared areas
- Outside of core operation times, a security presence will be maintained
- A professional team will clean shared spaces daily
- A property service team will respond to maintenance requests within 24 hrs
- High-speed, commercial grade WIFI access
- Waste management and collection services.

7.3.13. With regard to 'resident services and amenities', Table 4 below sets out the facilities for communal recreational and other activities for residents. For this purpose, I have included communal kitchen / living spaces as well as the wider shared internal and external amenity areas, which is generally consistent with the approach in other appeal cases.

Table 4: Wider communal amenity areas

| Floor Level | Amenity | Area (m2) | Total Area (m2) |
|--------------------|-------------------------|------------------|------------------------|
| Ground | External courtyard | 244 | 567 |
| | Game room | 34.5 | |
| | Reception / lobby | 63 | |
| | Co-workers library | 41 | |
| | Café Lounge | 94 | |
| | Meeting rooms | 24.5 | |
| | Work Station | 9 | |
| | Gym | 57 | |
| First | Sound Booth | 14.36 | 140.16 |
| | Kitchen/Dining lounge 1 | 56 | |
| | Kitchen/Dining Lounge 2 | 49 | |
| | Kitchen Terrace | 5.8 | |
| | Lobby | 15 | |
| Second | Sound Booth | 14.34 | 125.14 |
| | Kitchen/Dining lounge 1 | 56 | |
| | Kitchen/Dining Lounge 2 | 49 | |
| | Kitchen Terrace | 5.8 | |
| Third | Sound Booth | 16 | 155.3 |
| | Kitchen/Dining lounge 1 | 56 | |
| | Kitchen/Dining Lounge 2 | 49.5 | |
| | Roof Terrace | 28 | |
| | Kitchen Terrace | 5.8 | |
| Fourth | Kitchen/Dining lounge | 56 | 219.8 |
| | Community Lounge | 48 | |
| | Residents Lounge | 33 | |
| | Roof Terraces | 77 | |
| | Kitchen Terrace | 5.8 | |
| Total | | | 1207.4 |

7.3.14. With a total communal amenity area of 1207.4 sq.m. for 114 persons, the proposed development would result in an average provision of 10.6 sq.m. per person. In this regard it is noted that, other than the suggested 6 sq.m. standard previously discussed, no specific standard is quoted in the 2018 Apartment Guidelines and SPPR 9 states that flexibility shall be applied in relation to the provision of amenity

space on the basis of the provision of alternative, compensatory communal support facilities and amenities.

- 7.3.15. The applicant has compared the proposed development to several suggested precedents and concludes that it compares favourably against those recently permitted schemes. It should be noted that, unlike my assessment outlined in Table 4 above, the applicant has separated kitchen / living / dining space from the wider internal and external communal space, and the assessments are not directly comparable. However, I would contend that my approach to combined communal space would be consistent with the thrust of SPPR 7(b)(ii) and the established practice of the Board to date, which facilitates a more accurate comparison with previously permitted developments.
- 7.3.16. I have reviewed schemes of a similar nature to the proposed development, as previously referenced in this report. The permitted scheme at Ardee Road, Rathmines, involved a combined communal amenity space of 10.2 sq.m. per person, while the scheme at Eblana Avenue, Dun Laoighaire, provided 7.9 sq.m. per person. Perhaps most comparable to the current proposal, the permitted scheme at Hill Street included 9.1 sq.m. per person. With an average of 10.6 sq.m. per person the proposed development does compare favourably with these permitted developments. The site also benefits from a central location which is close to a wide variety of city-centre amenities, including local public open spaces such as King's Inn Park, Blessington Street Park and the Garden of Remembrance. Accordingly, having regard to the location of the site, and to the standards set out in the 2018 Apartment Guidelines and previously permitted developments, I have no objection in terms of the quantum of communal amenity space provided for the development.

Sunlight and Daylight

- 7.3.17. In response to the planning authority's request for further information, the applicant has submitted a 'Daylight and Sunlight Analysis' report, prepared by the 3D Design Bureau. The analysis aims to establish the level of sunlight that can be expected in the proposed external amenity areas and the average daylight factor (ADF) of the rooms of the ground and first floors of the proposed development. Where applicable, target values for daylight have been taken from the 2011 BRE guidelines set out in

the document 'Site layout planning for daylight and sunlight' and BS 8206-2 'Code of practice for daylighting'.

- 7.3.18. The external amenity areas have been assessed under the BRE recommendation that at least half of the area should receive at least 2 hours of sunlight on 21st March. It is acknowledged that the ground level area to the rear of the building and the small 3rd floor amenity area at the northwest corner of the site fall significantly short of the 50% recommendation. The larger 4th floor area to the northwest corner falls marginally short (at 44.6%), whereas the remaining 4th floor roof amenity area in the northeast corner easily exceeds the target with a value of 89.2%.
- 7.3.19. In addition to this, a study of average sun hours throughout the year has been carried out to give a better understanding for each space. Whilst the ground floor area will receive low levels of sunlight throughout the year, the report contends that, on average, all three roof amenity areas will receive more than 6 sunlight hours on 21st June.
- 7.3.20. Taking into account the site characteristics and constraints, I acknowledge that the proposed development attempts to provide a strong urban edge to St. Mary's Place (to the south), Mountjoy Street (to the west) and Paradise Place (to the east). While I believe that this is an appropriate response to the site context, an unfortunate consequence is the creation of an enclosed north-facing ground floor courtyard and the significant daylight deficiencies for this area are acknowledged. However, I note that improved levels are available to the roof amenity areas, particularly during summer months, and, as outlined in section 7.3.16 of this report, the proposed development benefits from a favourable overall quantum of indoor and outdoor communal areas, as well as a central location that is close to a number of public open spaces.
- 7.3.21. With regard to internal standards, the report assesses the Average Daylight Factor (ADF) for 50 rooms across the proposed ground / first floor and outlines that 48 of these rooms (96%) have shown an ADF in excess of the applicable target values. The two rooms which did not meet the target ADF of 2% are both categorised as lounge / kitchen / dining rooms. However, the report contends that the rooms would comply with a reduced target of 1.5% for living spaces, and that this should be acceptable given the layout and multi-purpose nature of these rooms. I consider this

to be a reasonable level of compliance having regard to the unique nature of these multi-purpose shared rooms, and that compliance levels would be improved on the upper floor levels. Furthermore, whilst a 1% target normally applies to bedrooms, each of the proposed private rooms exceeds an applied value of 1.5%, which was increased to account for the related use of the spaces as living areas.

7.3.22. Ultimately, the 2018 Apartment Guidelines acknowledge that the provision of acceptable levels of natural light is an important planning consideration, but that planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development. Where an applicant cannot fully meet all the requirements, planning authorities should apply their discretion in accepting design solutions to specific circumstances. This may arise due to design constraints associated with the site and the balancing of that assessment against the desirability of achieving wider planning objectives such as comprehensive urban regeneration or an urban design solution.

7.3.23. Having regard to the configuration and constraints of the site and the need to provide a strong streetscape along the adjoining roads, and to the 'niche' nature of the proposed accommodation format and the suitability of the site for higher-density urban regeneration, I consider that the deficiencies identified in respect of daylight provision can be reasonably justified in this case.

Conclusion

7.3.24. I have assessed the level of residential amenity proposed for the prospective occupants, both in quantitative and qualitative terms, and with regard to the proposed private bedroom spaces; the shared kitchen / living areas; internal and external communal areas; and internal and external daylight availability. Having regard to the nature and location of the site, as well as the nature of the proposed co-living accommodation, I am satisfied that the proposed development will offer an overall acceptable level of residential amenity.

7.4 Impacts on surrounding properties

Daylight and Sunlight

7.4.1. As well as considering the internal and external spaces associated with the proposed development, the applicant's 'Daylight and Sunlight Analysis' report assesses the

impact of the development on the windows and gardens of surrounding properties using a variety of methods.

- 7.4.2. The impact to Vertical Sky Component (VSC) is measured at the centre of a window where daylight is required. In this case, it has been measured for a total of 147 windows across the surrounding properties, 141 of which would experience an imperceptible effect. Five windows would experience effects which were 'not significant', and one window to the front of the school (to the east of the site) would experience a 'slight' effect, which is described as one which causes noticeable changes in the character of the environment without affecting its sensitivities. Having regard to the limited extent of these predicted effects, I would not have any significant concerns in relation to the impact of the development on daylight to the windows of surrounding properties.
- 7.4.3. The report outlines that assessment of impact to Annual Probable Sunlight Hours (APSH) for windows is limited to those facing within 90 degrees of due south, which in this case is limited to the windows to the front of properties 1-3 St Mary's Avenue. I note that these properties are a significant distance to the north of the site (c. 45 metres) and that the impact has been determined as 'imperceptible'.
- 7.4.4. The impact on existing garden areas has been assessed under the BRE recommendation that at least half of the area should receive at least 2 hours of sunlight on 21st March. The BRE guidelines state that a noticeable impact occurs when the percentage of space that complies with the 2-hr requirement drops below the 50% value and results in a reduction of more than 20% of the existing value.
- 7.4.5. The 12 existing rear garden spaces to the north have been assessed, 8 of which will experience an 'imperceptible' effect. The impacts for the 4 other properties directly north of the site (No.'s 12 & 13 Mountjoy Street and No.'s 12 & 13 St. Mary's Avenue) have been categorised from 'slight' to 'profound' and a more detailed assessment has followed to better understand how sunlight will be affected throughout the year.
- 7.4.6. At present, none of these gardens receive any sunlight during the winter solstice and, accordingly, the proposed development would not result in any significant reduction during the winter months. Similarly, during the summer solstice, there would no reduction in average hours of sunshine to the gardens of No. 12 Mountjoy

Street and No. 12 St. Mary's Avenue. However, the report does identify a reduction in sunlight hours during the summer solstice for No. 13 Mountjoy Street (from 5hrs 45 mins to 3 hrs) and No. 13 St. Mary's Avenue (from 3 hrs 45 mins to 3 hrs), which is classified as 'moderate' and 'not significant' respectively. Both of these properties directly adjoin the northern site boundary.

- 7.4.7. I acknowledge that the predicted impacts of the development would not entirely comply with the BRE guidelines. However, it must be noted that the BRE document provides recommendations only and that the 2018 Apartment Guidelines highlight the need to weigh up the overall quality of the design and layout and the need to achieve higher density on site in need of urban regeneration. In this context, I consider that the significant impacts identified for the two properties directly north of the site are a result of the need to establish a high-density scheme with a strong streetscape frontage around the site perimeter. It should also be noted that the gardens serving these properties are limited in size / usability and, accordingly, restrictions on the use of the spaces already exist. Having regard to the need for comprehensive development of this site, and the inherent difficulties in avoiding impacts on the adjoining properties to the north, I consider that the daylight/sunlight impacts on surrounding properties, which are effectively confined to just two properties, are acceptable in this case.

Privacy / Overlooking

- 7.4.8. The site is separated from existing development to the west by a distance of c. 22 metres and the public domain of Mountjoy Street. Similarly, to the south, the commercial property known as 'The Black Church' is separated by c. 15 metres and the road known as St. Mary's Place North. Having regard to these conditions, I do not consider that there are any privacy sensitivities to the south and west of the site.
- 7.4.9. To the east of the site is St. Mary's Primary School, which consists of a 4-storey building with a protruding single storey element to the front of the site. The usable external spaces are located to the rear of the school and will not be affected by the proposed development. Consideration will therefore be limited to the windows to the front of the school only.
- 7.4.10. The closest school windows are at ground floor level (c. 9.5 metres from the proposed development). However, these two windows already front onto the public

domain and are obscured by metal security mesh. I do not consider that there will be any significant impact at this level.

- 7.4.11. Above ground level, the separation between the proposed windows / terraces serving the private units and the existing school windows increases to a range from c. 15 to 16 metres. Again, the school windows at the upper levels are somewhat obscured by the security mesh. I am not aware of any recognised standard for the separation of residential and school windows. However, a separation distance of 22 metres is generally required between opposing upper floor windows in residential developments. Whilst the proposed development does not achieve this distance, I consider that the proposed 15-16 metres is acceptable given that the school usage would be of a limited daytime duration which is unlikely to closely coincide with the peak usage periods of the proposed units. The dense arrangement of glazing bars and the use of security mesh in the school windows further mitigates any concerns regarding the privacy of the rooms and I do not consider that there are reasonable grounds for the child-safety concerns raised in the appeal.
- 7.4.12. To the north of the site, the only opposing south-facing windows (at No.'s 1-3 St. Mary's Avenue) are sufficiently distanced to avoid any overlooking concerns. I will, however, consider the private garden areas to the north of the site in more detail.
- 7.4.13. I note that any upper-floor windows facing the rear gardens of the properties to the north are at least 13 metres away. Taking into account the recommended rear garden depths of 11 metres for residential developments, I consider that there is adequate separation in this regard to avoid any significant overlooking concerns.
- 7.4.14. The 3rd floor roof terrace adjoins the boundary with no. 13 Mountjoy Street to the north. I consider that overlooking can be satisfactorily prevented at this location through a condition requiring appropriate screening. I consider that the 4th floor terraces are quite elevated in relation to the adjoining gardens, meaning that any likely angle of overlooking would only apply to distanced gardens which will be mitigated by an adequate separation.

Conclusion

- 7.4.15. Having considered the potential impacts of the proposed development on surrounding property, it is acknowledged that some significant impacts are predicted in respect of the daylight availability and overlooking of the private gardens to the

north of the site. However, taking into account suitable mitigation measures, the characteristics and constraints of the site, and the need to achieve higher density development at this location, I consider that the impacts on residential amenity are acceptable in this case.

7.5 Heritage and Urban Design

No. 16 Mountjoy Street

- 7.5.1. Some parties to the appeal raise objection to the proposal to demolish this property, generally contending that demolition is unjustified and that its derelict state could be rescued and restored. There are also references to the related cultural importance of No. 15 Mountjoy Street, the former home of the poet Austin Clarke. It is stated that the entrance door to No. 15 remains, attached to No. 16.
- 7.5.2. In response on behalf of the applicant, Lindsay Conservation Architects (LCA) question the conflicting opinions in the appeal regarding the remaining evidence of the property at No. 15. It is also argued that the enduring cultural significance of No. 15, despite its removal, is evidence that the construction of new buildings on the site will not have a negative impact.
- 7.5.3. With regard to No. 16, LCA state that the appellant's contention regarding the salvageable condition of the building ignores the structural defects of the building including the extensive cracking that breaks corner bonds; decay in floor joists; dropped window arches; the collapse of the modern roof to the rear; the rot and decay in the staircase; the internal steelwork that supports the building; and the external steelwork which appears to have been erected 'under the direction of Dangerous Buildings, Dublin City Council'.
- 7.5.4. I note that the building is not a Protected Structure and is not located within a Conservation Area. It is not included in the National Inventory of Architectural Heritage (NIAH). Notwithstanding this, section 16.10.17 of the Development Plan deals with buildings of significance which are not protected and states that the planning authority will actively seek the retention and re-use of such buildings which make a positive contribution to the streetscape.
- 7.5.5. I have reviewed the defects identified in the 'Structural Inspection Report' prepared by Kavanagh Burke Consulting Engineers, which concludes that the building is in poor condition and may not still be standing if not for the temporary steel support

structure. Furthermore, I have considered the 'Architectural Conservation Impact Assessment', prepared by LCA, which outlines that the building has been subject to significant alterations and is in poor condition. An evaluation of the building has determined that its architecture is typical of many similar buildings of the time, but that the loss of the connecting terrace now leaves the building isolated. The assessment also states that there is nothing uncovered in the building's history or function that makes it special.

- 7.5.6. I would agree with the conclusions of the LCA assessment that the building now stands isolated and devoid of its original context as a result of the demolition of the adjoining terrace. And while the contentions outlined in the appeal regarding the cultural significance of No. 15 are noted, I do not consider that the minimal remaining evidence of No. 15 (i.e. the entrance doorway) justifies its retention. In its isolated and dilapidated state, I consider that the existing building has lost the value and context that may have justified its retention, and furthermore, that the standalone nature of the building would be detrimental to the development potential of the overall site. Accordingly, I have no objection to the demolition of the existing structures on site.

'The Black Church' and surrounds

- 7.5.7. The impact of the proposed development on the setting of the church and surrounding development is a central concern raised in the appeal and was also one of the reasons for refusal of the previous application on the site. I acknowledge that the church and associated railings, gates etc. is a Protected Structure and that policy CHC2 of the Development Plan seeks to protect the character of Protected Structures and their curtilage. It has a 'Regional' rating in the NIAH, the appraisal for which highlights the structural ingenuity of its parabolic vaulted interior; the high quality external stone masonry; its prominence on the approaches from Parnell Square and Mountjoy Street; and its literary and historical associations.
- 7.5.8. To the west and southwest of the site, the entire rows along the western side of Mountjoy Street are comprised of Protected Structures, while the eastern side of the street is designated as a 'residential conservation area'. To the southeast of the site, the former Christian Brothers School is also a Protected Structure.

- 7.5.9. The concerns raised by several parties to the appeal contend that appropriate consideration has not been given to the cultural, historical and architectural heritage of the area, as well as the key location of the site in the context of the historic urban planning of Dublin. Furthermore, it is argued that the scale and design of the building is not an appropriate response to this prominent and sensitive location.
- 7.5.10. In response on behalf of the applicant, LCA highlights examples of several other similarly-sited churches in Dublin and contends that the cultural contribution of the building ceased when its use as a church ceased in the 1960's. The submission argues that there is little evidence of planned urban design of an area and that vistas in the area are quite limited.
- 7.5.11. While the varying contentions of the appeal parties regarding the significance and intentions of historic urban planning are noted, what is certainly clear is that the church continues to occupy a prominent position and forms a landmark structure which dominates the locality. The surrounding Protected Structures and the 'residential conservation area' contribute further to the important context of the site. It is, therefore, important that surrounding development, including the subject site, respects this sensitive setting.
- 7.5.12. I acknowledge that section 3 of the 'Building Height Guidelines' sets out the principles for the assessment of applications, which should adopt a general presumption in favour of increased height in town/city cores and urban locations with good public transport accessibility. Notwithstanding this, it is important that any such proposal responds positively to its context and protects the character of an area, particularly in relation to Protected Structures and Conservation Areas. Section 3.2 sets out the criteria for assessing proposals at the scale of the relevant neighbourhood or street. In summary, it is stated that developments should:
- Respond to the overall natural and built environment
 - Avoid monolithic appearance in terms of form and materials
 - Improve legibility and integrate in a cohesive manner
 - Contribute to the mix of uses and/or building/dwelling typologies.
- 7.5.13. The challenge of integrating new development within existing neighbourhoods is acknowledged, particularly in the present case which involves several buildings of

architectural heritage. In this regard section 13.8.3 of the 'Architectural Heritage Guidelines' outlines that the impact of proposals will depend on location; the character and quality of the protected structure / ACA; its designed landscape and its setting.

- 7.5.14. The Architectural Conservation Impact Assessment, together with the Architectural Visualisation document, evaluates the impact of the proposed new building on the area. Four views, taken from the adjoining approaches to the site, are compared in terms of the existing vista versus the impact of the proposed development.
- 7.5.15. View 1 is taken from the northern approach along Mountjoy Street and demonstrates that the existing building (No. 16) and derelict state of the site both obstructs the view of the church and detracts from the amenity of the area. The proposed development generally maintains the corner building line of No. 16 and, therefore, does not significantly encroach on the existing visibility of the church. While there is an acknowledged increase in building height, I consider that the church spire will continue to dominate and will be appropriately framed by the proposed tall corner feature. The proposed stepped building height, together with the plot rhythm created by varying finishes, is considered to be an appropriate response to the existing pattern and height of development along Mountjoy Street.
- 7.5.16. View 2 is taken from the western approach on 'Western Way'. Again, I consider that the current derelict state of the site detracts from this viewpoint. Otherwise, the absence of significant development on the site means that the five-storey school building to the rear (east) provides the backdrop to the site and adjoins the view of the church. The proposed development of the site will infill the vacant space between the 5-storey school in the background and the 4-storey gable of No. 53 Mountjoy Street. While the proposed building will exceed the current skyline, I consider that it will provide an appropriate transition between Mountjoy Street and the school and will ensure that the church continues to dominate the setting.
- 7.5.17. View 3 is taken from the southern approach along Mountjoy Street. While the majority of the site is not visible because of the church, the derelict appearance of No. 16 is most pronounced from this viewpoint. While the height and scale of the proposed building will certainly result in an increased impact, I note that it will provide a visual balance with the height of buildings on the western side of Mountjoy Street

and will generally coincide with the roof ridgeline of the church nave. The height and scale of the church, together with its advanced foreground position, will ensure that it maintains its appropriate dominance in this view.

- 7.5.18. View 4 is taken from the eastern approach along St. Mary's Place. From this view, the derelict appearance of the site inhabits the space between the church and the Former Christian Brothers School. The proposed building will infill this space and will involve an increased building height. However, I consider that the proposed ridgeline will provide an appropriate transition between the height of the church and the Christian Brothers School and that both Protected Structures will remain as the dominant features in the foreground of this vista.
- 7.5.19. Having regard to the above, I consider that the increased height and scale of the proposed building will inevitably have a visual impact on the area. However, I consider that the proposed development will provide an appropriate transition between the site and surrounding development and will ensure that the setting and prominence of the built heritage of the area is respected. Accordingly, I have no objection in terms of the height and scale proposed, which is below the Development Plan's 24-metre height limit for inner-city areas.
- 7.5.20. I note the concerns raised in the appeal regarding the design-quality and character of the building. At the outset, I consider that the subject site does not demand a design response that creates a landmark impact. The church should continue to be the visual focal point in this setting, supported by the surrounding built heritage. New development should respect and respond to that context and, while the challenge of integrating new development within a historic environment is acknowledged, I consider that a contemporary approach is preferable to any attempt at replication.
- 7.5.21. In this context I acknowledge that the applicant proposes a relatively simple design approach. The facades, particularly to the west and south, are based upon a streetscape rhythm that is reflective of traditional terraces and is achieved through subdivided plots using varying materials, fenestration, and vertical stone seams. This approach helps to reduce the bulk and scale of the building and avoids a monolithic appearance.
- 7.5.22. Extensive glazing at ground floor level and building corners, together with zinc cladding to the top floor level, emphasise a strong contemporary character. On the

main southern façade, the pronounced central entrance bay and the glazed corner features provide a simple legibility and symmetry, which provides a solid frame at the eastern and western sides of the church. Overall, I consider that the proposed development provides a suitably simple backdrop to the church and provides an appropriate transition between the terraces of Mountjoy Street to the Former Christian Brothers School on St. Mary's Place.

7.5.23. In contrast, I note that the previous application on this site was designed around the retention of No. 16, which complicated the scale and design of the proposal. It proposed a complicated asymmetrical southern façade which culminated in a new focal point at the southeast corner of the site, with a pronounced height of 18.8 metres. The previous design challenged and competed with the landmark status of the church and was refused *inter alia* on that basis. Concerns were also raised about failure to adhere to the established building line along Mountjoy Street, an issue which has been satisfactorily addressed in the current application.

Conclusion

7.5.24. Ultimately, this brownfield site seriously detracts from the amenity of the area and there is a recognised need to achieve development of greater scale and density on underutilised sites such as this. Having regard to the condition and context of the existing building on site, I have no objection to its demolition to facilitate the development potential of the site.

7.5.25. While I acknowledge the value of the built heritage of the surrounding area, I consider that the proposed contemporary approach is an appropriate design response to the site context, and that the proposal will positively contribute to the mix of uses and building typologies in the area. The proposed design is of an appropriate massing and form and I consider that the stepped building height provides an appropriate transition between existing and proposed development.

7.5.26. In conclusion, I consider that the proposed development would not seriously detract from the character and setting of the surrounding Protected Structures and architectural heritage and can be accommodated on the site without seriously detracting for the visual amenity of the area.

7.6 Traffic and Transport

- 7.6.1. The application proposes three access points including a vehicular access off Mountjoy Street, a pedestrian entrance to the building off St. Mary's Place, and a pedestrian / cyclist access off Paradise Place. No car-parking is proposed on site and the vehicular access will be limited to service vehicles only. The application includes proposals for 134 bicycle parking spaces to cater for 114 residents, 12 visitors and 8 staff.
- 7.6.2. Building on NPO13 of the NPF, the Building Height Guidelines of 2018 support a performance-driven approach towards land use and transportation. Section 16.38 of the Development Plan takes a similar approach by applying a maximum allowance of 1 car-parking space per apartment, while allowing for reductions in inner-city areas where other sources of transport are sufficient for the needs of residents. Section 16.39 of the Plan outlines that 1 bicycle parking space shall be required per apartment, which is consistent with the 2018 Apartment Guidelines.
- 7.6.3. As previously outlined in this report, the subject site is located within the inner-city and benefits from good public transport links including several bus routes (routes 4, 9, 140 and 155 at maximum 20-min frequency) and the LUAS stops at Broadstone and Dominick Street. The BusConnects programme proposes that the site would be served by the new 'E-Spine' route. The site is also close to major employment centres including the Mater and Rotunda hospitals, as well as TU Dublin Grangegorman.
- 7.6.4. A Mobility Management Plan was submitted in response to the further information request by the planning authority. As well bus and rail services, the plan demonstrates that a 2km walking catchment from the site effectively covers the city centre area, whilst a 5 km cycling catchment extends from extends to areas like Glasnevin/Finglas to the north and Rathmines/Ballsbridge to the south. Dorset Street (to the east) and Phibsborough Road (to the west) are designated as 'primary' and 'secondary' links respectively in the Greater Dublin Area Cycle Network Plan. There are 20 no. bike-sharing stations within 500 metres of the site, as well as a number of car sharing/rental facilities.

- 7.6.5. The Mobility Management Plan sets out modal split targets for the development of 40% walking, 30% cycling and 30% public transport. This is to be achieved through an Action Plan which will include the appointment of a Travel Plan Coordinator; staff training; the promotion of shared mobility services; and the provision of a travel information pack for residents. The plan will be monitored and updated to ensure that measures are being implemented effectively.
- 7.6.6. A Service Management Plan was submitted in response to the further information request by the planning authority. During the operational phase, vehicular traffic will be limited to small refuse and maintenance vehicles, which will not require access to the inner courtyard. Vehicles will use a gated access which will be controlled by the management company and waste collection will take place twice a week.
- 7.6.7. A Construction Management Plan outlines that the works will be carried out in one phase over a period of 18-20 months. Construction access and egress will also be via Mountjoy Street and it is estimated that there will be a peak of 10-15 daily construction traffic movements, although this is not predicted to comprise a constant high flow of vehicles. The plan highlights the public transport services available and predicts that construction workers will generally arrive and depart outside peak travel times, thereby preventing any significant effects on the transport network.
- 7.6.8. I note that the planning authority also requested further information in relation to the specifics of footpaths etc. surrounding and serving the development. Subsequent to the applicant's response the planning had no objection in this regard subject to the agreement of certain issues by condition.

Conclusion

- 7.6.9. Having regard to the above, I consider that, in accordance with local and national policies aimed at promoting sustainable travel, the central location of the site is suitable for high-density development which is not car-dependant. While it is acknowledged that the previous application on the site was refused for reasons that included inadequate parking provision, I am satisfied that the proposed development involves a different accommodation model and should be assessed in the context of current land use and transportation policies.
- 7.6.10. I consider that the existing transport network has sufficient capacity to cater for the additional travel demands and that suitable pedestrian and cycling facilities have

been provided for residents, visitors and staff. Furthermore, it has been demonstrated that vehicular requirements at construction and operational stage can be adequately accommodated. Accordingly, I have no objection in relation to the traffic and transport impacts associated with the development.

7.7 Other Issues

Waste Management

- 7.7.1. The Operational Plan outlines that adequate refuse facilities will be accessible within each studio and common area, which will include the segregation of waste types. Sufficient storage will be available to satisfy the three-bin system and will be kept in accessible areas that are adequately ventilated and lit. I note that a 15.2 m² bin storage area is proposed along the northern site boundary and that collection arrangements have been set out in the Service Management Plan. I am satisfied that proposals in this regard are acceptable in principle, subject to agreement of final details by a condition requiring the preparation of a waste management plan.

Construction Management

- 7.7.2. A Construction Management Plan outlines the site set-up plan and preparation works associated with the proposed development. Temporary impacts relating to noise and air are identified, which will be mitigated through adherence to restricted working hours and noise control guidelines, as well as the implementation of a dust control programme. Other measures to address environmental impacts include road/vehicle cleaning; stormwater controls; excavation and soil management; and the management of spills, fuels and other hazardous materials. A liaison officer will be appointed to deal with all third-party interactions. I am satisfied that proposals in this regard are acceptable in principle, subject to agreement of final details.

Water Services

- 7.7.3. The proposed surface water drainage strategy promotes water detention and infiltration prior to discharge to the network at ground level to a 300mm diameter combined clay sewer on Paradise Lane. 'Blue roofs' shall provide temporary storage of water for each roof area and a 'green roof' solution will be installed on the high-level roofs and the bicycle store roof. Pervious paving and grassed (swale) areas are proposed to all external areas within the courtyard.

- 7.7.4. The Drainage Design Report calculates that a total surface water attenuation volume of 68 m³ is required, which will be accommodated according to the combined attenuation calculations for the roof / terrace areas at 75.7 m³. The surface water pipework has sufficient capacity to cater for run-off at a discharge rate of 1.62 l/s.
- 7.7.5. I note that the planning authority has examined these proposals and determined that there are no objections subject to conditions, including additional information on flood risk. I have reviewed the OPW mapping relating to past flood events and modelled flood extents and no significant issues would appear to apply to the site. Accordingly, I have no objection relating to surface water, subject to conditions.
- 7.7.6. Foul water will also discharge to the combined sewer on Paradise Lane in accordance with Irish Water standards. It is proposed to connect to the existing watermain on Mountjoy Street. I note that these proposals will be subject to Irish Water connection agreements and I have no objection in this regard.

Operation and Management

- 7.7.7. The Operational Plan outlines that the development will be operated by 'Common', a residential brand that currently operates co-living apartment in the U.S. It states that a team of full-time, part-time and third-party service providers will be required to ensure that the building functions as a 'co-living' property, which will be co-ordinated by the Property Management team.
- 7.7.8. For clarity, I recommend that a condition is attached in the event of a grant of permission, detailing that the permission solely relates to single occupancy shared-living accommodation and requiring the submission of a covenant or legal agreement that confirms that the development shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years. Furthermore, conditions of the permission should require no unit to be let or sold as a self-contained residential unit and details regarding the ownership and management structures for the continued operation of the development should be provided in line with a shared accommodation model prior to the expiry of the initial 15-year period.

Potential alterations

- 7.7.9. I note that the appeal raises concerns in relation to potential requirements to alter the development as a result of Building Regulations and plant / services installation. The issue of compliance with the Building Regulations will be evaluated under a separate

legal code and thus need not concern the Board for the purposes of this appeal. Any significant changes arising from compliance requirements would need to be the subject of a revised application as appropriate. I consider that any concern relating to the addition of plant / servicing installations can be satisfactorily addressed by conditions.

8.0 Appropriate Assessment

8.1 Legislative requirements

8.1.1 The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for Appropriate Assessment of a project under Part XAB (section 177U) of the Planning and Development Act 2000 (as amended), are considered fully in this assessment.

8.1.2 Having reviewed the documents, drawings and submissions included in the appeal file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.1.3 The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development would have any possible interaction that would be likely to have significant effects on a European Site(s).

8.2 Submissions and observations

There have been no submissions from prescribed bodies. No submission or observation from a member of the public has raised the issue of Natura 2000 sites.

8.3 European Sites

The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (site code 004024), located approximately 2.5 kilometres northeast of the site, and the South Dublin Bay SAC (site code 000210), located approximately 4 kilometres southeast of the site.

A summary of these sites is presented in Table 5 below. Having regard to the nature and scale of the proposed development, I do not consider that there are any other European Sites within the potential zone of influence.

Table 5 – Summary of European Sites within a possible zone of influence of the development

| European Site (Code) | List of Qualifying Interests / Special conservation interest | Distance from proposed development (kilometres) | Connections (source, pathway, receptor) | Considered further in screening (Yes/No) |
|--|---|---|--|--|
| South Dublin Bay and River Tolka Estuary SPA (004024) | Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999] | c. 2.5 km | Potential pathway via surface water / wastewater sewers. | Yes |
| South Dublin Bay SAC (000210) | Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] | c. 4.0 km | Potential pathway via surface water / wastewater sewers. | Yes |

8.4 Identification of likely effects

8.4.1 At construction stage, excavation and construction requirements raise the question about construction-related pollution, which could potentially be linked to designated sites via sewer pathways in the vicinity of the site. However, the application includes

a Construction Management Plan which outlines standard best-practice construction which will address any concerns associated with pollutant emissions etc.

- 8.4.2 Having regard to the location of the site at a significant remove from designated sites, and the scale of the proposed development, I do not consider that construction-related noise or other impacts will disturb any habitats or species associated with the European Sites. Otherwise I do not consider that further pathways exist for construction-related pollution or disturbance.
- 8.4.3 In terms of habitat loss / fragmentation, it should be noted that no part of the development site is located within any European Sites and that there will be no direct loss of habitat. South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC are both significantly distanced from the site and, accordingly, having regard to the scale of the development, it is not considered that there is potential for habitat loss or fragmentation by reason of disturbance or otherwise.
- 8.4.4 With regard to habitat / species disturbance at operational stage, it is acknowledged that there will be surface water and wastewater emissions to Dublin Bay after treatment at the Ringsend WWTP. However, I would consider that the minor scale of the proposed development would have an insignificant impact in the context of the overall capacity of the foul and surface water network.
- 8.4.5 In terms of cumulative effects, the development must be considered in the context of various other projects in the area. As previously outlined, the proposed development would not be considered to have a significant effect in respect of the existing cumulative wastewater and surface water loading. Similarly, it is not considered that any disturbance as a result of the construction works would be significant due to its minor scale and short-term duration. The implementation of the Water Framework Directive, the policies of the Greater Dublin Drainage Study and the upgrade of the Ringsend treatment plant will see improvements to the water quality in Dublin Bay.

8.5 **Mitigation measures**

I consider that all measures associated with the proposed development simply constitute best practice construction techniques. Accordingly, no measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

8.6 AA Screening Determination

The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on any European Sites in view of the sites' conservation objectives, and Appropriate Assessment including the submission of Natura Impact Statement is not, therefore, required.

9.0 Recommendation

I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the provisions of:

- (a) the Dublin City Development Plan 2016-2022, including the zoning and policy objectives applicable to the site,
- (b) the National Planning Framework, particularly National Policy Objectives 3b, 11, 13, 33 and 35,
- (c) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018,
- (d) the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018, and the update to these Guidelines published in December 2020,

- (f) The Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht, October 2011,
- (g) the nature, scale and design of the proposed development and the existing character and pattern of development in the area,
- (h) the existing derelict nature of the site and its central location in an area with a wide range of social and transport infrastructure, and
- (i) the documentation on the appeal file, including all submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would respect the existing character of the area and would provide an appropriate response to the need to redevelop the site, would not seriously detract from the character or setting of the neighbouring Protected Structures and buildings of architectural heritage, would not seriously injure the amenities of property in the vicinity, would provide an acceptable form of residential amenity for future occupants and would be acceptable in terms of servicing, traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14th day of May 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The shared accommodation units hereby permitted shall be for single occupancy only and shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design

Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage (December, 2020).

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

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

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

4. Prior to expiration of the 15-year period referred to in condition number 3 above, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Shared Accommodation scheme. Any proposed amendment or deviation from the Shared Accommodation model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

5. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the management company, established to manage the operation of the development together with a detailed and comprehensive Shared Accommodation Management Plan which demonstrates clearly how the proposed Shared Accommodation scheme will operate.

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

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

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

7. All proposed bedroom units shall be provided with functional kitchens to include cooking hobs and sinks.

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

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

Reason: In the interest of visual amenity.

9. Details of all surface materials in public areas and tie-in details with the public road / footpath shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development and visual amenity.

10. All proposed communal and residents support facilities areas shall be reserved for the use of the residents only and shall not be open to the public.

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

11. The glazing at ground floor level along St. Mary's Place North, Paradise Place and Mountjoy Street shall be kept free of all stickers, posters and advertisements and any roller shutter and its casing (if required) shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. The roller shutters shall be of the open lattice type and shall not be painted on site or left unpainted or used for any form of advertising.

Reason: In the interests of visual amenity.

12. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), or any statutory provision amending or replacing them, no advertisement signs (including those installed to be visible through the windows), structures, banners, canopies, flags or other projecting element shall be displayed or erected on the building or within its curtilage without the prior grant of planning permission.

Reason: In the interests of visual amenity.

13. The site shall be landscaped in accordance with the proposals submitted to the planning authority on the 14th day of May 2020. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The landscaping scheme shall be implemented fully in the first planting season following completion of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

14. Boundary treatments around the perimeter of the roof terrace areas shall be designed to prevent overlooking of adjoining properties. Proposals in this regard, including detailed drawings, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

15. The developer/operator shall implement the measures outlined in the Mobility Management Plan submitted to the planning authority. A mobility manager shall be appointed to oversee and co-ordinate the roll out of the plan.

Reason: In the interest of sustainable transportation.

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

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

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

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

18. Prior to commencement of development, precise details and drawings of all rooftop structures, including solar panels, shall be submitted for the written agreement of the planning authority. Otherwise, no additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

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

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

- 20.** Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of the environment and sustainable waste management.

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

construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

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

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

- 23.** A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

- 24.** Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

25. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

26. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City project (St. Stephen's Green to Broombridge Line), in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to

An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Stephen Ward
Senior Planning Inspector

3rd February 2021