



An  
Bord  
Pleanála

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

## Inspector's Report ABP-308162-20

### **Strategic Housing Development**

Demolition of existing building and construction of 397 no. bedspace Build to Rent Shared Living residential development and associated site works.

### **Location**

A site comprised of The Old Glass Factory and no's. 113-117 Cork Street and no's. 118-122 Cork Street, Dublin 8.  
([www.corkstreetsharedliving.com](http://www.corkstreetsharedliving.com))

### **Planning Authority**

Dublin City Council South

### **Applicant**

Alphabet ABC Properties Limited

### **Prescribed Bodies**

Transport Infrastructure Ireland  
National Transport Authority

Irish Water  
Minister for Culture, Heritage and the  
Gaeltacht (Archaeology)  
An Taisce – The National Trust for  
Ireland  
The Heritage Council

**Observer(s)**

Aengus O Snodaigh and Máire Devine  
Brid Smith  
Cillian Fennell (& 5 others, The  
Residents of St. Margarets Avenue)  
David Fennelly (& 4 others)  
Derek Farrell (& 9 others)  
Eddie McEvoy  
Fergal Butler (& 31 others)  
Gary Brady (& 2 others)  
Helga Hortsig (& 8 others)  
James and Margaret Bowden (& 17  
others)  
Janet Lawlor (& 4 others)  
John Lynch (& 10 others)  
Karen Duffy (& 6 others)  
Kelvin Halpin (& 3 others)  
Kevin Costello (& 9 others)  
Kim Buckley (& 2 others)  
Liz and John Gillis (& 8 others)  
Marrowboneland Tenants Association  
Massey Bros Funeral Homes  
Mick Sarget (& 5 others)

Niall O'Connell  
Niamh Fitzgerald (& 8 others)  
Paul and Ann-Marie Holmes (& 8 others)  
Paul and Sarah Farrell (& 4 others)  
Rebecca Moynihan and Darragh Moriarty  
Rita Fagan  
Tara Brunt  
Thomas O'Brien (& 6 others)

**Date of Site Inspection**

3<sup>rd</sup> December 2020

**Inspector**

Rachel Gleave O'Connor

## Contents

1.0 Introduction .....	5
2.0 Site Location and Description .....	5
3.0 Proposed Strategic Housing Development .....	6
4.0 Planning History.....	7
5.0 Section 5 Pre Application Consultation .....	9
6.0 Relevant Planning Policy .....	11
7.0 Statement of Consistency .....	14
8.0 Third Party Submissions .....	14
9.0 Planning Authority Submission .....	19
10.0 Prescribed Bodies .....	25
11.0 Oral Hearing Request .....	27
12.0 Assessment.....	27
13.0 Conclusion and Recommendation .....	77
14.0 Recommended Order.....	78
15.0 Reasons and Considerations .....	79
16.0 Conditions .....	84
17.0 Appendix A: EIA Screening Form.....	95

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site is located in The Liberties area in Dublin 8, within the canal ring for Dublin City and an inner-city location, a short walking distance to central city centre institutions, employment and shopping locations. The application concerns a brownfield site extending from the south along Cork Street and adjoining John Street South to the north, with access onto both streets.
- 2.2. The site surroundings are characterised by varied urban forms, with a mix of traditional 2 storey red brick terrace houses immediately to the east of the site, alongside more modern infill development, such as the 5 storey apartment block located immediately adjoining the site to the west on Cork Street. There is also 4 storey apartment block located immediately opposite the site on Cork Street, which adjoins recently constructed 7 storey blocks for an apart-hotel and student accommodation development. There are also 7 storey blocks located further to the east of the site on the corner of Cork Street and Ardee Street.
- 2.3. The character of John Street South to the north of the site is lower rise, with 20<sup>th</sup> century 2 storey housing establishing the predominant form of development. Summer Street is characterised by 3 storey apartment blocks, while taller elements are evident further north, with the Braithwaite Street Flats located to the north of John Street South. There are also sites currently under development, with construction works evident in the vicinity of the site.
- 2.4. The subject site itself is occupied by a series of vacant properties between no.'s 118-122 Cork Street which are generally in a derelict state. Buildings on the site include the old warehouse buildings associated with a former glass factory.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development will consist of:

- The demolition of all existing buildings on the subject site (2,243sqm) and construction of a part 4 no. to part 7 no. storey over basement Build-to-Rent Shared Living Residential Development;
- 397 no. bedspaces (377 no. single occupancy rooms, 8 no. single occupancy accessible rooms and 6 no. double occupancy rooms) with circulation cores, providing a Gross Floor Space of 14,047sqm (plus ancillary basement of 513sqm);
- The Gross Floor Space of the scheme above ground is 13,224sqm over a basement of 1,336sqm;
- The development includes provision of a café 156sqm at ground floor level, communal kitchen/living/dining rooms at each floor level to serve the residents of each floor, communal residential amenity space at ground floor level including the provision of a reception/shared communal area, a communal lounge/social room, a multipurpose room, a private function room, a cinema and yoga space, a gymnasium and a library and workspaces, resident support facilities including a laundry, a concierge / post room, accessible toilets at ground floor level, a staff room and a bin store;
- Landscape amenity gardens and external facing balcony/terrace areas;
- New pedestrian connection between Cork Street and John Street South along the eastern boundary;
- 1 no. accessible car parking space, 2 motor cycle spaces, bicycle parking, ESB substation and switchroom, boundary treatments, green roofs, PV panels, hard and soft landscaping, plant, lighting and all other associated site works above and below ground.

<b>Site Area</b>	0.45 ha
<b>No. of units</b>	397

<b>Density</b>	Note: as this application relates to shared living, the density calculation cannot be expressed in terms of units per hectare. A calculation on the basis of bedspaces is not comparable, but for this site (concerning a non-cluster scheme) would be 882.2 bedspaces/ha.
<b>Plot Ratio</b>	2.94
<b>Site Coverage</b>	50.6%
<b>Height</b>	Between 4 and 7 storeys (max 28m)
<b>Dual Aspect</b>	n/a for shared accommodation
<b>Commercial Floorspace</b>	Café 156sqm
<b>Communal Amenity Space</b>	Internal Communal Amenity – 786sqm External Communal Amenity – 1,519sqm
<b>Part V</b>	Section 5.21 of the Apartment Guidelines state that shared accommodation will not normally be subject to Part V requirements
<b>Vehicular Access</b>	John Street South
<b>Car Parking</b>	1 no. accessible car space and 2 no. motorcycle spaces
<b>Bicycle Parking</b>	344 no. cycle spaces

## 4.0 Planning History

### 4.1. Subject Site

4.2. No relevant planning history for the entirety of the site.

- 4.3. DCC Reg. Ref. 1895/04 concerning no. 121 Cork Street only: Planning permission granted for demolition of rear single-storey stores and 2 storey return to no. 121 Cork Street and refurbishment and extension to the ground floor retail units (to form 1 unit) and first floor 2 no. bed apartment with the provision of an additional 2 no. bed apartment with shared roof garden to form a 3 no. storey building. The application was never implemented. (June 2004).
- 4.4. Adjacent Sites
- 4.5. 110-111 Cork Street: DCC Reg. Ref. 4334/18 – Planning permission **granted** for the demolition of the existing buildings on site (c.626sqm) and the construction of a building (max height c.17.025m) incorporating 2 no. ground floor retail units (c.69.4sqm and c.56.3sqm), 19 no. apartments over five floors with a combined Gross Floor Area of 1,220.8sqm, communal open space in the form of a roof garden of 100sqm and courtyard of 75sqm, 40 no. bicycle parking spaces, circulation area including lobby, stairs and lift, storage facilities, photovoltaic panels, drainage and all ancillary works, all on a site of 0.0653 hectares. (January 2019).
- 4.6. Brickfield Lane and Brown Street South, Dublin 8: DCC Reg. Ref. 3316/16 – Planning permission **granted** for demolition of former industrial buildings on the site and construction of a mixed-use development comprising 308 student accommodation beds, public café and science and technology incubators in a building ranging from 6 no. storeys plus set back floor onto Brickfield Lane and 5 no. storeys plus set back floor onto Brown Street South. Development abuts the curtilage boundary wall of a Protected Structure, Bru Caoimhin RPS. 2053. Height reduced by 1 floor in conditions attached to the consent. (December 2016). Amendment DCC Reg. Ref. 319/18 permitted increase to 281 beds. (September 2018).
- 4.7. A site known as a portion of the Brewery Block bounded by Newmarket, Ardee Street, St Luke's Avenue and Brabazon Row/Place: ABP. SHD Ref. 305324-19 – Planning permission **granted** for demolition of existing structures and construction of part two to part eight storey mixed-use development in three blocks, comprising 368 no. student accommodation bedspaces, co-working space, café and associated spaces. (December 2019).



- 4.8. IDA Ireland Small Business Centre, Newmarket Industrial Estate, Newmarket, Dublin 8: DCC Reg. Ref. 3323/17 / ABP Ref. PL29S.300431 – Planning permission **granted** on appeal for demolition of existing buildings and construction of 4 blocks enclosing a central courtyard, in part 5, part 7 and part 8 no. storey building, providing hotel, 58 no. residential units, and office floorspace. (November 2017).
- 4.9. Site bounded by Mill Street, Sweeney’s Terrace and Clarence Mangan Road: ABP SHD Ref. 30346-19 – Planning permission **granted** for purpose built student accommodation (1,235 no. units) and residential (build-to-rent 337 no. units) complex with ground floor retail/commercial units. Height ranging from 3 to 7 storeys. (April 2019).
- 4.10. The Donnelly Centre: DCC Reg. Ref. 3426/18 – Planning permission **granted** for 166 student accommodation bedspaces with ancillary areas and retail / enterprise unit, in 5 to 7 storey block. (December 2018).
- 4.11. 28-34 Braithwaite Street, & 63-66 Pimlico Street, Dublin 8: DCC Reg. Ref. 4795/19 – Planning permission **refused** for 51 apartments in two blocks ranging from two to six storeys in height. The reason for refusal related to the design, scale and architectural treatment of the proposal and proximity of the development to adjoining properties, with overbearing impacts and overdevelopment of the site.

## 5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with representatives from An Bord Pleanála, the applicants and the planning authority took place on 6<sup>th</sup> March 2020 in respect of a proposed development of 312 no. Build to Rent Shared Living units and associated site works.
- 5.2. In the notice of Pre-Application Consultation Opinion dated 16<sup>th</sup> March 2020 (ABP Ref. 306507-20) the Board stated that it was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. Further consideration was required in respect of the following matter:
1. Zoning.
- 5.3. Specific information was requested in relation to the following items:

1. Report addressing residential amenity;
2. Scheduled of accommodation;
3. CGIs/visualisations/3D modelling and cross sections;
4. Details of materials;
5. Flood Risk Assessment.

**5.4. Applicant's Statement**

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

5.6. Further consideration:

5.7. Zoning

- At the commencement of the design process, part of the site was subject to Z6 – Enterprise and Employment zoning. Dublin City Council approved Variation no.20 to the Dublin City Development Plan 2016-2022, in meetings on the 2<sup>nd</sup> and 10<sup>th</sup> March 2020, which changed the zoning of this part of the site to Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses. On 10<sup>th</sup> March 2020 Dublin City Council adopted Variation no.20. Under zoning objection Z10, residential development is considered permitted in principle.

5.8. Specific Information required:

Report addressing residential amenity;

- A Daylight, Sunlight and Overshadowing Assessment is submitted. Details provided around the use of setbacks and consideration of fenestration to reduce potential for overlooking.

Scheduled of accommodation;

- A schedule of accommodation is submitted.

CGIs/visualisations/3D modelling and cross sections;

- Photomontages, contiguous elevations, a Townscape and Visual Impact Assessment, and drawings are submitted.

Details of materials;

- A Design Statement is submitted and outlines the proposed material palette for the scheme.

Flood Risk Assessment;

- A Flood Risk Assessment is submitted.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.

### 6.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and

the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.
- RPO 4.3 -Consolidation and Re-Intensification- seeks to 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 and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- RPO 4.3 – Dublin City and Suburbs, Consolidation and Re-intensification- 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 and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin’s sustainable growth.
- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

- Section 9.2 Diverse and Inclusive Region, notes that changing household formation trends will require a range of housing typologies including student housing, smaller units, shared living schemes and flexible designs that are adaptive for people's full life cycle to meet their housing needs today and into the future.

### 6.3. Local Policy

- 6.3.1. The key provisions of local planning policy relating to the proposed development are set out in the following sections. Reference is made to the following documents:
- Dublin City Development Plan 2016-2022 (including variation no.20);
  - Liberties LAP 2009-2020 (expired July 2020).
- 6.3.2. The site is zoned Land Use Zoning Objective Z4 – District Centre, 'To provide for and improve mixed-service facilities'; and Land Use Zoning Objective Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses, 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office / retail / residential the predominant uses in inner city areas'. The policy chapters, - especially Chapters 5 – Quality Housing (which includes policy QH6 concerning attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures), and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development (Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development, Section 16.10 – Standards for Residential Accommodation).
- 6.3.3. Under the Liberties LAP 2009-2020 the site is located in the Pimlico / Marrowbone Lane character area. Page 155 of the LAP has a land use map for the area and identifies opportunity for a pedestrian link through part of the site from Cork Street to John Street South. The LAP was due to expire in May 2020 but was extended for 8 weeks under legislation required in response to the covid-19 pandemic. The Plan has since expired.

## 7.0 Statement of Consistency

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

- The proposed development is a non-cluster format and therefore there is no clear interpretation of how the guidelines for common living and kitchen facilities floor area set out in the Apartment Guidelines should be applied. Reference is made to precedent planning application schemes in this regard.
- The subject site is located in an 'Inner City' area, for which the maximum prescribed building heights of 28m (commercial) and 24m (residential) are applicable. The proposed development has a maximum height of 24.74m stepping down in height adjacent to some boundaries. A material contravention statement is submitted with the application in this regard.

## 8.0 Third Party Submissions

8.1. 28 no. submissions on the application have been received from the parties as detailed at the front of this report. The issues raised are summarised below.

### General/Principle/Nature of Development

- Shared living accommodation will not meet the housing need for families in the area or respond to the housing crisis in the area;
- Need for long-term housing for families, couples and single people in the area;
- Concern about the concept of Co-Living as a form of housing;
- Co-Living is not reasonable accommodation given their size and the very high numbers that will be expected to share limited communal facilities such as kitchens;
- There is too much transient accommodation in the area (including existing student and tourist accommodation in the area) which doesn't contribute to the community;

- Overconcentration of shared living in the area existing and planned for the future. Proposal is therefore contrary to the Apartment Guidelines;
- Co-Living will lead to overcrowded living conditions;
- Concern regarding the monitoring of living standards and resident numbers;
- Co-Living will require significant amounts of monitoring/surveillance which will adversely impact residents well-being;
- Most of the site is zoned Z4 and the development is not a sustainable or appropriate development for Z4 land;
- The area requires affordable family accommodation, not profit driven, high rent, high density;
- The development is a glorified 'youth hostel' but will be rented at market rents;
- Co-Living is up for review by the housing minister, therefore premature to grant permission to a shared living development in advance of this report.

#### Infrastructure

- Insufficient green space in the area.

#### Residential Amenity

- Overshadowing of existing residential dwellings on John Street South and adjacent land to the east (the Massey Bros Funeral Home business);
- Proposed amenity uses (café, retail, gym, cinema) are for residents only, closing the development off from the community;
- New lane access to John Street South will attract anti-social behaviour;
- Overlooking of properties in John Street South;
- Overbearing impact on adjacent residents;
- Noise during demolition and construction;
- Noise as a result of the occupation of the development and use of amenities within the building (café, cinema, gym, yoga studio etc);

- Query images which show a high rise unit with 5 windows facing the rear of no.'s 44, 46, 48, 50, 52 and 54 John Street South, outside the development boundary. Not clear what these units are;
- Construction traffic or site access on Summer Street and John Street would be burdensome and unreasonable and pose a threat to the safety of children, residents and pedestrians;
- Adverse impact upon the privacy of adjacent lands to the east (the Massey Bros Funeral Home) as a result of overlooking from eastern elevation in the proposed development.

### Transport

- Lack of parking in the scheme and resultant overspill parking into surrounding streets;
- Influx of cars into the narrow residential streets surrounding the site, adding to existing problems of access for emergency vehicles;
- No electric vehicle charging points;
- Only two motorcycle parking spaces;
- Lack of 'pay and display' scheme on John Street South and surrounding streets creates existing congestion from parking by visitors to the area which will be compounded by this application;
- Insufficient cycle parking spaces provided;
- Infrastructure of John Street and Summer Street not capable for the intensification of use that would result from this development, in relation to deliveries etc;
- Cycling in the area is currently unsafe, a review of cyclist safety and infrastructure is required prior to considering car-free development that will rely on cycling;
- Already congestion in the area from deliveries and large vehicles.

### Height / Density / Design



- The height and density of the proposal is incongruous to the character of the Liberties;
- The proposal would constitute a material contravention of the Dublin City Development Plan 2016-2022 which limits building height for residential development in this area to 24m;
- Excessive scale and height and resulting impact upon the operations of adjacent businesses (Massey Bros Funeral Homes);
- The development is unduly obtrusive in its scale;
- The Liberties is an area of special character, an old urban residential neighbourhood and an area of architectural conservation, the proposed scheme will destroy this character;
- Proposed development will be detrimental to the architecture and heritage of the historic area;
- The 7 storey height of development is completely out of character with the immediate area of the development site, particularly to the east of the site. The proposed development will dwarf existing buildings to the east;
- The proposed development will alter the existing urban grain and character of the area;
- The proposal does not include any greening or landscaping that will be for community use, so integration or permeability will be limited;
- The proposal is for a gated community;
- Not in keeping with the residential character of the area;
- The plot ratio exceeds the maximum plot ratio for zoned Z4 land;
- Adverse impact upon the future development potential of lands to the east (the Massey Bros Funeral Homes).

#### Property Value

- Creation of new access from John Street South to Cork Street will make the road less secluded and decrease the value of properties there as a result;

- As a result of the impact of the height of the building, the value of properties to the east of the site (the Massey Bros Funeral Homes) will depreciate.

#### Other

- Unclear who would be responsible for the management of the new lane access to John Street South, its upkeep and security;
- Management of access and use of outdoor spaces queried;
- Concern regarding the concept of Co-Living units in the context of Covid-19 and the public health crisis, with sharing of facilities and small spaces unsuitable for self-isolating;
- This type of accommodation is now empty in the area as a result of the pandemic. Query future use of such blocks when this type of housing is redundant;
- Goes against the principles of sustainable city and climate change because people cannot live there long term;
- A development at Braithwaite Street (ref.4795/19) was found to be not in keeping with the fabric of the area and density in the proposed development is higher;
- Permission was granted for a 3 storey unit with 2 bedroom apartments at 121 Cork Street with rear access from John Street South, this is what the area needs (ref.1895/04). Query if this decision has been overruled by ABC Properties;
- The proposed development is not in keeping with the Liberties Local Area Plan;
- The coronavirus is here to stay and other pandemics will become more frequent, so development should be pandemic proof, and this development is not;
- People are being pushed out of the area by inappropriate, inadequate and over expensive accommodation;
- These types of development are causing the extinction of Liberties people, culture and heritage, in this area which is rich land for gentrification;

- The climate crisis requires a drastic rethink of how we use our inner-city land to build sustainable and viable communities.
- A request for Oral Hearing was noted in three observations received, however only one request has been submitted formally. This request is addressed in section 11.0 below.

Submitted attachments include: Photos of the area surrounding the site, taken from John Street South; Extract from DCC planning register relating to 121 Cork Street and permission ref.1895/04 with associated copy of final grant of permission; and Extract from application submission, image ref.VVM5, photomontage of proposed development from John Street South.

## 9.0 Planning Authority Submission

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

### General/Principle

- Residential is a permissible use within the Z4 and Z10 zoning. For the purposes of SHD, shared accommodation is defined as 'residential' development under the Planning & Development (Housing) and Residential Tenancies Act, 2016. On this basis, it is considered that the proposed BTR shared living accommodation is permissible with the relevant zoning objectives on the site.
- It is considered that on the basis of information submitted with the application, Cork Street, due to its proximity to the City Centre would be a suitable location for shared living accommodation. It is also considered that the provision of a new type of accommodation at this location would be in accordance with development plan Policy QH6;

- In principle the Planning Authority would see no objections to this kind of residential development located within such close proximity to the City Centre, subject to a high quality scheme which meets relevant standards.

#### Design, Height, Residential Amenity / Communal Open Space

- Concerns in relation to the residential amenity of basement rooms and the amount of light that bedrooms here would receive and in relation to poor outlook. Recommended these rooms be omitted and replaced by other facilities;
- Welcome provision of a café onto Cork Street which will provide active frontage onto the ground floor;
- Whilst the provision of a walkway between John Street South and Cork Street is welcomed, details of how this public walkway will work in reality are unclear, and how the scheme will ensure adequate passive surveillance over this new walkway. Applicants have previously outlined a preference to gate this walkway between dawn and dusk;
- Parks and Landscape division have noted in their report that the proposed public pedestrian walkway will require a high standard of design quality and passive surveillance to ensure anti-social activity is avoided. The potential to open the link during the day and close at night-time will form part of any secure linkage here as well as attracting good levels of usage through good maintenance and lighting;
- The pedestrian link is proposed as public open space, and will not be taken in charge, suitable conditions are required to safeguard public access and should form part of any grant of planning permission;
- Concern regarding how this walkway will impact on the residential amenities of number 56 John Street South, in terms of noise, increased pedestrian activity and potential antisocial behaviour, if not properly managed.

#### Communal Facilities/Residential Amenities

- Concerns regarding the under provision of communal facilities such as cooking facilities on each floor, and the proposed basic cooking facilities in each residential unit would not overcome this;

- The applicant has provided communal residential facilities at ground floor, but these should be in addition to high quality amenities on the upper floors also;
- All residential units are single aspect in this scheme and many units are north facing, this together with the lack of private open space for units is disappointing;
- Clarification required of solar panels, green roof provision and how high lift overrun will be;
- The Planning Authority is not convinced that enough supporting facilities have been provided for this scheme on each floor, and consider the ratio of rooms to communal rooms too high. It is considered that a ratio of no more than 10 rooms to one communal room would be more appropriate.

#### Height

- The height of the proposed development exceeds that prescribed on the development plan as it is 24.74m along Cork Street;
- The proposal would be significantly taller than its immediate built environment however it would be more in keeping with the scale of newer development in the central location facing onto the wide thoroughfare of Cork Street;
- It is considered that heights of those proposed in this current application are acceptable in principle;
- The Planning Authority has concerns regarding the quality of the communal open space at ground floor in this scheme, which will not meet BRE guidelines as a result of building orientation and height, and in light of lack of private amenity space the Planning Authority have concerns regarding this.

#### Plot Ratio and Site Coverage

- The Development Plan set out indicative site coverage and plot ratios. The plot ratio for this scheme is at the higher end of what is permissible and exceeds the plot ratio for Z4 areas.

#### Impact/Visual Amenity

- Concerns regarding overlooking issues onto the rear of Brabrazon House and residential properties along John Street South and Summer Street South. This could be addressed by using angled windows;

### Communal Open Space

- The communal open space in this scheme have been designed around what appear to be walkways, with a lot of hard landscaping. The landscaped areas are poorly designed and provide nowhere for the residents to sit down, or relax;
- Consideration should be given to enlarging the roof terrace at fifth floor level which would be available to residents which would receive more sunlight than the ground level amenity area;
- The Planning Authority have concerns about the amount of good quality communal open space to cater for a scheme of this size. A lot of the external areas at ground level do not meet BRE guidelines;
- There is no defined standard for communal open space for Shared Living, but a rough figure of 1588sqm to 1985sqm is suggested by the Planning Authority. The applicant has provided 1336sqm in the form of roof terrace, pocket park to west, walkway and other areas. The applicant has provided a number of terraces from floor 1-6 off the communal rooms which would amount to an additional 105sqm of open space. The Planning Authority would not consider some of these areas to be usable, as they are considered walkway through the site and include ramps to the north west of the site;
- The applicant has indicated a pocket park for communal use to the east of the site off the private function room. As this is off the public walkway this would be considered public open space. The applicant has indicated a fence on the landscape plan cordoning off this area. This would not be acceptable, and should form part of the public open space for the walkway;
- As one of the main communal pocket parks to the west of the scheme receives little sunshine, the quality of this is questionable. The amount and quality of communal open space is considered deficient for a scheme of this size.

### Private Open Space

- No private open space has been provided for any of the units.

### Public Open Space

- The applicant has provided public open space in the form of the new proposed walkway through the scheme, which will not be taken in charge.

### Other Issues

- The finishes throughout appear to be of high quality palette, with a brick finish onto Cork Street and the eastern, western and northern elevation;
- Part V does not apply;
- The applicant has not submitted a Community and Social Infrastructure Audit of the area.

### Conclusion

- The Planning Authority has a number of concerns regarding the development;
- In relation to the public walkway, concern regarding, management, maintenance, security, opening hours and impacts upon amenity of 56 John Street South and amenities of residents in Summer Street and John Street South;
- Serious concerns regarding the provision of basement accommodation;
- Concerns regarding the amount of resident space / facilities;
- Lack of Private Open Space for all rooms;
- Not clear whether the public walkway constitutes public open space in a traditional sense. Unless it can be demonstrated to the satisfaction of the Planning Authority that this area can be made permanently available as public open space, then the developer should pay a contribution in lieu in accordance with the development plan. Dublin 8 lacks public open space;
- Concern regarding the design and landscaping of communal open space;
- Recommend conditions in the event that the decision is to grant permission.

### Planning conditions

26 no. conditions are recommended, conditions of note include: 2 a)-e) Omission of 19 rooms at basement level and substation with additional shared amenities; screening to roof terrace; enlargement of roof terrace; reduction in number of bedrooms at each level and increase in communal amenity; details of opening hours of public walkway; details securing public access and free passage and use of the pedestrian walkway; 10 a) b) & c) revised, increased cycle parking provision; and 11 b) submission of a landscape scheme.

## 9.2. Departmental Reports

A summary of internal DCC departmental reports as described in the Chief Executive Report, is copied below:

### Drainage Division

No objections subject to conditions.

### Transportation Planning

The submitted cycle parking proposals are substandard in regards to quantity, access and security. In order to facilitate appropriate cycle parking provision, there would be an impact on space/floor area allocated to other uses at basement and/or ground floor level. A number of conditions are recommended to be attached to any grant of planning permission.

### Archaeology Division

No objections subject to conditions.

### DCC Parks & Landscape Services

No objection to the development proposals subject to the inclusion of satisfactory conditions addressing the issues.

### Waste Management Section

No objections subject to conditions.

### Air Quality and Noise

Prior to the commencement of work on the site a construction and demolition plan must be developed. When developing the construction and demolition plan reference must be made to the requirements of the Air Quality Monitoring and Noise Control



Unit's Good Practice Guide for Construction and Demolition. No objections subject to conditions.

### 9.3. **Elected Members**

A summary of the views of elected members as expressed at the South Central Area Committee Meeting on 7<sup>th</sup> October 2020 is appended to the Chief Executive's Report and reproduced below.

- Members were very concerned about the height and density of the proposed development and its impact on the local area. They were also very concerned about the overconcentration of co-living shared accommodation in the Liberties Area. Conflicting opinions were expressed about the lack of car parking spaces. In summary members were of the opinion that there was very little of merit to the proposed development and were strongly opposed to same.

## 10.0 **Prescribed Bodies**

### Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

- Archaeology – Archaeological mitigation measures are recommended;
- Nature Conservation – Two separately located individual plants of the invasive species Japanese Knotweed Fallopia Japonica have been identified on the site of the proposed development; also a zone of potential infestation and two other areas within the site at risk of contamination with the root / rhizome fragments of this species. Conditions recommended regarding same;

### Irish Water

- The applicant has engaged with Irish Water in respect of design proposals for which they have been issued a Statement of Design Acceptance for the development. Please note that Irish Water has issued the applicant a Statement of Design Acceptable for the development as proposed. Conditions are requested regarding a connection agreement with Irish Water and compliance with Irish Water Standards codes and practices.

### Inland Fisheries Ireland

- The proposed development is located in the catchment of the Liffey system, which supports Atlantic salmon, a species listed under Annex II and V of the EU Habitats Directive, in addition to brown trout, lamprey, eel and many other sensitive species;
- Any top soil or demolition material which is to be stored on site must have mitigations in place to prevent any deleterious material entering the surface water drainage system. Drainage from the topsoil storage area may need to be directed to a settlement area for treatment;
- There can be no direct pumping of contaminated water from the works to a watercourse at any time. Any dewatering of ground water during excavation of basement area must be pumped over land or into an attenuation area before being discharged to offsite. A discharge license may be required from Dublin City Council;
- Precautions must be taken to ensure there is no entry of solids during the connection or stripping of old pipework to the surface water system;
- Mitigation measures such as slit traps and oil interceptors should be regularly maintained during the construction and operational phase. If permission is granted a condition is suggested to require the owner to enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor;
- It is noted that Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

## 11.0 Oral Hearing Request

11.1. One formal request for an Oral Hearing has been received in relation to this application. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

11.2. Having regard to the circumstances of this case, to the issues raised in the observation received by the Board, and the assessment set out in section 12.0 below, I consider that there is sufficient information available on the file to reach a conclusion on the matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this instance.

## 12.0 Assessment

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

- Principle of Development
- Height, Design and Density
- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Material Contravention
- Planning Authority Concerns
- Screening for Environmental Impact and Appropriate Assessment
- Other Issues

## 12.2. Principle of Development

#### 12.2.1. Land Use Zoning

12.2.2. The Dublin City Development Plan 2016-2022 ('the DCDP') describes the applicable land use zoning for the site.

12.2.3. The majority of the site is zoned Land Use Zoning Objective Z4 – District Centre, 'To provide for and improve mixed-service facilities' and residential is specified as a permissible use. District centres are identified as suitable for a diversity of uses to maintain their vitality throughout the day and evening, with opportunity to use the levels above ground level for additional commercial/retail/services or residential use with appropriate social facilities. Higher densities are also permitted in district centres, particularly where they are well served by public transport.

12.2.4. A section of the site to the north (less than a third of the total site area) is zoned Land Use Zoning Objective Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses, 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office / retail / residential the predominant uses in inner city areas'. Residential is specified to be a permissible use in Z10 lands. Within Z10 lands, the primary uses are identified as residential, office and retail, with an appropriate mix of uses to be sought. The DCDP states that the concept of mixed-use is central to the development or re-development of these sites and mono uses, either all residential or all employment / office use shall not generally be permitted.

12.2.5. I note that a number of objections have been received stating that the proposed development is not suitable for zoned Z4 lands and that the proposed amenity areas, including café, will not be open to the public. I give further consideration of the compatibility of the proposed development with the land use zoning below.

12.2.6. The proposed development concerns the construction of shared accommodation which is formed of individual bedspaces with associated shared residential facilities. At ground floor a publicly accessible café is also proposed. Shared accommodation is a recognised form of residential accommodation under the Apartment Guidelines and as such is a permissible use in zoned Z4 and Z10 lands. Both Z4 and Z10 lands also emphasize that a mixed use character is encouraged for new development. The proposed development includes a range of residential amenities at ground floor, including cinema/yoga space, gym, library, workspaces and multi-purpose space.

These will not be accessible to the public and this follows the provisions under the Apartment Guidelines for Shared Accommodation developments. To the front of the building onto Cork Street, the proposed development includes a large reception area and separately accessible public café which takes up roughly 35m (approx.) of the street frontage. The primary use of the proposed development will be residential, with the residential amenities forming an ancillary part of this residential use. The café will also be primarily accessed by residents, while also being available to the public, and forms a small proportion of the overall development floor area. It is therefore in my view ancillary to the main development which is for residential use and therefore permissible under the land use zoning for the site. The location of active frontages onto ground floor and a publicly accessible café at ground floor onto Cork Street, will in my view fulfil the mixed use objective for Z4 and Z10 lands. The café use will be accessible to the public during daytime hours and the reception area will be accessible to residents at all hours, contributing to activity and vitality of the street throughout the day and evening.

12.2.7. I note that this active frontage and café use is strictly within the Z4 parcel of the site, while the Z10 parcel is to the rear of the site. However, I do not consider it logical for an active use to be located to the rear of the site where it would provide no contribution to street activity or vibrancy of the area as the zoning would envisage. The majority of the site is zoned Z4 and the café takes up approximately 16m of the street frontage onto Cork Street, forming an extended area of publicly accessible, active, street frontage. The proposed development is therefore consistent with the land use zoning objectives for both Z4 and Z10 under the DCDP in my view.

12.2.8. Shared Accommodation (Build-to-Rent)

12.2.9. I note a number of objections in relation to the nature of the development for shared accommodation use and concern about the proliferation of transient housing forms in the vicinity of the site.

12.2.10. The Apartment Guidelines formally recognise the 'Build-to-Rent' (BTR) and 'Shared Accommodation' housing sectors. These are developments that are secured for rental occupation and subjected to centralised management. Shared Accommodation, (also referred to as 'Co-Living' or 'Shared Living') is recognised in

the guidelines as emerging in response to a particular housing need in urban areas. It can be considered as a sub-component of Build-to-Rent under the guidelines.

12.2.11. BTR and Shared Accommodation is recognised as providing a greater choice for people in the rental sector, which is a pillar of Rebuilding Ireland and therefore directly responds to the housing crisis in Ireland. However careful consideration is required around the location of Shared Accommodation development and the Apartment Guidelines state that this type of housing is only appropriate where it responds to an identified urban housing need at a particular location. The guidelines also state in paragraph 5.19 that in assessing the need for shared accommodation, the planning authority should have regard to the need to cater for particular employee accommodation needs, and that city centres are an appropriate location for such developments. Appropriate monitoring is also required to avoid an excessive proliferation of shared accommodation developments to the detriment of the supply of general needs housing.

12.2.12. The applicant has included a 'Shared Accommodation Rationale' within the submitted Planning Report for the application. This describes the need for shared accommodation in Ireland and more specifically in the application site area. The report describes the relationship of the subject site to surrounding employment opportunities. The subject site is located within a short cycle or reasonable walking distance from a number of large employers and institutions, including St James's Hospital, The Coombe Maternity Hospital and St Patrick's Private Hospital. The new National Children's Hospital is also located proximate to the subject site. This is in addition to the range of employers and higher education institutes located in the city centre. The link between the application site and employee catchment as required under the Apartment Guidelines has therefore been demonstrated. In addition, as an inner-city location, the application site is exactly the type of the area identified in the guidelines as being suitable for Shared Accommodation housing typologies, with high frequency public transport options located proximate to the site, including the Luas red line from both St James's and Fatima stops, as well as Dublin Bus services.

12.2.13. I have considered the concerns raised by numerous observers in relation to a proliferation of transient accommodation typologies in the area, including student and tourist accommodation alongside the proposed development for Shared Accommodation. The Apartment Guidelines are clear that the Planning Authority

should monitor the provision of Shared Accommodation in areas to ensure a proliferation does not result; and I note that the Planning Authority has stated they have no objection to the provision of Shared Accommodation on this site, stating that it conforms with policy QH6 of the Development Plan concerning the establishment of a variety of housing and tenure types.

12.2.14. In considering whether a proliferation of Shared Accommodation exists in the area, I have had regard to recent planning approvals, sites under construction and completed developments in the vicinity of the site. I have had specific regard to those cases highlighted by observers in their submission. I note that there are a limited number of planning approvals for development that specifically caters for BTR or Shared Accommodation in close proximity to the site. A SHD development (ref.303436-19) for 37 BTR units alongside student accommodation use was approved on land bounded by Mill Street, Sweeneys Terrace and Clarence Mangan Road, Dublin 8, and there is a recent appeal decision (ABP Ref. 307217/20; DCC Ref. 4423/19) granting permission for 69 Shared Accommodation beds alongside hotel use at 27-29 New Row South, Dublin 8. However, there is no evidence to suggest a proliferation of either existing or proposed BTR / Shared Accommodation developments in the Dublin 8 area, and it is my view that the predominant form of housing in the area remains for general needs (including social housing). I recognise that observers consider that other forms of accommodation in the area, such as tourist and student accommodation, should be considered alongside Shared Accommodation when assessing a proliferation of such uses. However, it is clear that Shared Accommodation is recognised as a distinct housing typology under National Planning Policy Guidance and the applicant has confirmed that the development is intended to respond to a distinct housing demand from 'young professionals and workers generally' as recognised under paragraph 2.11 of the Apartment Guidelines. As such, I do not consider it necessary to monitor the number of tourist or student accommodation developments or approvals in context with this application proposal for Shared Accommodation.

12.2.15. I acknowledge objections received in relation to the need for family housing in the area that will not be fulfilled by the development. As well as concern around the transient character of the proposed Shared Accommodation scheme and current vacancy levels in short-term accommodation forms in the area as a result of the

pandemic. In relation to the need for housing, the Planning Authority have confirmed that the site is appropriate for this form of housing that will contribute to the variety of housing typologies in the area. The applicant has also suitability demonstrated that there is need for this type of housing in the area, which is in close proximity to employment opportunities as described under the Apartment Guidelines. In my view, this should not be viewed as being provided to the detriment of family housing provision, but as fulfilling a distinct housing need that is also catered for under current planning policy. This type of accommodation will also in my view, create opportunity for the decanting of occupiers attracted to Shared Accommodation developments from general need housing units, with potential to release existing single dwelling house units in shared occupation to occupation by families. In relation to the transient nature of different accommodation typologies in the area, it is recognised that Shared Accommodation is intended to fulfil a short-term housing need, which, while longer than a few weeks, is not intended to be long-term. As an inner-city location, within the canal ring and a short walking distance to city centre employment and education opportunities, it is inevitable that alongside general need housing, this location will attract demand for tourist, student and BTR / Shared Accommodation, which can in my view be sustainably supported within walking and cycling distance of surrounding employment and institutions. The vacancy of these forms of housing during the pandemic can be considered unusual and temporary in my view, and I expect occupancy levels of this type of housing will recover following greater control of the pandemic.

12.2.16. Overall, it is my view that there is limited example of other Shared Accommodation developments either in operation or planned for the area, and while there are a number of developments for student and tourist accommodation in the area, the character of the proposed Shared Accommodation development is distinct to those forms of housing, specifically with the provision of residential amenities and spaces to encourage day-time population of the site. Therefore, I consider the proposed form of housing to be acceptable in this location.

12.2.17. I note reference by objectors to the ministerial review of planning policy around Shared Accommodation development. The Board will note a letter received by An Bord Pleanála on the 23<sup>rd</sup> of November 2020 from the Minister for Housing, Local Government and Heritage in relation to Co-living Development proposals. The



Minister advises that a review of the Shared Accommodation section of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 will be forthcoming. I note no update to these guidelines has yet been produced. For the purposes of this current assessment, the planning policy approach remains as set out in the Apartment Guidelines as currently published and I have assessed this application accordingly.

12.2.18. Specific Planning Policy Requirement 7 of the Apartment Guidelines (SPPR 9) states that BTR development must be clearly stated as such in public notices and be accompanied by a proposed covenant or legal agreement to ensure that the development remains a long-term rental housing scheme. Planning conditions can then be attached to this to secure the development remains BTR for a period of not less than 15 years. Developments will also be required to be owned and operated by an institutional entity. Specific requirements in relation to residential support, services and amenities are also described.

12.2.19. The public notices refer to the scheme as 'Build-to-Rent' and 'Shared Living' and a copy of a draft legal agreement referred to in SPPR 7 has been enclosed, which indicates that the applicant is willing to accept a condition requiring that the residential units remain in use as BTR Shared Living accommodation owned and operated by an institutional entity and that no individual residential unit within the development be sold or rented separately upon completion of the development for a minimum period of at least 15 years.

12.2.20. The proposed development for shared accommodation is therefore acceptable in principle on the site. This is subject to a more detailed evaluation of the specific requirements for BTR / Shared Accommodation development, alongside an appraisal of the proposed development as a whole, which is set out in more detail in my assessment below.

### 12.3. **Height, Design and Density**

#### 12.3.1. Height and Design

12.3.2. Concerns are raised in observations on the application in relation to the height, scale and design of the proposed development and resultant impacts upon adjacent areas, including conservation areas. Objections also centralise on the scale and height of the proposed development in comparison to the established character of in the

surrounding area. I note that the Planning Authority has stated the proposed height is acceptable, however concerns are raised by the Planning Authority regarding the arrangement of height and form on the site and resultant impacts upon the quality of proposed accommodation and external spaces.

- 12.3.3. My assessment of the impact upon surrounding residential amenity and the quality of proposed accommodation is undertaken in section 12.4 and 12.5 below. This section of my report appraises the acceptability of the proposed height and design in relation to relevant planning policy and in light of concerns raised.
- 12.3.4. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 12.3.5. SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the development plan indicates a maximum height of up to 24m for residential development, while I have scaled from the submitted drawings that the proposed development has a maximum height of approximately 25.6m (7 storeys). I have addressed the material contravention of the development plan in section 12.7 below and I will provide further assessment against the criteria in section 3.2 of the Building Height Guidelines here.
- 12.3.6. The first criterion relates to the accessibility of the site by public transport. The site is located within Dublin City's canal ring and is therefore considered an inner-city location. As such, the site is a reasonable walking distance to the city centre and

surrounding employment opportunities and amenities / facilities. The site is also located adjacent to Dublin bus services and specifically bus stops serving route no.27, which has a high frequency of every 10 minutes. Fatima Luas Stop is a 10 minute walk from the site and James's Luas Stop (both served by the Luas Red Line) is also located less than a 20 minute walk from the site. I note that the future BusConnects corridor runs alongside the site and will further increase connectivity across the bus network. Notwithstanding future transport proposals, it is clear to me that the site has excellent existing accessibility to the city centre via pedestrian links as well as to high frequency bus services, and good access to the wider network including Luas links.

12.3.7. The second criterion relates to the character of the area in which the development is located, and I note objections received in relation to the impact of the proposed development upon the special character of the area and the architectural conservation area.

12.3.8. The site is not located in a conservation area itself, however to the east and west of the site, north of The Coombe and up to Thomas Street, is an Architectural Conservation Area which encompasses areas zoned Z2 'To protect and/or improve the amenities of residential conservation areas'. There are also a number of Protected Structures surrounding the site, on Cork Street, Ardee Street and Ormond Street, and I particularly note those Protected Structures located immediately proximate to the site at 104, 112, 116 Cork Street, and the Bru Chaoimhin Nursing Unit which is in the vicinity of the site on Cork Street. The character of Cork Street is mixed, with a range of architectural styles and ages featured. Traditional 2 and 3 storey red-brick terrace buildings are located alongside more modern 5 and 7 storey buildings. Brabazon House is a 5 storey modern apartment block situated on the west boundary for the site and adjacent to this is a Georgian Townhouse (116 Cork Street a Protected Structure). Adjoining the eastern boundary for the site are 2 storey red-brick residential properties, while to the north 2 storey 20<sup>th</sup> Century terrace housing characterises John Street South, alongside 3 storey apartment buildings on the corner with Summer Street. More recent 7 storey apartment blocks also feature on Cork Street. Cork Street is identified as one of the 'Historic Approaches' to the city centre in Figure 3 of the DCC Development Plan (page 56).

12.3.9. A Conservation Assessment and Townscape and Visual Impact Assessment have been submitted with the application and describe the historic context of the subject site. The site itself is currently occupied by a number of run down structures in varying states of disrepair. Cork Street is a major arterial road into the city centre and forms an important approach to the city as identified in the Development Plan. The current buildings on the site are in a poor state and detract from the visual setting of the street. The removal of these buildings that are without historic or architectural significance will therefore be a beneficial consequence of the proposed development. The proposed development itself is for significantly increased scale and height when compared to the current structures on the site. However, as an inner-city location with excellent accessibility to the city centre, national policy supports increased scale of residential buildings on appropriate sites. I note that lower rise residential buildings are located on the boundaries with the subject site, however as described in my appraisal of the site characteristics, this part of Cork Street features a variety of building types and scales, and so the juxtaposition between the proposed 7 storey building and existing 2 storey buildings will not be incongruous to this established character in my view.

12.3.10. The Georgian Townhouse Protected Structure at 116 Cork Street is located immediately proximate to the subject site. However, separating 116 from the subject site is the 5 storey apartment building Brabazon House and as such, the setting of 116 Cork Street already features this more recent addition with increased scale. Therefore, I do not consider that the proposed development will significantly impact the setting of 116 Cork Street or the other Protected Structures proximate to the site.

12.3.11. Photomontages have been provided to illustrate the appearance of the proposed development in views on Cork Street and in the context of the Protected Structures and Architectural Conservation Area further to the north and west of the site. In views looking west from Cork Street and past the subject site towards the Architectural Conservation Area, it is evident that modern developments up to 7 storeys in height currently bookend the corner for Cork Street and Ardee Street. These existing developments have a much more proximate relationship to the Architectural Conservation area and establish a setting to that conservation area that includes more recent additions at scale. The proposed development is for a maximum 7 storey building at a removed position from this Architectural Conservation area, as a result,

it is my opinion the proposed development will have no impact upon views into or out of the Architectural Conservation Area, or upon Protected Structures in this area. Views of the proposed development in context with the Bru Chaoimhin Nursing Unit have also been provided, and I am similarly satisfied that no impact will result upon the setting of that Protected Structure from the proposed development.

- 12.3.12. The locating of a 7 storey building on this site is an appropriate response to the urban context in my view. Cork Street is a large busy major route into the city centre, and as such, the locating of buildings of increased scale serve a variety of functions, including enclosing this busy vehicular road edge and a creating visual marker. Opposite the site on Cork Street is an existing 4 storey apartment block, and alongside this (to the west) are more recently constructed higher quality 7 storey developments. It is my view that the proposed development relates particularly well to these more recently constructed developments in both scale and material finish.
- 12.3.13. The proposed development transitions in scale to 5 storeys onto John Street South, reflecting the subdued nature of that frontage in comparison to Cork Street. There are also existing 3 storey apartment blocks located on the corner of Summer Street and John Street South. While exceeding the scale of these existing residences to the north of the site, It is my view that the proposed development has an appropriate scale for this inner city location. While existing 2 storey dwellings form the predominant character on John Street South, this area can be considered to have been historically underdeveloped in terms of height and reminiscent of traditional, limited, low-rise building heights (as described in the guidelines) which is limiting the growth and development need of the city.
- 12.3.14. The existing material palette of the area is mixed, and I consider the proposed use of a light coloured brick on all elevations an acceptable approach. This will also relate will to the more recently constructed 7 storey buildings to the south west of the site on Cork Street which have a high quality appearance on the street. The proposed development will incorporate architecturally detailing to the facades which will also contribute to the creation of a positive addition to the streetscape.
- 12.3.15. Overall, I am satisfied that the height of proposed development is acceptable for the site.

12.3.16. The remaining pertinent criteria under section 3.2 of the Building Height Guidelines relate to the following: contribution of the proposal to the place-making; its contribution to the streetscape; the avoidance of uninterrupted walls; contribution to public spaces (including inland waterway/ marine frontage) and compliance with flood risk management guidelines; improvement of legibility; contribution to mix / typologies in the area; and daylight performance against BRE criteria as well consideration of overshadowing / ventilation / views. Specific assessments are also required depending on the scale of the building proposed. In relation to specific assessments, an Architectural Design Statement, Photomontages, Material and Finishes Report, Architectural Heritage Impact Assessment and Bat Report have been submitted.

12.3.17. My assessment above, considers the contribution of the proposed development to the streetscape and placemaking. I also note that in relation to placemaking, the proposed development includes the creation of a new north / south public route through the site from Cork Street to John Street South. While I note that observers and the Planning Authority have raised concerns in relation to this route, I address these separately in section 12.4 of this report; for the purposes of my assessment against section 3.2 criteria, I consider the provision of this new public route north / south through the site an additional contribution towards placemaking in the area. The proposal will create a distinctive undercroft opening to this new north / south route through the site, with a 6.9m high and 6.4m wide entrance to this public route.

12.3.18. I note the Planning Authority concern in relation to the proposed plot coverage which exceeds the ratio described in the Development Plan. This is an indicative ratio and is not intended to dictate the form of new development indiscriminately. In my view, the design of the proposal should also be considered in order to determine how appropriately building mass would be accommodated on the site. The proposed development incorporates varied heights, transitioning from 5 storeys onto the John Street South, to 6 storeys centrally within the site and 7 storeys onto the more major route frontage on Cork Street. The proposed development incorporates interest through the use of articulated facades, including generous fenestration openings, Juliette balconies and chamfered brick detailing. The proposed building is organised into three distinct bays onto Cork Street, breaking down the mass when viewed on the street. The upper level is also set back and clad in zinc to reduce the visual prominence of this storey. To the rear of the site onto John Street South and to the

rear of Summer Street, the arrangement of blocks on the site with staggered projections and varied height, further break down the mass and create an interesting and positive aesthetic. As a result, the proposal is not monolithic in my opinion and sufficient visual interest is included to the facades. While the plot ratio is high, I consider this appropriate given the site specific circumstances and the form of the development for high density Shared Accommodation housing. I have already considered the contribution of the proposed co-living housing units to the mix of housing typologies in the area in section 12.2 above, and overall, I consider the proposed development appropriate for this inner-city site location. In terms of impacts upon daylight, sunlight and overshadowing, I consider this further in sections 12.4 and 12.5 below. In relation to the specific assessments that have been submitted with the application, these are referred to in my assessment, above and below in this report.

12.3.19. I therefore find that the proposed development satisfies the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines. This follows the complete assessment set out in my report and particularly sections 12.3, 12.4, 12.5 and 12.10.

#### 12.3.20. Density

12.3.21. I note objections received to the high-density nature of the application. SPPR 1 of the Building Height Guidelines states that it is Government policy to support increased building height and density in locations with good public transport accessibilities, particularly in town/ city cores. As outlined in my assessment above, I consider the proposed inner-city location of the development to have excellent accessibility to employment opportunities, amenities and services within the wider city area and city centre. In addition, located less than a 15 minute walk to significant employment opportunities and the city centre area, the site can be considered a central and / or accessible urban location as defined under the Apartment Guidelines. As a result, national planning policy supports the provision of higher density development on the site.

### 12.4. **Neighbouring Residential Amenity**

12.4.1. Concerns have been raised by observers in relation to potential impacts from the proposed development upon adjacent residential amenities. This is particularly in

relation to impacts upon residents in John Street South from overlooking, overshadowing, noise and construction impacts, as well as concerns regarding operation of the new north / south route through the site. The Planning Authority has also raised similar concerns, relating to overlooking and overshadowing impacts, as well as that insufficient information has been submitted regarding management of the walkway. In addition, I note concerns regarding potential impacts upon the development potential of sites to the east and I address this further below.

#### 12.4.2. Daylight, Sunlight and Overshadowing

12.4.3. A Daylight and Sunlight Report has been submitted with the application. This describes the performance of the development against criteria in the BRE Guidelines (The Building Research Establishment guidelines on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice). While the submitted report is generally in accordance with the BRE Guidelines, the methodology includes a percentage value for the level of discrepancy between an 'Applied Target Value' and the 'Proposed Value'. The 'Applied Target Value' reflects numerical values set out in the guidelines, however the subsequent calculation of a percentage figure against an 'Applied Target Value' is not a method described under the Guidelines. In my opinion, calculations should be expressed against the 'Baseline Figure' to clearly present potential impacts in accordance with in the BRE Guidelines. As a result, for the purposes of my assessment, I have only had regard to the reports baseline value (the existing condition), compared to the proposed value (the post development condition).

12.4.4. In relation to daylight, the BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will be needed more of the time. My assessment of daylight impact focuses on where the proposed condition is less than 27%, if this percentage value change is over 0.8 times the former value (the baseline condition).

12.4.5. The report identifies the properties analysed in respect of daylight as follows:  
Brabazon House at no. 117 Cork Street; no.'s 3, 5, 11 Allingham Street; no.'s 2, 39,



41, 45 Summer Street South; and no.'s 35, 56 John Street. I note that the submitted report does not include residential houses located immediately to the east of the site at 123, 124A and 124 Cork Street. From my visit to the site, it would appear that these properties are in residential use as I observed occupants entering an address and residential bins etc. There is also a property situated between no.'s 124A and 123 Cork Street, however the use is unclear. The land to the rear of these properties is used by the adjacent Funeral Home. All other properties in the immediate area surrounding the site have either an orientation or a distance from the application site, which would ensure that daylight and sunlight impact will not result from the proposed development.

- 12.4.6. In relation to the properties analysed, the results of 76 windows are presented (however the submitted report notes in the conclusion that a total of 77 windows were analysed). Of these 76, I count that 40 windows have a resulting VSC value that is less than 27% and reduced by over 0.8 times compared to the baseline condition as a result of the proposed development. In my view, 14 of these affected windows are only marginally impacted, with slight deviations from the target BRE level, therefore my assessment focuses on the remaining 26 windows, as well as consideration of those addresses noted above that have not been included. The remaining windows described in the report are located in the south and east facing elevations of Brabazon House no. 117 Cork Street, no.'s 3 and 5 Allingham Street and no. 45 Summer Street.
- 12.4.7. There are 7 windows in the south facing elevation of Brabazon House; 4 windows in no.3, and 3 windows in no. 5 Allingham Street; and 2 windows in no. 45 Summer Street, that would experience perceptible reductions in daylight as a result of the proposed development. The reduction to daylight levels vary, but the degree of impact to these 16 windows should not be considered significant in my view, given the inner-city location of the development. The most substantial impact of the development will be upon windows in east face of Brabazon House, where 10 windows experience perceptible reductions in daylight, and 6 of these windows experiencing a high level of deviation from BRE target levels and therefore a significant reduction in daylight as a result of the proposed development.
- 12.4.8. The submitted report concludes that the positioning of Brabazon House unreasonably close to the boundary with the subject site, has resulted in the significant impact from

the proposed development. Appendix F of the BRE Guidelines outlines circumstances where it may be appropriate to set alternative target values for skylight and sunlight access. This includes the use of a 'mirror image' assessment to establish a reasonable VSC target value for new development. Paragraph F5 of the guidelines explain that this can be used in cases *"where an existing building has windows that are unusually close to the site boundary and taking more than their fair share of light. To ensure that new development matches the height and proportions of existing buildings, the VSC and APSH targets for these windows could be set to those for a mirror-image building of the same height and size, an equal distance away on the other side of the boundary."* This ensures that the development potential of land is not unduly constrained as a result of the positioning of existing buildings too close to development boundaries. The use of this approach then allows consideration of what daylight / sunlight impact would be upon the existing neighbouring building, when using a hypothetical comparable development (in other words a 'mirror-image' of the existing neighbouring building). An assessment can then be made of how the impact of the proposed development might compare to the imagined impacts of this 'mirror-image' development. In my opinion this would have been the appropriate methodology to adopt in this case, however the submitted report has not described this mirror-image assessment, and merely asserts that the neighbouring building is situated unreasonably close to the boundary. While the resulting VSC levels from a mirror-image assessment have not been described, it is clear that the use of such an approach is in accordance with the BRE guidelines and would have demonstrated significant effect upon Brabazon House using the 'mirror-image' condition.

12.4.9. In my view, the proposed development can then be considered favourably in comparison to the conditions that a 'mirror-image' development might produce. The proposed development has been set back from the boundaries with Brabazon House to reduce potential impacts. The variation in height to the rear of the proposed development will also serve to mitigate daylight impacts. While the proposed development does not match the height and proportions of Brabazon House, in my view it improves upon this, with a proposal of 4 to 7 storeys in height but situated further back from boundaries than Brabazon House. Overall, I consider that it would be inappropriate to preserve extensive daylight access over the subject site for Brabazon House, which has been constructed inappropriately close to the boundary.

Preservation of higher levels of daylight to Brabazon House would in my view, unduly constrain the development potential of the application site, which is a brownfield, inner-city site, appropriate for the delivery of high-density housing.

12.4.10. The BRE Guidelines note that its target values are purely numerical, and that different criteria may be used based on the requirements for daylighting in an area, and important considerations include whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary (paragraph 2.2.3). As a result, it is my view that daylighting conditions for properties in a city location should logically be expected to differ, with properties in higher density areas experiencing less daylight and sunlight access than more lower density suburban or rural environments. This is in reflection of the need for higher density development in city locations, and as such, it will be expected that new development will have some degree of impact upon existing properties daylight levels.

12.4.11. As outlined above, I have identified those windows where perceptible reduction in daylight will occur, as well as the windows that would experience significant impact as a result of the proposed development. I consider this impact upon adjacent properties daylight from the proposed development to be acceptable, given the inner-city character of the site and the positioning of existing buildings (specifically Brabazon House), inappropriately close to the boundary with the subject site.

12.4.12. In relation to the properties omitted from the submitted report on Cork Street (no.'s 123, 124A, 124 (and the property located between which did not display an address / number), in my view there is potential for adverse impact upon the daylight levels to these properties as a result of the development. Therefore, the submitted analysis should have included these properties within the assessment. While the applicant has not presented me with the potential impact upon the daylight (and indeed sunlight) of these properties, I consider it probable that levels will be perceptibly reduced to some windows in the closest property to the site, if not a number of windows within all addresses. On that basis, I have assumed in my assessment that these properties will experience reduced daylight and sunlight as a result of the proposed development.

12.4.13. I note the submission received from the Massey Brothers Funeral Home which indicates that it owns 123, 124A and 124 Cork Street (alongside its premises at 125

Cork Street and all lands to the rear of these properties). This objection to the proposed development outlines concerns upon the development potential of these lands (which I address separately below). This, alongside the existing low density and low rise nature of these adjacent sites in an inner city location, gives me the impression that these properties will be redeveloped in the future. In any case, my assessment has considered the conditions that would be experienced as a result of the proposed development upon the adjacent properties as they currently exist, including any attached amenity areas. I assume for the purposes of my assessment that this impact would be significant, given the proposed 7 storey gable end to be situated on the eastern boundary, adjacent to these properties.

12.4.14. As outlined above, I consider that this impact should be considered in light of the urban location of the site in an inner-city area. The preservation of high levels of daylight / sunlight to these properties would unduly constrain the delivery of high density development on a site which can sustainably accommodate increased scale. Therefore, I consider the impact upon these adjacent properties daylight from the proposed development to be acceptable, given the inner-city character of the site

12.4.15. In relation to sunlight, the submitted report describes the annual probable sunlight hours (APSH) for 35 windows that would be potentially impacted in the surrounding area. My assessment considers both the annual and winter APSH results. 4 windows in the south elevation of Brabazon House no.117 Cork Street, and 1 window in no. 3 Allingham Street are described as having perceptible reductions in the level of sunlight received. Of these, 2 in Brabazon House would experience a significant reduction. Similar to my assessment of daylight impacts described above, I consider that the BRE Guidelines clearly state that when existing properties are constructed unreasonably close to boundaries, any impact upon that property should be considered in light of this poor positioning. Therefore, while a consequential impact of the proposed development will be the perceptible reduction in sunlight to a limited number of adjacent residents, it would be unreasonable in my view, to unduly constrain the development potential of the subject site, as a result of the close positioning of this building to the boundary. I also consider that within city locations, sunlight conditions should be expected to reflect the urban character of the area and it will be expected that new development will have some degree of impact upon existing properties sunlight levels. However, an assessment is still required regarding

the significance and acceptability of this impact. In this sense, I note the limited number of windows (5 no.) that will experience perceptible reductions in sunlight as a result of the development. In consideration of both the positioning of Brabazon House and the inner-city location of the subject site, I consider the impact of the proposed development upon adjacent resident's sunlight levels to be acceptable.

12.4.16. In relation to overshadowing, the report describes potential impact from the proposed development upon existing external amenity areas at no. 11 Allingham Street; the Allingham Street / Summer Street communal area; and no.'s 52, 54 and 56 John Street. Only one of these spaces, the communal Allingham Street / Summer Street space, experiences over 2 hours of sunlight over 50% of the area on the 21<sup>st</sup> March in the existing condition. In the proposed condition, this communal space will receive 2 hours of sunlight across 24.7% of its area on the 21<sup>st</sup> March. For no. 11 Allingham Street a reduction to 22.5% is described, compared to the existing 36% of its area achieving 2 hours of sunlight on the 21<sup>st</sup> March. Properties on John Street South will not experience any perceptible alteration to the level of sunlight received to external amenity areas as a result of the proposed development.

12.4.17. The increased overshadowing of the amenity space at no. 11 Allingham Street would not be significant in my view, given the relatively marginal change in impact from the existing condition. In relation to the communal amenity space at Allingham Street / Summer Street, this will experience a significant increase in overshadowing as a result of the proposed development. It is not surprising that this level of impact results, when considering the low-rise character of the structures on the existing site. From my visit to the site, I observed the existing condition of this space to be well maintained, but without any dedicated furniture or equipment to encourage use of the space. The area is formed of lawn and patio area and was not being used by any residents at the time of my visit. In my view, it is unlikely to be a particularly well used space given the simple landscape treatment and confined layout. In my view, the existing structures on the site are not reflective of the type of development needed in this inner-city location. Therefore, it is inevitable that construction of an appropriately high-density development on the subject site will alter sunlight conditions in surrounding areas and introduce increased overshadowing. However, this degree of overshadowing is not so significant in my view, that it would warrant rejection of the proposed development.

12.4.18. The proposed development reduces height towards the north of the site closest to the Allingham Street / Summer Street communal amenity area, thereby incorporating some mitigation of impact. I note that a fair proportion of this adjacent existing communal amenity area will retain over 2 hours of sunlight on the 21<sup>st</sup> March (specifically 24.7%). I also note that Weaver's Park and its associated playground and skate park would be a short walk from Allingham Street following the proposed development with the creation of the new pedestrian link through the site.

12.4.19. In relation to overshadowing of land to the east of the subject site, as described above the residential properties at 123-124 Cork Street have not been included in the assessment. During my visit to the site, I did not observe any existing amenity areas to the east of the proposed development that would be adversely impacted. Lands to the rear of these residential properties is used as part of operation of the Funeral Home and commercial properties are not considered sensitive to overshadowing in the BRE Guidelines. In any case, overshadowing as a result of the proposed development will be limited given the orientation of these lands to the east.

12.4.20. Therefore, overall, I consider the impact of the proposed development in terms of overshadowing of adjacent existing amenity areas to be acceptable.

#### 12.4.21. Overlooking

12.4.22. My assessment of the potential for overlooking of adjacent areas considers the location of windows and terrace areas within the proposed development, to habitable room windows in surrounding residential dwellings. Objections have been received from residents in properties adjoining the boundaries to the site, and I also note concerns raised by the Planning Authority.

12.4.23. To the west, the site boundary adjoins residential properties at 117 Cork Street (Brabazon House Apartments), lands to the rear of 115, 114 and 113 Cork Street and grounds associated with a garden centre with entrance onto Cork Street. Further to the west there is an apartment block fronting onto Allingham Street.

12.4.24. The proposed development is situated between 11m and 12m (approx.) to the western elevation of Brabazon House where residential windows are located. This separation is reflective of a typical across street distance for many parts of Dublin, and therefore I consider this to be an acceptable arrangement that will not result in undue overlooking to this existing façade. To the north elevation of Brabazon House,

the proposed development is situated between 10m and 13m away in back-to-back and oblique positions. I note that there are limited windows facing north from Brabazon House, and I consider this, coupled with a separation that exceeds 13m in the back-to-back formation or 10m in oblique views, to be an acceptable arrangement that will not result in undue overlooking to this façade.

12.4.25. 115 Cork Street is a commercial property with lands adjoining the application site.

These lands are also indicated by the applicant, to include a right of way passage to the subject site. The proposed development is situated a minimum of 7m (approx.) from the northern boundary with these lands. I do not consider potential overlooking of a commercial property to be harmful. In terms of potential residential use of that site in future, any future development on 115 Cork Street could logically be expected to match the proposed developments separation distance to the boundary. This would result in a hypothetical separation distance of 14m, and as a result, I do not consider the future development potential of this site to be constrained by the proposed development. To the rear of 113 and 114 Cork Street there are industrial warehouse structures, as such there is no existing concern regarding potential overlooking. In relation to the future development potential of these lands, the proposed development does not have a back-to-back arrangement with the boundary here and therefore no constraint upon the future potential of those lands would arise from the application proposal. For the remainder of the western boundary, the proposed development retains a separation distance of approximately 10m to the boundary with the garden centre lands. This separation increases beyond 15m to the Allingham Street apartments further to the west.

12.4.26. To the north, the site bounds apartments on Allingham Street and no.54B John Street South. I note that reference is made by the Planning Authority and the applicant to no. 54 John Street South, however my visit to the site confirmed that it is no.54B that is situated to the north east boundary with the subject site. No.54 John Street South is situated next to no.54B and does not share a boundary with the subject site.

12.4.27. At its closest, the proposed development is situated 4.5m away from the boundary with apartment blocks to the north on Allingham Street. There are 5 upper floors with shared living bedspaces within the proposed development that would be located along this edge of the site. Block 43/45 Allingham Street has a gable end where it is

situated closest to the boundary with the subject site. As a result, there are no existing habitable windows in this elevation. However, to reduce any perceived overlooking from the proposed development here, the applicant proposes the incorporation of additional screening to the windows of 5no. bedspaces over 5 floors (25 windows in the proposed development in this elevation). The 'Obviated Window' incorporates a projecting screen at right angles to the window face, obscuring any direct overlooking from the window in the proposed development. This type of screen would not be appropriate for use in long term housing developments in my view, however I consider its incorporation acceptable given that occupants of shared living developments are expected to reside on a more short-term basis. The screen will reduce any perception that residents in the Allingham Street apartments have of overlooking from these bedspaces, and I consider that there will be no adverse impact upon those residents privacy as a result.

12.4.28. The remainder of windows within the proposed development on this northern elevation, are situated over 18m from the boundary with the Allingham Street apartments. The proposed development also includes a blank façade to the north west corner of the site, a minimum of 1.9m (approx.) from the northern boundary. This sets back at 4<sup>th</sup> floor level (over 5<sup>th</sup> storey) and a green roof is indicated on the submitted plans. There is an access door onto this proposed area, however the plans do not indicate it to be used as a roof terrace area. As such, I consider it appropriate to restrict access to this area by condition. At 5<sup>th</sup> floor level (over 6<sup>th</sup> storey) a roof terrace is shown in the proposed development. This is situated 13m (approx.) north of the boundary with the Brabazon House Apartments and 24m (approx.) south of the boundary with the Allingham Street Apartments. This separation distance is sufficient in my view to prevent undue overlooking from this terrace area; however use of this area should be controlled to prevent disturbance of adjoining residents, and this can be secured by condition.

12.4.29. There are no windows situated in the east elevation of the proposed development that would directly overlook the property or garden of no.54B John Street South. Within the northern elevation of the proposed development, windows are situated between 16m and 17m away from the boundary with no.54B. At ground level, the proposed development incorporates vehicular entrance ramp, gym and new pedestrian link route in this area closest to no.54B. At upper levels, 5 floors of shared



living bedspaces are proposed. While the separation distance of over 16m will serve to reduce overlooking of no.54B and is not atypical of an inner city area, I consider that additional measures should be used to reduce any perceived overlooking of this property. The relationship between the proposed development and this single dwellinghouse differs to that with the adjacent apartment block at Brabazon House. The Brabazon House apartment block is a multi-residential unit development where the existing degree of privacy experienced by residents will be less than that experienced to the rear of a single dwellinghouse and its private garden space. As such, I consider it appropriate to incorporate additional measures to the 3no. bedspaces on each of the 5 floors (15 of the proposed windows in this elevation) that are situated between 16m and 17m to the boundary with no.54B, to decrease any perceived overlooking by the adjacent resident. This can be secured through a condition to change the window designed for these proposed bedspaces, to reflect the same 'Obviated Window' to be used on the north elevation, as described above.

12.4.30. To the east, the site boundary adjoins 2 storey residential dwellings and the land used by the Massey Brothers Funeral home. During my site visit I was able to briefly access the lands adjacent to the subject site and used by Funeral Home. This is also the area that the 2 storey residential dwellings back onto. It was not apparent that any formal rear private garden areas were located here, with the extent of the area dominated by operations for the Funeral Home. The residential dwelling at no. 123 Cork Street has windows looking to the west and north. These windows will not be overlooked by the proposed development which situates a blank gable end closest to that property. Any windows within the proposed development facing towards the neighbouring site to the east are situated approximately 13m from the boundary and given the formation of the building line to the rear of these residential properties, the distance from windows in the proposed development would increase to over 20m to any potential rear amenity areas (albeit, no such areas were observed on my visit).

12.4.31. In relation to the operations of the Funeral Home, I note an objection relating to impacts upon current operations on the site and the future development potential of these adjacent lands. I do not consider that the proposed development will have any significant impact upon current operations at the Funeral Home, given the commercial nature of those operations and the situation of windows in the proposed development set back from the boundary with this adjacent site to the east. The

proposed development has blank gable ends presented on the boundary with this neighbouring site at two locations. There are also windows within the proposed development situated between 12m and 13m (approx.) to the remainder of the eastern boundary with these adjacent lands. As a result, I consider that suitable separation is retained to the boundary. There is also ample opportunity in my view for any future development of the neighbouring site to positively respond to the proposed built form, without undue constraint of development potential.

12.4.32. I note an observation in relation to images in the application, that gave rise to concerns of overlooking onto the rear of properties in John Street South. I have reviewed these images and the drawings in detail. I have fully described the extent of potential overlooking as a result of the proposed development above. These images referred to by the respondent do not show any additional windows onto the rear of properties in John Street South and it is only a perspective image.

12.4.33. Overall, it is my view that the relationship between the proposed development and neighbouring sites is reflective of an inner-city location where built form will be expected in close proximities and where larger scale, high density development is most sustainably located.

#### 12.4.34. Impact During Construction

12.4.35. Representations have been received regarding the potential for adverse impact upon adjacent residents as a result of construction works on the site. An Outline Construction Management Plan has been submitted with the application. Measures for the management of noise and suppression of dust are described and a condition is recommended to secure these arrangements. I note that the DCC Transport Division has raised concerns regarding traffic impact on the local residential streets and QBC during construction.

12.4.36. In relation to construction deliveries and access to the site, a 'pod' construction technic is proposed that involves undertaking extensive construction of the proposed development off site, and subsequently delivering these elements onto site for assembly. This will reduce the number of construction movements and deliveries associated with the proposed development. Measures for the loading of 'pods' from both Cork Street and John Street South are outlined, with recognition of the narrow width of John Street South and consequential impacts upon parking and vehicular

movements on that street. These measures will require agreement with Dublin City Council prior to any development taking place on the site. Whilst the streets to the rear of the site on John Street South and Summer Street are narrow when considering the needs of construction vehicular access, the utilisation of similar streets across Dublin for construction access is common and appropriate arrangements can be put in place to manage construction movements in such areas. There is likely to be disruption to users and occupiers of these streets during the construction of the proposed development, however this will be temporary and incorporate mitigation to limit the degree of disturbance. It would in my view be inappropriate to stifle development opportunity in the city as a result of these temporary, managed, disturbances from construction activities. The application of mitigation measures can be secured through a condition for the submission of a final Construction Management Plan for the proposed development. With the application of these mitigation measures and in consideration of the temporary nature of the construction works, there are no concerns regarding construction impacts (or construction transport impacts) resulting from the proposed development.

#### 12.4.37. North / South Walkway

12.4.38. The proposed development creates a new pedestrian link through the site, adjacent to the eastern boundary and linking Cork Street to John Street South. Third parties and the Planning Authority have raised concern that this area could attract anti-social behaviour and resulting noise and disturbance to residents, particularly at no.54B John Street South where the existing dwellinghouse and rear garden is situated on two boundaries that would adjoin this proposed pedestrian link.

12.4.39. Page 155 of the expired Liberties LAP has a land use map for the area and identifies opportunity for a pedestrian link through part of the site from Cork Street to John Street South. The inclusion of this through route therefore flows from the local planning policy vision for future development for the area, albeit noting that this LAP expired earlier this year. The Planning Authority state that the provision of the pedestrian link is welcomed, raising concerns regarding the management and finish of this area, rather than in relation to the principle of creating the through route itself.

12.4.40. The application documents identify this pedestrian link as publicly accessible with sections of the route bounded by residential amenity gardens for the proposed

development. The proposed route is partially open and partially undercroft in the development. While the proposed surfacing and planting of this area is described, further detail is needed regarding the use of this space. The locating of residential amenity garden spaces for the proposed development along its edge, necessitates subdivision of spaces, that might otherwise form areas where unsupervised congregating could occur along the route. The route itself is designed with a wide access from Cork Street, however this narrows to the rear of the site onto John Street South, creating a more intimate character at the north end. The drawings indicate a gate at the north John Street South end of the route, however a description of this and any management of access through a gate at this end of the route is not included in the application. I question the appropriateness of securing one end of the route only and consider that the undercroft character along sections of the route will create an enclosed, sheltered character. I do not consider that the undercroft character would be unattractive or inappropriate in general, however these features would in my view have the potential to attract congregation in the pedestrian link, which if unsupervised or managed, could result in anti-social behaviour. I therefore share concerns that without proper management, this route could encourage loitering and associated anti-social behaviour. Any anti-social behaviour would be most detrimental to the existing residence at no.54B John Street South which shares a boundary on two sides with the proposed route, as well as on proposed residential occupiers within the development.

12.4.41. I agree with the Planning Authority that the route is a welcome addition that contributes to the planning gain resulting from the proposed development. The link would greatly improve pedestrian access north and south through the area, and onto public transport hubs, open space and wider amenities. The wide and high undercroft opening from Cork Street will be a positive addition to the street, however I consider that the addition of a security gate both here and to the rear of the site onto John Street South, would add to the beneficial potential of the route. This security gate would need to be operated by the proposed development, remaining open during daylight hours (similar to a public park). Management and supervision of the route should also be required, in my view, during daylight hours.

12.4.42. In my opinion, the most appropriate course of action is therefore to obtain further details of the appearance, security and operation of this route, rather than suggest its

removal from the proposed development. These details can be secured by condition and approved in consultation with the Planning Authority Parks and Landscape team.

#### 12.4.43. Noise During Operation of the Development

12.4.44. I note objections raised in relation to the potential for noise disturbance from the ground floor gym and other internal amenity areas, upon surrounding residents. None of the proposed uses would generate potential for unusually high noise activity in my view. I also note that all areas of plant, including substation, are contained within the building fabric and will therefore be insulated within the development structure. As a result, I have no concerns in relation to noise during operation of the development.

#### 12.4.45. Property Values

12.4.46. I note submission of third party representations relating to the impact of the proposed development upon property values in the area. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.

#### 12.4.47. Gentrification of the Liberties Area

12.4.48. I note objections concerning adverse impact upon the character of the liberties and the culture / heritage of the area, as a result of gentrification. Redevelopment of the site is supported in policies under the Dublin City Development Plan and the Planning Authority is supportive of the principle of the development. The development proposal relates to a confined site and does not comprise large scale regeneration of the area. As a result, I do not consider that significant alteration of the overall character of the Liberties area would be a consequence of this development. Impacts will be confined to the more immediate areas surrounding the site and I consider these impacts to be acceptable (as outlined above and below) or indeed positive, with the replacement of the existing derelict structures on the site which currently detract from the visual appearance of the area.

12.4.49. I note concerns raised about the affordability of accommodation in the area and that local people in the area are leaving as a result. Shared Accommodation development flows from National Planning Policy objectives that seek to address the housing crisis. The proposed development is formed of housing that is needed in the area, as

evidenced by the applicant and assessed above. It required under planning policy that this confined site address all accommodation needs in the area, including any lack of affordable family housing as suggested by respondents. The Dublin City Development Plan describes the approach to housing delivery and forms the overarching plan for the area. The proposed development accords with policy QH6 of the Development Plan in relation to the provision of a variety of housing typologies and tenures contributing to the creation of sustainable communities.

## 12.5. Proposed Residential Standards

- 12.5.1. I note objections received regarding the quality of accommodation proposed. Specifically, in relation to a concerns about overcrowding on the site and the consequences of relying upon shared facilities. I also note the Planning Authorities concerns regarding the quantum of shared facilities/amenities, the locating of bedspaces at basement level and the overshadowing of communal areas.
- 12.5.2. SPPR 9 of the Apartment Guidelines states that different standards of accommodation apply to shared living developments, compared to what would ordinarily be expected in general needs housing. This includes, no restriction on dwelling mix; the replacement of floorspace standards with tables 5a and 5b of the guidelines; flexibility in relation to the provision of storage and amenity space; and minimal car parking provision. It is clear in the Apartment Guidelines that shared living is considered a short term housing option, with an emphasis on the quality of communal facilities / services in the proposed development. With this in mind, I have described my assessment of the proposed residential accommodation below, and in accordance with the requirements of the Apartment Guidelines.
- 12.5.3. Daylight, Sunlight and Overshadowing
- 12.5.4. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the development against BRE guidelines in relation to daylight and sunlight. The analysis is for a selection of bedspaces and communal kitchen/living/dining rooms at basement, ground and first floor levels as representative of all 'unit' types within the development. The assertion being that if these units pass, it can be logically assumed that all other units will also pass. The analysis has excluded kitchen areas from the results where these are located in the far side of a room away from a window, defaulting to a 1.5% ADF value in these

cases for the remaining living space. The report notes these kitchens as '*completely internal and therefore not serviced by a window*'. Based on this approach, the report demonstrates that all units comply with BRE minimum target daylight levels.

- 12.5.5. I note that the BRE guidelines allow applicants to agree to the use of a 1.5% ADF value for galley kitchens as long as these are immediately attached to a well daylight living room. My interpretation of this is that the normal ADF target of 2% ADF is reduced for the kitchen area and that the attached living area would either meet or exceed a minimum 1.5% ADF. However, the applicant has removed the kitchen space from the assessment entirely, which would not flow from the methodology described in the BRE Guidelines in my view. I also note that the submitted drawings do not show these kitchen areas as enclosed, and these areas are shown as open plan kitchen/living/dining spaces, and therefore I do not follow the applicant's approach at removing these spaces from the assessment. Indeed, contrary to the assertion in the submitted report, these kitchens are served by a window, but that window is situated closest to the living part of the space, rather than the kitchen area. The presentation of only a selected number of units is also problematic, as there is ambiguity surrounding whether all units would in fact pass target BRE levels. In my view, a more appropriate approach would be the presentation of results to all units on a floor, until it can be demonstrated that all units pass, at which point it can be logically assumed units above will also pass.
- 12.5.6. Notwithstanding the points I make above, the results presented do indicate a good quality of daylight to the selected units in the development generally. As ADF levels exceed target BRE levels across the vast majority of the proposed development, particularly above basement level, I consider it probable that the remainder of units would also meet BRE target levels as a minimum. This is likely reflective of the existing conditions surrounding the site, and set backs to boundaries incorporated in the proposed development.
- 12.5.7. In relation to the basement accommodation, I note the Planning Authority concerns regarding the quality of this units. The proposed development includes a 3m wide lightwell to these rooms and the ADF analysis suggests acceptable daylight conditions. However, I concur with the Planning Authority that the locating of bedspaces at basement level will result in a poor standard of accommodation,

beyond a purely numerical expression of daylight level, and I consider this further below.

12.5.8. I also note the Planning Authority comments in relation to the single aspect design of the units proposed and high number of north facing units. In my view, this is a consequence of the type of accommodation proposed. The provision of contained bedspaces does not lend itself to the incorporation of dual aspects, and it is inevitable that within a proposed development that faces north, these bedspaces will have a single aspect north aspect. However, this is acceptable in my view, considering the short term nature of the accommodation and the focus in the Apartment Guidelines upon the quality of shared / communal facilities within the development. These facilities are discussed further below.

12.5.9. Overall, I am satisfied that the proposed development represents a satisfactory standard of accommodation in terms of daylight access to units, given the short-term character of the intended occupation of these spaces. This is notwithstanding concerns regarding the overall quality of the proposed bedspaces at basement level, which I consider further below.

#### 12.5.10. Resident Facilities

12.5.11. I note a number of objections received regarding the quality of the proposed accommodation. These objections centralize around the reliance on communal spaces and small sized bedrooms within the development. Observers raise this in the context of the current Covid-19 pandemic, and problems that could occur attempting to socially distance or isolate while occupying the proposed development. I also note concerns raised by the Planning Authority in relation to the provision of basement accommodation, the lack of resident space / facilities and the lack of Private Open Space for all rooms. I address these matters further as part of my assessment below.

12.5.12. There are 19 bedspaces proposed at basement level and I agree with the Planning Authority that the position at basement level would compromise the quality of the accommodation there. While the width of the lightwell is generous, the bedspaces are situated immediately adjacent to external communal amenity and circulation areas, and therefore the level of overlooking and disturbance would be significant. Any increase in screening would further compromise light levels to the basement units. I also note that a communal kitchen/living/dining area at this level is shown with a



window without a lightwell area (no. B-32). Overall I consider the locating of bedspaces at basement level to be unacceptable.

- 12.5.13. In relation to the proposed floorspace, I note the provisions of SPPR 9 of the Apartment Guidelines, which asks shared living accommodation to conform with the minimum standards described in Tables 5a and 5b on page 31 of the Guidelines. The proposed development includes bedspaces between 16.8sqm and 36sqm, with the size variation determined by level of occupancy (single / double) or if the room is accessible (there are 8 no. accessible rooms proposed). This significantly exceeds the minimum requirements set out in Table 5a of the Guidelines of 12sqm for single and 18sqm for double/twin rooms. However, the standards described for communal living areas (kitchen/living/dining rooms) is described upon the basis of “*one format of shared accommodation*” in the Guidelines, and this is not the format followed by the proposed development.
- 12.5.14. The Guidelines state that “*shared accommodation formats may be proposed other than the format outlined in paragraph 5.15*” which relates to a cluster formation of 2-6 bedrooms. The communal minimum floorspace areas are set out in the Guidelines at Table 5b is 8sqm per person in beds 1-3 and 4sqm of each additional person in beds 4-6. On this basis, the Guidelines could be interpreted as suggesting provision of around 5sqm or 6sqm of communal kitchen/living/dining floorspace per person in a scheme, with one communal space per 6 bedspaces.
- 12.5.15. The proposed development includes either 2 or 4 communal kitchen/living/dining spaces per floor, depending upon the number of bedspaces on that floor. The number of bedspaces vary in the proposed development between 19 and 74 per floor. As a result, the formation of the proposed development does not directly correspond to the Guidelines, and in the proposed development, the applicant describes an average of 3.8sqm of communal kitchen/living/dining space provided per a person in the proposed development. The applicant also refers to the Board decision on the Eblana Avenue application (SHD ABP Ref.304249-19) as a precedent development in relation to the approach taken for the proposed development. It is stated that the granted scheme at Eblana Avenue, provided an average of 2.8 sq. m per bedspace, which is less than the proposed development.

12.5.16. As indicated above, it is my view that the Guidelines acknowledge that different formats of shared accommodation can be proposed. It is also clear that a different approach to the provision of communal kitchen/living/dining space has been accepted by the Board in the decisions on the Eblana Avenue scheme, as well as more recently in Brady's Public House (SHD ABP Ref.307976-20). This more recent decision included a condition to increase the level of communal kitchen/living/dining space, as well as resident facilities, through the replacement of bedspaces originally included at basement level in that scheme and I consider that a similar approach should be taken for this current proposed application.

12.5.17. SPPR 7 of the Apartment Guidelines describes that resident support facilities, services and amenities that should be included within Build-to-Rent (including shared accommodation) schemes. In this context, the applicant has described the proposed development as incorporating the following spaces:

- Reception / Shared Communal 123sqm;
- Café / Communal Lounge 156sqm;
- Communal Lounge / Social Room 302sqm;
- Communal Multipurpose Room 24sqm;
- Communal Private Function Room 43sqm;
- Communal Cinema and Yoga Space 61sqm;
- Laundry 45sqm;
- Concierge / Post Room 10sqm;
- Staff Office / Management Suite 44sqm;
- Refuse Store 69sqm; and
- Gym 77sqm.

12.5.18. I also note that the proposed ground floor café will provide additional residential amenity.

12.5.19. Given the scale of the development (397 bedspaces), I do not consider the provision of a total 729sqm of internal resident amenities, facilities and services as particularly generous (my calculation discounts the refuse storage areas, as their provision is

operationally essential). However, in addition to the spaces listed above, I note two workspace areas and library room included on the ground floor plan that would further increase the quantum of internal amenities. Even with these additional workspaces and library, I consider that there is opportunity to improve the provision of residential amenities, facilities and services in the proposed development. Particularly in relation to the provision of workspaces, that could be utilised for home working and leisure uses, with the provision of additional areas negating the need to share a space for both cinema and yoga use, as is currently proposed.

12.5.20. As a result of the above considerations relating to the provision of communal kitchen/living/dining rooms and amenities, facilities and services within the proposed development; alongside consideration of the poor quality of accommodation proposed at basement level; it is in my view appropriate to replace these basement level bedspaces with additional kitchen/living/dining rooms and amenities, facilities and services floorspace. I have included a condition within my recommended draft order describing the same.

12.5.21. I note objections relating to the reliance on communal spaces within the development over larger individual units, however it is the nature of shared living accommodation that it should appear in this form. The alternative would be corresponding to general needs housing in the form of apartments and this does not form part of the current proposal. I have already described the need and rationale for the provision of shared accommodation on this site in my assessment above. I acknowledge concerns relating to the compatibility of this form of accommodation with the needs of social distancing and isolation during a pandemic. The issue of social distancing and the current covid-19 pandemic is a matter for HSE guidance in terms of the operation of these buildings, similar to student accommodation, tourist or leisure facilities or office accommodation. It may be argued that the provision of such managed shared accommodation better facilitates social distancing and cleanliness of communal areas when compared with multiple occupants/ households sharing a traditional house. In any event, I am satisfied that this issue does not warrant amendment or alteration to my consideration of the appropriateness of this use. It is my view that with the further increase in kitchen/living/dining rooms and amenities, facilities and services floorspace in the proposed development, there will be ample space to fulfil the occupation requirements of residents. In addition, the provision of

additional workspace areas will be particularly conducive to increased working from home requirements that are expected to follow the pandemic.

12.5.22. I note the Planning Authority concern that the scheme does not include any private external amenity spaces for future occupiers. SPPR 8 of the Apartment Guidelines describes the flexibility that should be applied to the assessment of Build-to-Rent (including shared accommodation) schemes. This includes in relation to the provision of private amenity space. The inclusion of private amenity space such as terraces or balconies is not generally expected in shared living accommodation, as the emphasis for this form of accommodation is upon the communal amenity areas. There is no planning policy requirement for the provision of private amenity space in a shared living scheme and I see no reason why this particular development would be expected to incorporate balconies to bedspaces. As such, I do not concur with the Planning Authority's reservation in relation to this matter and accept that the proposed development relies upon the provision of communal external amenity, which I assess in more detail below.

#### 12.5.23. Communal Open Space

12.5.24. The Planning Authority has raised concerns regarding the design and quality of the proposed communal open space and the provision of public open space in the development.

12.5.25. In relation to public open space, I note that the Planning Authority suggest an in lieu payment for this if provision is not included on site and it is stated that Dublin 8 lacks public open space currently. I also note an objection relating to the lack of green spaces in the area. The applicant has submitted a Landscape Design and Access Statement. This describes the publicly accessible external areas that form part of the development. There is some contradiction between the images on page 10 and 11 which indicate both resident amenity gardens and public access in the same area. Notwithstanding this, it is clear that the key public offering in terms of external space, constitutes the public link through the site. This would not meet the Planning Authority's request for public open space as it forms a circulation route rather than fulfilling the need for sitting and leisure activities that public open space would be normally be expect to deliver. For the reasons I have already outlined above in relation to the use of the pedestrian link, I have suggested that a revised plan for the

pedestrian link be submitted and this will provide opportunity for the Planning Authority to agree an appropriate landscape design for this space. I also note that opposite the site on the south side of Cork Street, Weaver Park includes an open space area with public access, incorporating lawn areas, a playground and skate park. Oscar Square is also located further south of the site. Therefore, while Dublin 8 may in general experience a deficiency in public open space, the vicinity around the subject site is in my view, adequately served. The lack of additional public open space as part of the proposed development will therefore not be detrimental and the provision of the new pedestrian link is sufficient benefit to compensate for the lack of public open space in my view.

12.5.26. In relation to the design and quality of communal open space proposed for residents, this is formed of ground level areas around the building and balconies on each floor above ground, with an additional roof terrace on the 5<sup>th</sup> floor. A total of 249sqm is provided in the form of balconies and roof terrace area. There are balconies (15sqm in size on the 1<sup>st</sup>-5<sup>th</sup> floor, with 30sqm at 6<sup>th</sup> floor level) that are located on each floor at the front of the building onto Cork Street, and adjoin a south facing communal kitchen/living/dining area. While the larger roof terrace area (144sqm) is located more centrally and to the rear of the site. The distribution of these areas will afford suitable access to an elevated external amenity space by all residents and I consider this to be an acceptable approach to communal external shared amenity space in this shared living scheme. I note that the Planning Authority request the increase in roof terrace area to compensate for the poor condition of the ground floor external amenity areas. I agree that there is opportunity to increase the size of the roof terrace, without increased overlooking of adjacent areas, and I therefore include a condition requiring revised details of the same.

12.5.27. In relation to the ground level communal space, this is more compromised. The submitted Daylight and Sunlight Report with the application assesses the ground level external amenity gardens and roof terrace at 5<sup>th</sup> floor level. The balconies are not included in the assessment, but as these are south facing, I consider that these areas will achieve good sunlight levels. The roof terrace at 5<sup>th</sup> floor level is demonstrated by the applicant to be received in excess of BRE target level for sunlight, however most of the ground level areas will not achieve a minimum of 2 hours sunlight over 50% of the area on the 21<sup>st</sup> March. In light of the excellent access to

sunlight in the raised communal external amenity spaces, I do not consider the poor sunlight levels for the ground level spaces to be significant. With the increased size of the roof terrace area, I consider that this will secure ample provision for well sunlit external amenity areas in the proposed development, thus further mitigating the more overshadowed conditions in the external ground level amenity areas.

12.5.28. In relation to the proposed landscaping of the communal ground level spaces, this is currently poor quality in my view, and I concur with the Planning Authority's concerns in this regard. The ground level amenity areas are dominated by circulation, with hard surface paths forming the predominate character of the spaces. Provision for seating and other external furniture or sport equipment to encourage the use of these spaces is unclear and overall the landscape design at ground level lacks purpose or a clear delineation of spaces. Therefore, I consider it appropriate to request revised details for the landscaping of this area from the applicant, by way of condition. With a revised landscape design to be agreed with the Planning Authority, I am content that the communal external open spaces proposed in the development are acceptable.

12.5.29. I note concerns raised by third parties regarding the high level of surveillance and monitoring that will be required of residents in the proposed development. I do not consider that the necessary management arrangements for Shared Accommodation developments amount to undue levels of surveillance or monitoring, and therefore have no concerns regarding the proposed development in this regard.

## **12.6. Traffic and Transport**

12.6.1. A Traffic and Transport Assessment has been submitted with the application. This assesses the impact of the proposed development on the surrounding road and transportation network. The assessment concludes that a minimal number of car trips will be associated with the proposed development and therefore impact upon the road network will be minimal. This is because the proposed development does not include car parking for future residents, with the exception of a single accessible bay and 2 motorcycle bays. Future residents will rely upon sustainable transport modes and therefore the surrounding road network will experience minimal impact in terms of vehicular movements. A loading bay is proposed to be facilitated on Cork Street and will accommodate deliveries to the site. This will be accommodated through the reassignment of parking bays adjacent to the site and requires

agreement with DCC Traffic Advisory Group. It is situated outside the redline boundary for the site, but a condition can be used to request final details of the loading arrangements for the development.

#### 12.6.2. Vehicular Movement and Car Parking Provision

12.6.3. I note objections relating to the lack of proposed car parking, related potential for overspill parking in surrounding streets and the insufficient carrying capacity on surrounding streets for the development. Vehicular access to the basement is from John Street South and will facilitate access to the single accessible bay, 2 motorcycle bays, cycle parking and servicing for the development. The Operational Waste Management Plan submitted with the application indicates that refuse collection will take place from John Street south and Summer Street with a management company responsible for bringing the refuse bins out for collection.

12.6.4. The Transport Division at the Planning Authority has requested a number of conditions to gain further detail around access/service arrangements for the site, as well as impact upon the QBC and I have included these in my recommended draft order. Car parking provision has been minimised in accordance with the Apartment Guidelines and this approach is acceptable in my opinion, in an area with excellent public transport accessibility as well as being in close walking distance to the city centre. I do not expect significant levels of overspill parking to result from the development given the highly accessible character of the site. Overall, I have no significant concerns regarding vehicular movements or parking provision as part of the proposed development.

#### 12.6.5. Cycle Parking

12.6.6. In relation to cycle parking, 344 no. spaces are proposed. DCC's Transport Division has raised concern at the low level of cycle parking provision, requesting this be uplifted to 1 space per bedroom and that spaces for staff and visitors also be provided separately. I also note objections relating to the low level of cycle parking and that cycling infrastructure in the area is insufficient and unsafe.

12.6.7. Given the lack of car parking, I would expect that provision for cycle parking would be maximised to provide adequate compensatory provision. I note existing GoCar provision in the area which might be relied upon by residents, but I consider the target occupier for this type of development to be very likely to use a pedal bike as

their primary private transport means. In any event, I am satisfied that demand for additional go-car (type) usage can be accommodated, and will be market driven. As a minimum, I would expect a space to be provided for each bedspace proposed (noting that 6 rooms are double occupancy). This increase in cycle parking provision can be accommodated within the basement level, with the replacement of the bedspaces there with resident communal facilities as discussed in detail above. Ample space exists with the removal of these units at basement level to accommodate a range of additional residential communal spaces, amenities and facilities. Space for staff and visitors can be adequately accommodated at ground level in my opinion and should form part of the revised landscape plan for the scheme. Conditions are included in my recommended order below requiring the same.

12.6.8. In relation to the adequacy of existing cycle infrastructure in surrounding streets, I consider this to be in keeping with the general state of such provision in the city. The site is not particularly well served but no evidence that conditions are dangerous for cyclists has been presented. Overall, I consider the reliance upon cycle transport in the proposed development to represent an appropriate and sustainable approach.

#### 12.6.9. Public Transport

12.6.10. The proposed development is accessible to a range of public transport facilities, including buses and Luas services. No concerns have been raised by either the Planning Authority, and no response has been received from the NTA or TIF, regarding capacity of the public transport network to support the future population of the development. I note that the DCC Transport Division request conditions requiring further details of alterations to roads serving the QBC, and I have included this in the draft recommended order. Overall, I am content that the proposed development is acceptable in relation to public transport.

### 12.7. **Material Contravention**

12.7.1. The applicant has submitted a Statement of Material Contravention Statement with the application. The public notices make reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). There is one issue raised in the applicant's Material Contravention statement, it relates to building height.



- 12.7.2. I have considered the issue raised in the applicants submitted statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).
- 12.7.3. I draw the Boards attention to the height of the proposed development which exceeds the DCP height strategy for this area of 24m for residential development, while the proposed development has a maximum height of approximately 25.6m (7 storeys). I note that the applicant states that the maximum height is 24.72m in their Statement of Material Contravention, however I have scaled from the submitted drawings and consider the maximum height to be 25.6m where the proposed development reaches its maximum height in the central section onto Cork Street.
- 12.7.4. I have considered the Statement of Material Contravention submitted with the application which describes the justification for the proposed height. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities. Particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the street, the avoidance of uninterrupted walls, contribution to public spaces, compliance with flood risk management guidelines and improvement of legibility. In addition, I have had regard to the quantitative performance of the proposed development against the daylight and sunlight provisions of the BRE criteria. My assessment has provided a complete appraisal of impacts in this regard and described the balance in that assessment that is required for an inner-city site such as the proposal site. My assessment of the development against the section 3.2 criteria in the Building Height Guidelines is set out in detail in section 12.3 above, including related assessments in section 12.4, 12.5 and 12.10 of this report. Specific assessments have also been provided to assist my evaluation of the proposal, specifically an Architectural Design Statement, Photomontages, Material and Finishes Report, Architectural Heritage Impact Assessment, and Bat Report. I note that a microclimate assessment is not required for a development of this scale.
- 12.7.5. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant a permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the

circumstances when the Board may grant permission in accordance with section 37(2)(a).

- 12.7.6. Under section 37(2)(b) (i) the proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.
- 12.7.7. Under section 37(2)(b)(iii) permission for the development should be granted having regard to the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy 2019-2031, which seeks to increase densities on appropriate sites within Dublin City and Suburbs. In addition, permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines. I refer the Board to section 12.3 and other related sections of this report (12.4, 12.5 and 12.10), that address these criteria in detail.
- 12.7.8. Under section 37(2)(b) (iv) in relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, the Planning Authority and Board have previously approved 7 storey (plus) developments in the vicinity of this site. As such precedent for residential buildings higher than the prescribed DCP height strategy of 24m currently exist and have been established in the area.
- 12.7.9. Following reflection of the above, I am satisfied that a grant of permission, that may be considered to materially contravene the Dublin City Development Plan is justified in this instance. I have incorporated specific reasoning and justification having regard

to s.37(2)(b) of the 2000 Act (as amended) into the Conclusion and Recommended Order for the Board's consideration at the end of this report.

## 12.8. Planning Authority Concerns

12.8.1. The Chief Executive Report submitted by the Planning Authority for the application sets out the following conclusion:

*“In conclusion the Planning Authority has serious concerns regarding the proposal having regard to the insufficient quality of communal open space, the substandard units at basement level with poor residential amenity, the number of units per floor to the ratio of communal rooms, and lack of adequate supporting facilities per floor, and also potential overlooking issues to residents at Brabazon House, and finally the lack of sufficient details of the public walkway in terms of its maintenance and security. As this laneway will not be taken in charge by Dublin City Council, suitable conditions safeguarding public access and use should form part of any grant of planning permission.”*

12.8.2. The Planning Authority then recommends that if permission is to be granted, a number of conditions should be attached.

12.8.3. I have considered the Planning Authority concerns in detail and addressed these throughout my assessment above. In relation to the concerns raised concerning the insufficient quality of communal open space, I have assessed this in detail from paragraph 12.5.23 above. In relation to the substandard units at basement level, I concur with the Planning Authority's view that the accommodation will be unacceptable, however I do not necessarily consider that these units would have poor daylight as suggested by the Authority. I have provided a detailed assessment of this in section 12.5 of this report above. I have also included related conditions in relation to both of these matters seeking revised details.

12.8.4. In relation to the lack of adequate supporting facilities per floor and the number of units per floor to the ratio of communal rooms, I have assessed the proposed quality of accommodation in section 12.5 above. I do not consider that the number of units per a floor is inappropriate given the size of the site and the proposed floorplate which covers an extensive area. I am also content that the form of accommodation is in accordance with the Apartment Guidelines, which allows for different typologies. While the communal kitchen/living/dining area space provided per a resident might

be considered low, the larger size of individual rooms when compared to minimum standards in the guidelines provides some compensation for this. I have also suggested that the basement level be utilised for additional communal facilities / amenities (in agreement with the Planning Authority) that will further improve the quality of the accommodation proposed. With this in place, I am content that the ratio of bedspaces to communal spaces per a floor is acceptable. This is in light of suitable access to communal facilities and amenities elsewhere in the building, including external amenity areas.

12.8.5. In relation to the potential overlooking issues to residents at Brabazon House, I have assessed this in detail from paragraph 12.4.21 above, and conclude that the separation distance is adequate and reflective of a typical across street distance that can be found in other parts of the City. In relation to the lack of sufficient details of the public walkway in terms of its maintenance and security, I have assessed this in detail from paragraph 12.4.37 above and concur with the Planning Authority's concerns relating to this. As a result, a condition is included in my draft recommended opinion to secure revised details.

## 12.9. **Screening for Environmental Impact and Appropriate Assessment**

### 12.9.1. Environmental Impact Assessment

12.9.2. The application is accompanied by an EIA Screening report which has regard to Schedule 7A of the regulations. I have completed a screening assessment as set out in Appendix A, and recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. The conclusion of this assessment is as follows:

12.9.3. Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the location of the site on lands Zoning Objective Z4 – District Centre, 'To provide for and improve mixed-service facilities' where residential is specified as a permissible use, and Zoning Objective Z10 – Inner Suburban and Inner City

Sustainable Mixed-Uses, 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office / retail / residential the predominant uses in inner city areas', in the Dublin City Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan,

(c) The existing use on the site and pattern of development in surrounding area;

(d) The availability of mains water and wastewater services to serve the proposed development,

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(f) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Management Plan, The Construction and Demolition Waste management Plan, the Engineering Assessment Report, the Flood Risk Assessment, and the Operational Waste Management Plan.

12.9.4. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

12.9.5. Appropriate Assessment

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

12.9.7. *The Project and Its Characteristics:*

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

*12.9.9. The European Sites Likely to be Affected - Stage I Screening:*

12.9.10. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity predominantly comprise residential and commercial along with transport arteries. The River Poddle flows in the area and is formed of a short largely culverted watercourse, it flows into the River Liffey to the north of the site.

12.9.11. I have had regard to the submitted Appropriate Assessment (AA) Screening Report, which identifies that the site is not located within or directly adjacent to any Natura 2000 areas, however surface water and wastewater pathways ultimately lead to Dublin Bay and water supply for the development will originate from a reservoir. The report therefore identifies the following Natura 2000 sites as being located sufficiently proximate or linked to the site to require consideration of potential effects.

- North Dublin Bay cSAC (0206);
- South Dublin Bay cSAC (0210);
- South Dublin Bay and River Tolka Estuary SPA (4024);
- North Bull Island SPA (4006);
- Poulaphouca Reservoir.

12.9.12. The qualifying interests of the above sites are listed in Table 12.1 below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)).

Table 12.1 Natura 2000 Sites Qualifying Interests

<b>Site (site code)</b>	<b>Distance from site (approx.)</b>	<b>Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)</b>
North Dublin Bay cSAC (0206)	4.5km	Mudflats and sandflats not covered by seawater at low tide (1140)

		<p>Annual vegetation of drift lines (1210)</p> <p>Salicornia and other annuals colonizing mud and sand (1320)</p> <p>Atlantic salt meadows (1410)</p> <p>Mediterranean salt meadows (1410)</p> <p>Embryonic shifting dunes (2110)</p> <p>Shifting dunes along the shoreline with Ammophila Arenaria (white dunes) (2120)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130)</p> <p>Humid dune slacks (2190)</p> <p>Petalophyllum ralfsii (Petalwort) (1395)</p>
North Bull Island SPA (4006)	4.5km	<p>Light-bellied Brent Goose (Branta bernicla hrota)</p> <p>Sheduck (Tadorna tadorna)</p> <p>Teal (Anas crecca)</p> <p>Pintail (Anas acuta)</p> <p>Shoveler (Anas clypeata)</p> <p>Oystercatcher (Haematopus ostralegus)</p> <p>Golden Plover (Pluvialis apricaria)</p> <p>Grey Plover (Pluvialis squatarola)</p> <p>Knot (Calidris canutus)</p> <p>Sanderling (Calidris alba)</p> <p>Dunlin (Calidris alpina)</p> <p>Black-tailed Godwit (Limosa limosa)</p> <p>Bar-tailed Godwit (Limosa lapponica)</p>

		<p>Curlew (<i>Numenius arquata</i>)</p> <p>Redshank (<i>Tringa tetanus</i>)</p> <p>Turnstone (<i>Arenaria interpres</i>)</p> <p>Black-headed Gull (<i>Larus ridibundus</i>)</p> <p>Wetlands and Waterbirds</p>
South Dublin Bay cSAC (0210)	4.5km	<p>Mudflats and sandflats not covered by seawater at low tide (1140)</p> <p>Annual vegetation of drift lines (1210)</p> <p>Salicornia and other annuals colonising mud and sand (1310)</p> <p>Embryonic shifting dunes (2110)</p>
South Dublin Bay / Tolka Estuary SPA (4024)	4.5km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Redshank (<i>Tringa tetanus</i>)</p> <p>Black-headed Gull (<i>Larus ridibundus</i>)</p> <p>Roseate Tern (<i>Sterna dougallii</i>)</p> <p>Common Tern (<i>Sterna hirundo</i>)</p> <p>Arctic Tern (<i>Sterna paradisaea</i>)</p> <p>Wetland and Waterbirds</p>



- 12.9.13. Table 12.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for each SAC / SPA area.
- 12.9.14. *Potential Effects on Designated Sites:*
- 12.9.15. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'.
- 12.9.16. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013), the North Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There is no objective in relation to water quality.
- 12.9.17. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA (NPWS, 2015a & b) the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space.
- 12.9.18. The site is approximately 4.5km from the boundary of the closest Natura 2000 areas within Dublin Bay. In reality however, this distance is likely to be greater when following the hydrological pathway through the drainage network. There is no direct pathway to Dublin Bay / Tolka Estuary from the site, however indirect connection may exist via wastewater and surface water run-off. Because of the distance separating the site and the SPAs/SACs noted above, including the distance to hydrological pathways (rivers / canal), there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs.
- 12.9.19. I note the comments received from Inland Fisheries Ireland regarding the location of the site in the catchment of the Liffey system, which supports Atlantic Salmon, a species listed under Annex II and V of the EU Habitats Directive, in addition to other species. Comments include reference to mitigation measures to prevent deleterious material entering the surface water drainage system during construction. A Construction and Demolition Waste Management Plan has also been submitted with the application and describes the incorporation of best practise measures during works on the site. This includes standard operational procedures to control the possibility of potential pollutants exiting the site during construction. These measures are not designed or intended specifically to mitigate any putative potential effect on a

Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a site whether or not they were explicitly required by the terms or conditions of a planning permission.

12.9.20. During the operational phase of the development, the main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, attenuation and SuDS are incorporated into the scheme to ensure no negative impact to the quality or quantity of run off to the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any Natura 2000 site. In terms of pollution arising from wastewater discharge, it is detailed that additional loading to the Ringsend Wastewater Treatment Plant arising from the development is not considered to be significant having regard to the fact that there is no evidence that pollution through nutrient input is affecting the conservation objectives of Natura 2000 sites in Dublin Bay and furthermore, that the upgrading works at the plant will address future capacity.

12.9.21. There is no evidence that abstraction is resulting in negative ecological effects to the Poulaphouca Reservoir SPA and there are no effects which can occur due to abstraction of freshwater. Japanese Knotweed is present on the site and is an alien invasive species, and is being appropriately treated on the site. It does not pose a threat to any Natura 2000 sites. There are no pathways to Natura sites and no significant effects can occur.

12.9.22. *In Combination or Cumulative Effects:*

12.9.23. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the Dublin City Council Development Plan 2016-2022. This has been subject to AA by the planning authority, which

concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

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

*12.9.25. AA Screening Conclusion:*

12.9.26. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

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

## **12.10. Other Issues**

### **12.10.1. Archaeology**

An Archaeological Test Trenching and Impact Statement has been submitted with the application. The report findings outline that 19<sup>th</sup> century sub-surface masonry features (associated with a wall) exist in the north eastern part of the site. In addition, there are 19<sup>th</sup> Century cobbled surfaces and land drains associated with external yard areas on the site. A culvert associated with the Commons Water was also identified and whether there are remains of an 18<sup>th</sup> Century tannery is

inconclusive. DCC Archaeology and the Minister for Culture, Heritage and the Gaeltacht have recommended that conditions be attached to any planning permission for the development concerning archaeology, however no objections were raised to the development. I have no concerns regarding archaeological impact from the proposed development with the attachment of the recommended conditions, and my draft recommended order reflects this.

#### 12.10.2. Invasive Plant Species

12.10.3. The Minister for Culture, Heritage and the Gaeltacht notes the existence of invasive plant species on the site and recommends conditions securing their safe removal. An Invasive Alien Plant Species: Site Assessment Report and Management Plan has been submitted with the application. This report includes a survey of the site, recording the location of Japanese Knotweed or its potential spread in numerous parts of the site. Recommendations are then included regarding clearance of the site. I have included a condition in my draft recommended order that will secure procedures surrounding the safe removal of this invasive plant species from the site.

#### 12.10.4. Bats

12.10.5. The existing site condition is largely hardscaped with a number of vacant buildings in poor condition. A Bat Roost Assessment and Survey Report (September 2020) has been submitted with the application. This describes inspections carried out on the site to determine roost or emergence/re-entry activity, with surveys undertaken in July 2020. A desktop survey was also undertaken to determine bat activity or roost within 500m of the site. The report concludes that no bats were recorded emerging or entering any building on site and very low levels of bat activity were recorded. As a result, there is unlikely to be any bats roosting on the site and I concur with these findings. The report describes actions that would be deployed in the event that a bat was discovered during demolition, with works ceasing and attendance by a licenced bat ecologist. These recommendations can be secured by condition, and I have included a condition concerning the same in my draft recommended order below.

#### 12.10.6. Flood Risk

12.10.7. A Flood Risk Assessment has been submitted with the application, describing potential flood risk on the site. All forms of flood risk can be appropriately mitigated against, with the incorporation of a range of measures in the proposed development

design. DCC Drainage Division have indicated that there are no objections to the development with incorporation of the recommended mitigation measures in the Flood Risk Assessment. I consider that the proposed development is acceptable in terms of flood risk management and prevention. I have included conditions to secure appropriate mitigation measures in my draft recommended order below.

## 13.0 Conclusion and Recommendation

- 13.1. The proposed demolition of buildings and construction of the Build-to-Rent (BTR) Shared Accommodation residential development is acceptable in principle on this site, having regard to the relevant Z4 and Z10 zoning in the Dublin City Development Plan 2016-2022, where residential is a permissible use. The inclusion of a publicly accessible café at ground floor onto Cork Street, will also in my view fulfil the mixed use objective for Z4 and Z10 lands. The proposed BTR Shared Accommodation (or Co-Living) housing type fulfils a distinct housing need which flows from the Rebuilding Ireland – ‘Action Plan for Housing and Homelessness’ issued in July 2016, providing greater choice for people in the rental sector, and it is a form of residential use provided for under the Apartment Guidelines. I consider that the provision of Shared Accommodation can be sustainably supported on this inner-city site, within walking and cycling distance of surrounding employment and institutions. The provision of increased height and higher density residential development at this location is also desirable in my view, with regard to its central / accessible location and proximity to high frequency transport services and surrounding infrastructure. The height, bulk and massing, detailed design and layout of the scheme are acceptable and will improve the streetscape appearance.
- 13.2. I am also satisfied that with the incorporation of conditions, the development would not have any significant adverse impacts on the amenities of the surrounding area, and future occupiers of the scheme will also benefit from an acceptable standard of amenity. The minimisation of car parking is also acceptable on this site which is in an inner-city location and highly accessible to public transport and walking distance to the city centre. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

13.3. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

## 14.0 Recommended Order

### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Dublin City Council**

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 14<sup>th</sup> Day of September 2020 by Alphabet ABC Properties Limited care of Thornton O'Connor Town Planning.

#### **Proposed Development:**

- The demolition of all existing buildings on the subject site (2,243sqm) and construction of a part 4 no. to part 7 no. storey over basement Build-to-Rent Shared Living Residential Development;
- 397 no. bedspaces (377 no. single occupancy rooms, 8 no. single occupancy accessible rooms and 6 no. double occupancy rooms) with circulation cores, providing a Gross Floor Space of 14,047sqm (plus ancillary basement of 513sqm);
- The Gross Floor Space of the scheme above ground is 13,224sqm over a basement of 1,336sqm;
- The development includes provision of a café 156sqm at ground floor level, communal kitchen/living/dining rooms at each floor level to serve the residents of each floor, communal residential amenity space at ground floor level including the provision of a reception/shared communal area, a communal lounge/social room, a multipurpose room, a private function room, a cinema and yoga space, a gymnasium and a library and workspaces, resident support

facilities including a laundry, a concierge / post room, accessible toilets at ground floor level, a staff room and a bin store;

- Landscape amenity gardens and external facing balcony/terrace areas;
- New pedestrian connection between Cork Street and John Street South along the eastern boundary;
- 1 no. accessible car parking space, 2 motor cycle spaces, bicycle parking, ESB substation and switchroom, boundary treatments, green roofs, PV panels, hard and soft landscaping, plant, lighting and all other associated site works above and below ground.

### **Decision**

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

### **Matters Considered**

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

## **15.0 Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in the established urban area of Dublin City in an area zoned for residential;
- (b) the policies and objectives of the Dublin City Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) Project Ireland 2040 The National Planning Framework;

- (e) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (g) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018 and particularly Specific Planning Policy Requirement 7 and 8;
- (h) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (i) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (j) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (k) The pattern of existing and permitted development in the area;
- (l) The planning history of the site (including extant permission) and within the area;
- (m) The submissions and observations received;
- (n) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (o) The Chief Executive Report from the Planning Authority; and
- (p) The report of the inspector.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening



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

### **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands Zoning Objective Z4 – District Centre, 'To provide for and improve mixed-service facilities' where residential is specified as a permissible use, and Zoning Objective Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses, 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office / retail / residential the predominant uses in inner city areas', in the Dublin City Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan,
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Management Plan, The Construction and Demolition Waste management Plan, the Engineering Assessment Report, the Flood Risk Assessment, and the Operational Waste Management Plan.

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

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible inner-city location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposal would not give rise to flooding in the area and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dublin City Development Plan 2016-2022 (DCP) in relation to building height. Specifically, as a result of the DCP height strategy for this area of 24m for residential

development, while the proposed development has a maximum height of approximately 25.6m (7 storeys).

The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the City Development Plan would be justified for the following reasons and consideration.

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

Permission for the development should be granted having regard to the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy 2019-2031, which seeks to increase densities on appropriate sites within Dublin City and Suburbs. In addition, permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines.

In relation to section 37(2)(b) (iv) of the Planning and Development Act 2000 (as amended):

In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, the Planning Authority and Board have previously approved 7 storey (plus) developments in the vicinity of this site. As such precedent for residential buildings higher than the prescribed DCP height strategy of 24m currently exist and have been established in the area.

## 16.0 Conditions

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

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The 19 no. bedspaces at basement level (Rooms B1-B19) shall be omitted from the scheme.
  - (b) (i) Additional communal living/kitchen/dining floorspace;  
(ii) Additional amenity and service floorspace (including workspaces and leisure space); and  
(iii) Additional residential facilities (including cycle parking);  
shall be provided at basement level.

- (c) Cycle parking shall be provided for residents at a ratio of 1 space per bedspace and covered / weatherproof staff and visitor cycle parking shall also be provided.

The total number of bedspaces approved in the development is 378.

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

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

- 3. Revised drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development which detail the following, and in correlation with condition no.10 under this consent:
  - (a) A landscape masterplan detailing the design and finish of all external ground level areas to be for the sole use of residents, with the minimisation of circulation areas and maximisation of amenity gardens, with provision for furniture and equipment to facilitate the use of these areas by residents.
  - (b) Details of the design and finish of the publicly accessible pedestrian link through the site from Cork Street to John Street South, and any attached public open space, to include security gates and lighting.
  - (c) Details of the operation, security, management and supervision of the pedestrian link through the site from Cork Street to John Street South.
  - (d) A written statement outlining that members of the public have full right and liberty for the free passage and use of the pedestrian walkway which connects Cork Street and John Street South. This public right of way and walkway shall be completed in full and available for public use, prior to the occupation of the development.
  - (e) Details of the roof terrace at 5<sup>th</sup> floor level, to be increased in size and include appropriate screening, furniture and equipment to facilitate use of the space by residents.

(f) Details of the inclusion of green roofs and PV panels. Access to green roof areas shall be strictly restricted for maintenance purposes only.

(g) Details of an 'Obviated Window' to bedspaces labelled 1-27, 1-28, 1-29, 2-31, 2-32, 2-33, 3-31, 3-32, 3-33, 4-31, 4-32, 4-33, 5-31, 5-32, 5-33.

**Reason:** In the interests of clarity and in the interests of proper planning and development.

4. The Shared Accommodation units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018).

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

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

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

6. Prior to expiration of the 15-year period referred to in the covenant, 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.

7. 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. This Shared Accommodation Management Plan shall also describe the control of access to the 5<sup>th</sup> floor roof terrace area, with this area not to be used after 10pm in the evening or before 7am in the morning.

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area, and in the interests of residential amenity.

8. The ground floor café shall be open to members of the public between the hours of 7am to 5pm Monday to Friday and 9am to 5pm Saturday and Sunday.

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

9. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes; and

(d) details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development.

All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

11. Details of any alterations to the road (including QBC network) and pedestrian network serving the proposed development, including loading areas, footpaths, kerbs and access road to the underground car park (with all works to be at the applicant's expense) shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. Details of servicing arrangements and fire tender vehicle access arrangements for the development shall also be provided. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety

12. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development and to discourage private car ownership. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities for staff employed within the development for bicycle parking, shower and changing facilities associated



with the policies set out in the strategy.

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

13. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management

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

**Reason:** In the interest of public health.

15. 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 visual amenity.

16. Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

17. The construction of the development shall be managed in accordance with a final Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including:

- a) Works to remove trees and structures from the site shall take place outside of bird nesting season;
- b) During the removal of structures from the site, the adoption of mitigation measures outlined in the approved Bat Roost Assessment and Survey Report for the application;
- c) Noise management measures;
- d) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- e) Location of areas for construction site offices and staff facilities;
- f) Details of site security fencing and hoardings;
- g) Details of on-site car parking facilities for site workers during the course of construction;
- h) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- i) Measures to obviate queuing of construction traffic on the adjoining road network;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- l) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- m) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- n) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- o) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- p) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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 the interests of residential amenity and public health.

19. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

20. 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] for each bedspace/unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

21. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

22. Proposals for an estate name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment 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.

23. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

24. As proposed in the Japanese Knotweed – Preliminary Treatment Programme set out in the 'Invasive Alien Plant Species: Site Assessment Report & Management Plan' supporting this application, a detailed construction stage Japanese knotweed remediation plan and programme be prepared for the development site and submitted for agreement by the planning authority before any demolition or construction work commences on site; this remediation plan and programme to be implemented in full, and to include the removal of all Japanese knotweed infested soils and spoil materials from the development site for disposal at an approved waste facility under licence from the Department, as provided for under Paragraph 7 of Section 50 of the European Communities (Birds and Natural Habitats) Regulations 2011, (Statutory Instrument S.I. No. 477 of 2011, as amended).

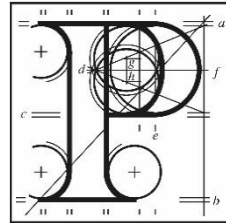
**Reason:** To prevent the spread of an invasive plant species, namely Japanese knotweed, which threatens biodiversity and can potentially damage structures and buildings.

25. 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 amenities of property in the vicinity and the visual amenities of the area.

## 17.0 Appendix A: EIA Screening Form



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

#### A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-3080162-20
Development Summary		Demolition of existing building and construction of 397 no. bedspace Build to Rent Shared Living residential development and associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application

**2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?**

No

**3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA**

Yes

SEA undertaken in respect of the Dublin City Council Development Plan 2016-2022

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			



<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The residential use proposed and the size and design of the proposed development would not be unusual in the context of an inner-city residential area.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding city area.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site no history of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>This is a stand-alone development, comprising renewal of a site. There are recently constructed / permitted / proposed development on immediately adjoining lands. The Dublin City Development Plan 2016-2022 plans for the expansion of the city and has been subject to SEA. This application and those developments in the vicinity are catered for in the plan through land use zoning. Other developments in the wider area alongside the proposed development, are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <p style="padding-left: 40px;"><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></p>	<p><b>No</b></p>	<p>No conservation sites located or immediately adjacent to the site. An AA Screening Assessment accompanied the application which concluded no significant adverse impact on any European Sites.</p>	<p>No</p>

<p>2. NHA/ pNHA  3. Designated Nature Reserve  4. Designated refuge for flora or fauna  5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>The closest historic feature to the site is at 116 Cork Street which is a Protected Structure. A Conservation Report has been submitted with the application. The proposed development will not have any significant impact upon 116 Cork Street as a Protected Structure or any other historic features in the area. The area is an inner-city location characterised by a mix of development including many large-scale high density developments, the proposed development is in keeping with this character.</p>	<p>No</p>

<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>No such features arise in this urban location.</p>	<p>No</p>
<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>There are no direct connections to watercourses in the area. The River Poddle flows in the area and is a short water course which is culverted for much of its length. It flows into the River Liffey. The development will implement SUDS measures to control surface water run-off. The site has no history of flooding and mitigation measures are to be implemented to manage flood risk as set out in the submitted Flood Risk Assessment.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by Cork Street a major arterial vehicular route into the city centre which could be susceptible to congestion. The proposed development does not include car parking with the exception of 1 disabled bay. A Transport and Traffic Assessment has been submitted with the</p>	<p>No</p>

		application and describes that no significant impacts are expected on vehicular routes as a result of the development. Future occupiers are anticipated to rely upon a range of public transport and other sustainable transport forms, including cycling and walking given the inner-city location of the site.	
<b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b>	<b>Yes</b>	There is no existing sensitive land uses or substantial community uses which could be affected by the project. Hospitals and schools are located in the wider area and not immediately adjacent to site boundaries. Weaver Park is located opposite the site to the south of Cork Street and use of the park will not be impacted by the development. No significant impacts are anticipated.	<b>No</b>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	Developments have been identified in the vicinity, however these are all of a scale and nature that would be anticipated under the Dublin City Development Plan 2016-2022 and would not give rise to significant cumulative environmental effects alongside this development.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>

3.3 Are there any other relevant considerations?	No		No
--	----	--	----

**C. CONCLUSION**

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		



## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands Zoning Objective Z4 – District Centre, ‘To provide for and improve mixed-service facilities’ where residential is specified as a permissible use, and Zoning Objective Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses, ‘To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office / retail / residential the predominant uses in inner city areas’, in the Dublin City Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan,
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Management Plan, The Construction and Demolition Waste management Plan, the Engineering Assessment Report, the Flood Risk Assessment, and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

---

Rachel Gleave O'Connor  
Planning Inspector

11<sup>th</sup> December 2020