



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-308228-20**

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#### **Strategic Housing Development**

Demolition of all existing structures, construction of 360 no. shared accommodation bedrooms and associated site works.

#### **Location**

No's. 16/17 Halston Street, 4/5 Little Green Street, 2 Little Green Street, 6 Mary's Lane, 8 Mary's Lane, and 21 Halston Street, Dublin 7.  
([www.marketsshd.com](http://www.marketsshd.com))

#### **Planning Authority**

Dublin City Council North

#### **Applicant**

The Fruitmarket Partnership.

#### **Prescribed Bodies**

1. Transport Infrastructure Ireland.
2. Irish Water.
3. Inland Fisheries Ireland.

4. An Taisce.
5. Department of Culture, Heritage and the Gaeltacht.

**Observer(s)**

List of observers set out in Appendix I.

**Date of Site Inspection**

11<sup>th</sup> December.

**Inspector**

Karen Kenny

## Contents

1.0 Introduction .....	5
2.0 Site Location and Description .....	5
3.0 Proposed Strategic Housing Development .....	7
4.0 Planning History.....	10
5.0 Section 5 Pre Application Consultation .....	11
6.0 Relevant Planning Policy .....	14
7.0 Applicants Statement of Consistency .....	19
8.0 Third Party Submissions .....	21
9.0 Planning Authority Submission .....	24
10.0 Prescribed Bodies .....	33
11.0 Assessment.....	36
11.2. Principle and Quantum of Development .....	37
11.3. Architectural Heritage Impact.....	39
11.4. Townscape, Landscape and Visual Impact Assessment .....	44
11.5. Impact on Archaeology .....	51
11.6. Quality of Residential Accommodation .....	53
11.7. Impact on Amenities .....	59
11.8. Other Issues .....	63
12.0 EIA Screening .....	65
13.0 Appropriate Assessment .....	66
14.0 Recommendation .....	73
15.0 Recommended Draft Board Order .....	73
16.0 Reasons and Considerations .....	75
Appendix I – Third Part Submissions .....	77

Appendix II - EIA Screening Form ..... 78

## 1.0 Introduction

- 1.1. 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 SHD site is located in the north inner city in the city's traditional fruit and vegetable market area. The site is located to the west of Capel Street and is c. 700 metres from O'Connell Street. The Luas Red Line runs in an east/west direction along Chancery Street / Mary's Abbey to the south of the site.
- 2.2. The site (0.2466 ha) comprises four standalone plots. The plots are nos. 6/8 Mary's Lane and 21 Halston Street (Block A); 2 Little Green Street (Block B), 4/5 Little Green Street (Block C) and 16/17 Halston Street (Block D). Block A, B & C are connected.
- 2.3. Blocks A, B and C are part of a city block that is bound by Mary's Lane to the south, Halston Street to the west, Little Green Street to the east and Little Britain Street to the north. Block A is at the corner of Halston Street and Mary's Lane immediately north of the Fruit and Vegetable Market (Protected Structure). There is a two storey warehouse building on this site, and it connects to a terrace of three storey buildings to the east that date from the 19<sup>th</sup> century. These buildings are also used for fruit and vegetable distribution and the end unit at the corner of Little Green Street contains a coffee shop / retail unit. There is a primary school on the opposite corner of Halston Street and Mary Lane. The Georges Hill Apartments occupy the remainder of this city block sitting between Halston Street and George's Hill and south of Cuckoo Lane. Blocks B and C are mid-block plots at no. 2 (Block B) and no. 4/5 (Block C) Little Green Street. There are two storey warehouse buildings on these plots. There is a two storey credit union building between no's 2 and 4 Little Green Street that is not included within the SHD site.
- 2.4. Block D (no. 16 and 17 Halston Street) is a standalone plot that is part of a city block that is bound by North King Street to the north, Cuckoo Lane to the south, Halston Street to the east and by North Anne Street to the west. Block D is at the corner of

Halston Street and Cuckoo's Lane. No. 17 Halston Street is listed on the Record of Protected Structures (Ref. 3506). St. Michan's Church and Presbytery to the immediate north is listed on the Record of Protected Structures (Ref. No. 3505). The former parish hall / boys' school on Cuckoo Lane to the west is also listed on the Record of Protected Structures (Ref. No. 2092). The site overlooks St. Michan's Park, a historic park dating from c. 1898, to the east that is not protected but was included in the NIAH.

- 2.5. This area has traditionally been associated with the Dublin Fruit and Vegetable Markets and this use continues to be the predominant land use in the area. The historic single storey Fruit and Vegetable Market building (owned by DCC) occupies the urban block to the south of Blocks A between St. Michans Street and Arran Street East. This building is not in use at present but has Part 8 consent for refurbishment / change of use to accommodate restaurant and café use. There are a number of recent permissions for the redevelopment of sites in the area. Permission was granted in 2019 for the redevelopment of the northern end of the city block containing Blocks A, B and C. The permitted redevelopment relates to the demolition of existing structures and the construction of a 7 storey plus setback level hotel building (PA Ref. 2370/19) that fronts onto Little Britain Street, Halston Street and Little Green Street. Permission was granted in 2018 for the redevelopment of lands opposite Blocks B and C at the corner of Little Green Street, Little Mary Street and Anglesea Row. The permitted redevelopment relates to the demolition of existing structures and the construction of a 3-7 storey apart hotel development with coffee shop, retail unit and artist studio (ABP-300987-18 and P.A. Ref. 3629/17). The redevelopment of this site is ongoing. To the south east of the SHD site permission was granted in November 2020 for the redevelopment of a site at the intersection of Little Mary Street and Arran Street East. The permitted redevelopment relates to the demolition of existing structures and construction of a 5 to 8 storey hotel (ABP-307493-19). There is a more comprehensive list of permitted redevelopment projects in Section 4.0 Planning History below and in Section 6 of the Statement of Consistency.

### 3.0 Proposed Strategic Housing Development

3.1. Permission is sought for a 'Shared Accommodation' development. The development comprises 61 no. bedroom clusters with a total of 360 no. bedrooms and 506 no. bedspaces all contained in 4 no. blocks that range in height from 5 - 14 no. storeys.

3.2. Key Parameters:

#### OVERALL

No. Units	61 no. clusters
No. Bedrooms	360 no. bedrooms
No. Bedspaces	506 no. bedspaces
GFA	16,152 sq.m
Site Area	0.2466 ha
Plot Ratio	6.5
Site Coverage	83%
Amenities	2049 sq.m
Building Height	5-14 storeys
Bicycle Parking	395 no. spaces

#### BLOCK A

No. Units	40
No. Bedrooms	186
No. Bedspaces	245
GFA	8,025 sq.m
Site Area	0.0905 ha
Plot Ratio	8.9
Amenities	1378 sq.m
Building Height	9-14 storeys
Bicycle Parking	224 no. spaces

**BLOCK B**

No. Units	7
No. Bedrooms	35
No. Bedspaces	56
GFA	1887 sq.m
Site Area	0.0345 ha
Plot Ratio	5.5
Amenities	201 sq.m
Building Height	9 storeys
Bicycle Parking	35 no. spaces

**BLOCK C**

No. Units	7
No. Bedrooms	42
No. Bedspaces	56
GFA	2091 sq.m
Site Area	0.0427 ha
Plot Ratio	4.9
Amenities	268 sq.m
Building Height	9 storeys
Bicycle Parking	39 no. spaces

**BLOCK D**

No. Units	7
No. Bedrooms	9
No. Bedspaces	149
GFA	4149 sq.m
Site Area	0.0789 ha



Plot Ratio	5.3
Amenities	781 sq.m
Building Height	5-8 storeys
Bicycle Parking	97 no. spaces

3.3. Unit mix:

Block	No. Units	Bedrooms	Bedspaces	Single	Twin	Accessible
A	40	186	245	127	59	0
B	7	35	56	14	21	7
C	7	42	56	28	14	7
D	7	97	149	45	52	7
<b>Total</b>	<b>61</b>	<b>360</b>	<b>506</b>	<b>214</b>	<b>146</b>	<b>21</b>

3.4. Bedroom clusters:

No. Bedrooms / Cluster	Block A	Block B	Block C	Block D
3 - bedroom	12	-	-	-
5 - bedroom	18	7	-	-
6 - bedroom	10	-	7	-
6 - bedroom	-	-	-	1
11 - bedroom	-	-	-	3
19 - bedroom	-	-	-	2
20 - bedroom	-	-	-	1
	40 no. clusters	7 no. clusters	7 no. clusters	7 no. clusters

- 3.5. The development involves the demolition of most of the existing structures on site with the exception of the protected archway and doorway at 16/17 Halston Street and the façade at no. 16 Halston Street.
- 3.6. The development includes basement areas under Blocks A and C with a total floor area of 857 sq.m (Block A = 551sq.m; Block C = 306 sq.m).
- 3.7. The scheme is designed as a car free development.
- 3.8. An existing public right of way / laneway through northern section of No. 21 Halston Street is to be retained and incorporated into the development.
- 3.9. The development includes all ancillary site development and landscape works, including retaining walls, sub-station, provision of bin stores, boundary treatments, hard and soft landscaping.

#### 4.0 **Planning History**

- 4.1. There appears to be no recent planning history associated with the site. The following planning history in the vicinity of the site is considered to be relevant:

**Reg. Ref. 4179/19 and An Bord Pleanála Ref. PL29S.307493:** The Board upheld on appeal the decision of Dublin City Council to grant planning permission for demolition of existing building and construction of a 5 to 8 storey over basement (278 bed) hotel on a site to the south of Blocks B and C with frontage onto Arran Street East and Little Mary Street. Levels 6-8 of the permitted scheme are restricted to the Arran Street elevation, with the upper storey setback slightly from the main Arran Street elevation. Planning permission was granted on 24th November 2020 subject to 20 conditions.

**Reg. Ref. 2370-19:** DCC granted permission for the development of a site to the north of Blocks A, B and C and east of Block D at Little Britain Street and Little Green Street. The permitted development consists of the demolition of existing 1 and 2 storey buildings and the construction of a 7-8 no. storey over basement hotel development (195 no. bedrooms).

**Reg. Ref. 3572/18:** DCC granted permission for the development of a hotel on a 0.21 hectare site at 23 Mary Street on the corner of Mary Street and Capel Street to the north-east of the site. The proposals included a change of use from existing

commercial office storage and workshop use to a hotel use including 98 bedrooms, bar, restaurant and function room ranging from one to eight storeys. Under ABP Reg. Ref. 305177 An Bord Pleanála refused planning permission for a new hotel to the immediate east of this site. Planning permission was refused on design grounds.

**Reg. Ref. 3629/17 and An Bord Pleanála Ref. PL29S.300987:** The Board upheld decision of Dublin City Council to grant planning permission for a mixed use building that ranges in height from 3-7 storeys over basement, comprising of an aparthotel (343 aparthotel units) with coffee shop, retail unit and artist studio on a site at Little Green Street, Little Mary Street and Anglesea Row, directly opposite Blocks B and C. Planning permission was granted on 29th January 2018 subject to 23 conditions. This development is currently being constructed.

**Reg. Ref. 3462/14:** Consent granted under Part 8 of the Planning and Development Regulations 2001 (as amended) for part change of use, renovation and upgrade to the wholesale fruit and vegetable market. The permitted development relates to a change of use from wholesale trading to wholesale retail trading together with café and restaurant uses at the wholesale fruit and vegetable market bounded by Arran Street, Chancery Street and St. Michan's Street (Protected Structure).

## 5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on 29<sup>th</sup> May 2020. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

1. Conservation Impact Assessment
2. Compliance with the Apartment Guidelines
3. Height Strategy
4. Development Strategy for the site to include (inter alia) quality and design of open space provision; public realm, connectivity and permeability through the sites; external materials and design rationale.
5. Residential Amenity.
6. Drainage & Flooding.

7. Traffic & Transport

8. Any other matters.

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting is also available on the file.

## 5.2. Notification of Opinion

5.2.1. The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The perspective applicant was advised that the following issues need to be addressed:

- Further consideration and/or justification of the documents as they relate to the impact of the proposed development on the character and setting of the features of conservation interest in the vicinity including the protected structures on the site and St Michan's Church which adjoins the site to the north. The documentation should demonstrate that the design, scale and massing of the proposed development would not have an adverse impact on the architectural heritage of the area. In particular the documentation should fully address the requirements of the criteria as set out in Section 6.4.15 and Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and those relevant policies and objectives for the site relating to the built heritage in the development plan.
- Further consideration and/or justification of the documents as they relate to the scale, form, visual impact, and materials of the proposed buildings, relating specifically to the justification for the height and design of the 4 no. buildings in particular the 14 storeys proposed for Block A. The further consideration/ justification should address the proposed design and massing, inter alia the visual impact of Block A on the existing receiving environment around the Fruit Market area and the area of conservation interest to the north of the site. The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.

The applicant was also advised to submit specific information as follows: updated sunlight and daylight analysis to include an assessment of the available sunlight and

daylight to the communal areas, bedrooms and open spaces with reference to the BRE Guidance on the subject site, as well as the impact of the proposed development on the adjoining sites; a quantitative and qualitative assessment which provides a breakdown of the number of proposed bed spaces and details for the provision of residential support facilities and amenity areas used to offset the standards and/or compensatory measures proposed within each of the Blocks A-D. The submitted information should demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements, in particular SPPR 9; a Construction Environmental Management Plan (CEMP) (to address impact of basement construction on the Bradoque River and the impact of the construction traffic on the Fruit Market Area); detailed consideration of Dublin City Council proposals for upgrade of public realm for the Fruit Market Area and integration of these requirements into any proposed development; detailed landscape plan including the provision of any residential amenity facilities within the open space areas and SuDS proposals in relation to roof gardens; micro-climate impact assessment; and operational service management plan.

### **5.3. Applicant's Statement of Response**

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

- In response to item no. 1: the design of Block D is significantly revised, and the application includes an Architectural Heritage Impact Assessment and a Townscape and Landscape Visual Impact Assessment.
- In response to item no. 2 a comprehensive Townscape and Landscape Visual Impact Assessment has been prepared. Design amendments have been made to improve the slender ratio of Block A. The retail and commercial aspects of the proposal have been removed and the space fully dedicated to amenity uses for residents. Courtyards at Blocks B and C increased and improved connection between these blocks.
- The specific information detailed in the ABP Opinion has been submitted.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets'
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS)
- Architectural Heritage Guidelines for Planning Authorities, 2004. Development Guidelines for Protected Structures and Areas of Architectural Conservation.

### 6.2. Dublin City Development Plan County

6.2.1. The Dublin City Development Plan 2016-2022 is the relevant statutory plan for the area. The following sections are considered to be relevant:

- The site is zoned Z5 "City Centre" with an objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.
- Section 14.8.5. The primary purpose of this use zone (Z5) is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other,

help create a sense of community, and which sustain the vitality of the inner city both by day and night.

- The Court complex to the north east of Block D is zoned Z8 'Georgian Conservation Areas' with an objective "to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective".
- SC7: To protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence.
- SC16: To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).
- SC17: To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in Chapter 15 (Guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.

DC18: To promote a co-ordinated approach to the provision of tall buildings through local area plans, strategic development zones and the strategic development and regeneration areas principles, in order to prevent visual clutter or cumulative negative visual disruption of the skyline.

- SC25: To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of

general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.

- SC28: To promote understanding of the city's historical architectural character to facilitate new development which is in harmony with the city's historical spaces and structures.
- SC29: To discourage dereliction and to promote the appropriate sustainable re-development of vacant and brownfield lands, and to prioritise the re-development of sites identified in Dublin Inner City Vacant Land Study 2015.
- Objective RD24: To promote and facilitate the ongoing implementation of the City Markets Project, centred around the Victorian Fruit and Vegetable Market on Mary's Lane, an important aspect in city centre regeneration ([www.dublincity.ie](http://www.dublincity.ie)).
- Section 4.5.5 Public Realm: It is desirable that the perceived extent of the city core expands over the coming years, due in part to very high footfall and relatively limited pedestrian space in the core. Proposals to create a new cultural quarter at Parnell Square, to include the re-location of the City Library from the ILAC Centre, and to renovate and create a new food hall and café/restaurant destination at the Victorian wholesale fruit and vegetable market at Mary's Lane, will significantly expand the public's perception of the city core, and will create new destination points in the city.
- CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.
- CHC2: To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:
  - (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest
  - (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances
  - (c) Be highly sensitive to the historic fabric and special interest of the interior,



including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure

(e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works

(f) Have regard to ecological considerations for example, protection of species such as bats.

Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

- CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include: (1) Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting. (4) Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
- CHC5: To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas. The City Council will resist the total or substantial loss of:
  - Protected structures in all but exceptional circumstances (and will require the strongest justification, including professional input with specialist knowledge so that all options receive serious consideration).
  - Non-protected structures which are considered to make a positive contribution to the character and appearance of an Architectural Conservation Area, unless it can be demonstrated that the public benefits of the proposals outweigh the case for retention of the building.

Demolition behind retained facades may be considered on non-protected structures, depending on the significance of the structures, where it will

secure the retention of façades which make a significant contribution to local townscape, where it will maintain the scale of original rooms behind principal façades and where the demolition is considered otherwise acceptable having regard to the above policy considerations.

Where an existing structure is considered to make a neutral or negative contribution to an Architectural Conservation Area, the City Council will encourage:

1. Its demolition and replacement with a high quality building with enhanced environmental performance, or
2. Where appropriate, its improvement, recladding or refurbishment to improve both its appearance and environmental performance.

In all cases, demolition will only be permitted where:

1. Any replacement building will be of exceptional design quality and deliver an enhancement to the area and improvement in environmental performance on-site, taking into account whole life-cycle energy costs.
  2. Firm and appropriately detailed proposals for the future re-development of the site have been approved and their implementation assured by planning condition or agreement.
- CHC9: To protect and preserve National Monuments.
  - Section 16.5 of the plan has an indicative plot ratio standard of 2.5-3.0 for the Z5 City Centre zone. Section 16.6 has an indicative site coverage standard of 90% for the Z5 zone. Section 16.7.2 sets a general height limit of up to 28 m commercial and up to 24 m residential for the inner city.
  - Section 16.2.2.2 refers to 'Infill Development' stating that the particular character of the city and its concentration of historic buildings means that most redevelopment opportunities are for 'infill development'. It is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. DCC will seek to ensure:

- To ensure that infill development respects and complements the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape,
  - In areas of varied cityscape of significant quality, infill development will demonstrate a positive response to context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area,
  - Within terraces or groups of buildings of unified design and significant quality, infill development will replicate and positively interpret the predominant design and architectural features of the group as a whole, and
  - In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest and have regard to the form and materials of adjoining buildings, where these make a positive contribution to the area.
- Zoning Map E: Block D and the north west corner of Block A are in a Conservation Area at Halston Street / Green Street as detailed on Map E. There are other conservation areas at Smithfield and along the River Liffey and Caple Street is designed an Architectural Conservation Area.

## 7.0 Applicants 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 Section 28 guidelines, the County Development Plan and regional and national planning policies. The following points are noted:

- Consistent with NPF, including policy objectives relating to population and employment growth in urban areas; use of infill / brownfield lands; performance-based standards; increased density and building height; rejuvenation and creation of international cities.

- Consistent with Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly (2019-2031), including policy objectives relating to compact growth and the development of infill/brownfield sites.
- Consistent with Rebuilding Ireland: Action Plan for Housing and Homelessness pillar in relation to strengthening the rental housing sector.
- Consistent with provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2018) in relation to shared accommodation inc. SPPR7 and SPPR9. Refer to Housing Quality Assessment and Shared Accommodation Feasibility Report.
- Consistent with provisions in the Urban Development and Building Heights Guidelines relating to increased building heights and density. Building height considered suitable given sites locational context and overarching national objectives for compact urban growth and development. In response to SPPR3 the statement considers the proposed development with reference to the criteria for higher buildings prescribed under SPPR3 of the guidelines.
- Consistent with DMURS. Application includes a Transport Design and DMURS Statement.
- Density of the scheme is consistent with provisions in the Guidelines for PA's on Sustainable Residential Development in Urban Areas, 2009.
- Application includes a Flood Risk Assessment, AA Screening Report.

#### **Dublin City Development Plan**

- The proposed development is consistent with the Z5 zoning objective.
- Consistent with policy in relation to residential development and the redevelopment of vacant and brownfield sites inc. QH5, QH7; SC29, QH18, QH19.
- Consistent with provisions in relation to the economy and enterprise inc. CEE1, CEE2, CEE4, CEE7, CEE22.
- Consistent with movement and transport policy inc. MTO1, MT2, MTO8, MT12, MT13.

- Consistent with infrastructure policy inc. SI3, SI10, SI11, SI13, SI15, SI15, SI08SI18, SIO13, SI20, SIO16, SI24.
- Consistent with Green Infrastructure, Open Space and Recreation Policy inc. GI1, GIO1, GIO2, GI9, GI10, GI11, GI13, GI13, GI14.
- Consistent with sustainable communities and neighbourhoods policy inc. SN1, SN7, SN15, SN16, SN25, SN29.
- Development Management Standards in Chapter 16: plot ratio exceeds range for inner city but plot ratios of over 8.0 have recently being permitted in the vicinity. Argued that the proposal represents a suitable use of brownfield site; in relation to site coverage noted that proposal falls below the maximum of 90%. Defers to national policy standards in relation to height, car parking, private open space, standards.
- Proposed development will support rejuvenation along a linking route within the city centre area (DCC Public Realm Strategy).
- Note that the Markets Area Framework Plan 2006 is a non-statutory plan.

## 8.0 Third Party Submissions

8.1. A total of 18 no. third party submissions have been received. The main points raised in the submissions relate to the following issues:

### 8.1.1. Significant Impact on Distinctive Historic Core of City

- Scale of demolition of and loss of built fabric of protected structures at No. 17 Halston's Street.
- Excessive scale, massing and height on restricted sites. Will result in overdevelopment of the sites and have a detrimental impact on significant historic structures in the area including Protected Structure (Fruit Market, St. Michan's Church and Bell Tower, St. Michan's Park, Court House and Gaol).
- Over-scaled and will dominate the urban structure and streetscape and impact negatively on the historic character of the area.

- Design response is not of adequate quality for sensitive infill sites.
- Potential for damage to adjoining structures during construction. Including the potential for damage to St. Michan's Church Bell tower. Inadequate construction details.
- Fragmented sites.
- Overriding and excessive scale of Block A. Inadequate justification for height in sensitive historic environment.
- Block A would overwhelm and overshadow Fruit and Vegetable Market and the blank gable on eastern side would overwhelm the adjoining 3-storey terraces to the east.

#### 8.1.2. Impact on adjoining properties.

- Form, scale and configuration of scheme will obliterate future development potential of adjoining properties at no. 22 and 23 Halston Street. The west elevation of Block C is eight storeys and presents a wall of fenestration directly into No.'s 22 and 23 Halston Street with a setback of 6 metres. These windows serve single aspect rooms.
- Loss of light to adjoining Credit Union building at no. 4 Little Green Street. Building lit via roof light.
- Overlooking and loss of light to adjoining School – including loss of light to classrooms, yard area and open space at roof level.
- Construction stage impacts on school – safety of access, location of site compounds, noise, dust, and impact on services (electric, water, IT).
- Impact of Block A on Old Distillery Apartment Development has not been assessed.
- Loss of light to stained glass window on southern elevation of St. Michan's Church (Protected Structure).
- Concern in relation of impact of tall building on Bell Tower / Bell of St. Michan's Church.

#### 8.1.3. Community Gain

- No provision for public open space, public access, green space or community facilities.
- Development would dominate immediate area with no amenity value.
- Over concentration of transient accommodation. Area needs housing for couples, families and the elderly.
- Strong community in the area. Development undermines established residential community and precludes family residential accommodation and social and affordable housing.

#### 8.1.4. Non-Compliance with Ministerial / Development Plan Policy

- Non-compliance with Development Plan policy in relation to density, height and public realm.
- Non-compliance with SPPR for Shared Living. Guidelines envisage shared accommodation of 2-6 bedrooms. Development proposes 20 bedrooms to each pod.
- No justification presented for co-living at this location as required under the guidelines.
- Does not comply with definition of SHD. Below 100 units threshold (61 no. units) and 4 no. different sites. No provision in the Act to cumulate sites.
- Ignores Markets Framework Plan 2006. While non-statutory it provided an urban design and development control template for the area. Could have followed ground-rules set out in the framework.
- Co-living concept under ministerial review. A decision should not be made on the SHD application until such time as the review is completed.

#### 8.1.5. Shared Living

- Proliferation of single aspect bedrooms resulting in substandard accommodation for future occupants.
- Over concentration of transient residential accommodation in the area – inc. student accommodation, hotels etc.

- Co-living presents a public health risk in context of Covid 19 and public health guidance.
- No connection to surrounding city quarter.
- Link between Block A and C has no passive surveillance – public safety hazard.

#### 8.1.6. Other

- Citizen's rights to particulate undermined during pandemic. Presentation to Councillors only available to view online after meeting.
- EIA Screening Required –nature and scale of the development has the to impact on cultural heritage / historic character of the area.
- Legal obligations under EU directive and legislation relating to protected structures is not complied with.
- Area of archaeological significance. Insufficient consideration to the impact on archaeology.
- Insufficient information provided regarding potential impact on culverted Bradogue River. Question capacity of river to accommodate additional drainage and note the potential for impact on the historic brick culvert.
- Concerns in relation to impact of Building Height Guidelines and lack of adequate SEA relating to the environmental impact of these guidelines.
- SHD process subject to legal challenge. Should await decision before making a determination on the subject application.

## 9.0 Planning Authority Submission

9.1. Dublin City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Central Area Committee Meeting, as expressed at their meeting dated 19<sup>th</sup> October 2020. 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. The submission includes



several technical reports from relevant departments of DCC, which are incorporated into the following summary.

9.1.1. PA Comment on Principle of Development, and Density

- Principle of residential development and shared accommodation accepted.
- No upper limit on density. Guidance on density and plot ratio in the Dublin City Development Plan. The proposed plot ratio is very high and raises concerns about overdevelopment and the need to safeguard appropriate levels of residential amenity both internal and external to the site – as considered further in the report.

9.1.2. PA Comment on Building Height and Massing

- Proposed development exceeds building height limit set out in Section 16.7.2 of the Development Plan for the inner city (up to 24m residential and 28m commercial).
- Urban Development and Building Height Guidelines 2018 allow for increased height where criteria are met. Proposal is assessed against the criteria set out in Section 3.2 of the Building Height Guidelines. The assessment under the following criteria are of note:
  - *“Proposals, including proposals in architecturally sensitive areas, to successfully integrate into and enhance the character and public realm of the area, its cultural context, setting of key landmarks, protection of key views, within a landscape and visual assessment to be undertaken”.*

Applicant advised at pre-application stage to give consideration to: the impact of the proposed development on the character and setting of the features of conservation interest in the vicinity including the protected structures on the site and adjoining the site; the documentation should demonstrate that the design, scale and massing of the proposed development would not have an adverse impact on the architectural heritage of the area – addressing criteria in Architectural Heritage Protection Guidelines and relevant policies and objectives of the development plan. It is the opinion of the PA that the design team has not responded to the concerns raised. The proposal would dominate the unique heritage

character and urban form of the wider area with significant adverse impacts on the adjoining protected structures and fine urban grain of the streetscape. It is considered that the development would fail to successfully integrate into or enhance the character of this architecturally and historically sensitive part of the city centre.

- *“On larger urban redevelopment sites, proposed development to make a positive contribution to placemaking, incorporating new streets and public spaces and using massing and height to achieve the required densities, but with sufficient variety in form and scale to respond to the scale of adjoining developments and create visual interest.”*

The sites are located within the historic markets area where there is an opportunity to make a considerable contribution to placemaking and improvements to the public realm. Loss of proposed commercial spaces (detailed at pre-app stage) a significant loss in placemaking terms. Concerns have been raised from the outset in relation to the massing and height of the proposal and how the development fails to provide sufficient variety in terms of form and scale to sensitively respond to this architecturally and historically sensitive part of the city and the adjoining developments.

- *“Proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape”.*

Sites are underutilised and suitable for comprehensive redevelopment at a scale that is substantially more intensive. However, the proposed blocks are considered a step change from the current situation. Block A would overwhelm and overshadow the Fruit and Vegetable Market and Block D would have a detrimental impact on the setting of St. Michan’s Church. The proposal represents an overdevelopment of an accumulation of restricted sites that would result in significant adverse impacts on the neighbourhood and character of the surrounding area. PA considers that the development would result in a poor quality urban design and place-making outcome which would have an unacceptable and detrimental impact on the area.

- *“Proposals is not monolithic or overly horizontal and materials are well considered”.*

PA previously expressed concern that proposal would present a scheme of excessive scale, mass and height resulting in a monolithic appearance when viewed from the adjoining streets. Concerns remain that the extensive elevations and façade of Block A will be visually bland and lack architectural detail, which due to proposed height levels above existing rooflines will be highly visible to the surrounding area.

- *“Proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway / marine frontage, thus enhancing a sense of scale and enclosure while being in line with requirements in relation to flood risk.”*

The development does not provide any public open space. Commercial and retail uses at ground floor level detailed at pre-application stage have been omitted. These units had the potential to form internal links through open courtyard spaces, which would have provided some public gain. Café at ground level for residents use. The outdoor seating area is a ‘token’ gesture and would not provide any meaningful public space. Wind study shows that winds in the south west corner of Block A would mean that this space is suitable for ‘standing’ only.

*“Proposal improves legibility through the site or through the wider urban area and integrates in a cohesive manner.”*

Commercial elements proposed at pre-application stage would have provided accessibility through the site and supported integration of the scheme within the wider area. The PA has concerns in relation to the impact of the scheme on the local area given that the development would not provide any public open space or publicly accessible amenities. The level of animation and passive surveillance that will result from the proposal in Blocks A at ground floor level is of concern. It is considered that the level of animation has not been optimised due to the location of numerous stair cores, lifts and substations along Halston Street.

For Criteria at the scale of the site / building – PA note that the area is undergoing change and that any development will have an impact on adjoining sites. Block A will result in additional shading. Concerns over resultant shading on Presentation Convent primary school given the limited levels of sunlight that reach the playground currently. Noted the submissions received from the school. The shadow analysis shows that the footways along Halston St, Little Green Street and Little Britain Street would be in shadow for longer periods of the day, which would impact the quality of the public realm. The height of proposed Block D would increase the shadow casting across St. Michan's Park when compared to existing building height. This is not desirable for light quality conditions in the park. Considering the paucity of open space in the inner city considered that the existing public open space should be protected. It is considered that the visual impact of the development from St. Michan's Park, as well as the reduction of light into the park, is unjustifiable.

In relation to daylight analysis – assessment outlines that the impact is likely to be most significant in the case of existing buildings within close proximity with windows directly opposing the site including classrooms in the primary school. The assessment states that the impact of Block A on the Old Distillery Apartments would meet BRE guidelines. However, there is no assessment (quantitative details) included. There are concerns regarding the impact on George's Hill Apartments (units facing onto Halston Street and Cuckoo Lane) – owned and managed by Focus Ireland where 'minor' to 'major' impacts are noted. The applicant makes the argument for the impact, stating that these units are short-term stay facilities. The PA does not agree and notes that some of the rooms appear to be in use as a six-month transitional service. There are also concerns that the proposed development would limit the provision of long term accommodation in this development and impact on the redevelopment potential of the site.

The proposed height, scale and massing of the design results in adverse impacts in terms of loss of light on the adjacent sites. PA opinion that the proposal does not provide an appropriate transition in scale within the adjoining site context.

### 9.1.3. PA Comment on Appearance, Architectural Design and Layout

- The scale of the proposed development at this location raises concerns to its appropriateness and potential negative impact on this historic setting, in particular the impact of the 14-storey Block A on the historic Fruit Market building and adjoining properties and Block D on the adjacent St. Michan's Church and park. The applicant refers to Block A as a marker and landmark. However, there is no requirement for a 'landmark' tower at this location. Insufficient rationale for development of this scale at this location. The height and scale as proposed undermines the integrity of the Markets and the fine urban grain of the area. Concerns that this corner development would set a precedent for development of this scale, which would be visually overbearing and have a detrimental impact on the visual amenities of the area. The Report of the City Architect states that this development should not "through its height, place itself at the top of the hierarchy of buildings on this street, in the context of the existing landmark of the City Markets Building". Development will impact sensitive views in the area. Block A will be a very significant form that will dominate its context on St. Mary's Lane. View 13 shows that the development would be over-scaled in the context of the single storey Markets, compromising the setting of this iconic Dublin building. The 14 storey tower block will have a negative impact on built heritage in the area, particularly on the fruit and vegetable market. Block D contains No. 17 Halston Street, a protected structure and No. 16 Halston Street a 3 storey red brick building listed on the NIAH with a very definite fine grain context. Block D is a very sensitive site overlooking St. Michan's park and adjoins St. Michan's Church. It is considered that the site constraints and limitations have not been fully considered in the design of Block D. The existing view looking northwards to St. Michan's Church on Halston Street is dominated by the height of St. Michan's spire and its architectural detailing. This creates a strong sense of identity to the local area and acts as a visual reference point. Block D will fully obstruct this view of St. Michan's spire. It is considered that the height and scale of Block D is overdevelopment and would result in an unacceptable loss of the existing visual character.

- Blocks B and C are both 9 storeys. Concerns have been raised by adjoining site owners that the west elevation of Block C presents a wall of fenestration directly addressing the development potential of No. 22 and 23 Halston Street.
- The proposal has been considered in the context of the Building Height Guidelines. Concerns remain in relation to the height and design, particularly in terms of how the proposal would integrate not only with the immediate context (adjoining sites) but also with the visual impact of the proposal when viewed from the adjoining streets for instance, Halston Street, Little Britain Street, Bolton Street, Liffey Quays. The reasons for concerns are illustrated in CGI's - reference to V5, V9, V10, V13, V16, V18 and V19.

#### 9.1.4. PA Comment on Public Open Space

- Requirement under the development plan to provide 10% of the site area as public open space in new residential developments. This requirement is not met. Policy GI11 seeks the provision of additional spaces in areas deficient in public open spaces. In addition, Block D will increase area of shadow over St. Michan's Park and result in a direct and undesirable visual impact. This is considered unacceptable.

#### 9.1.5. PA Comment on Residential Quality / Standards

- HQA suggests that units meet space requirements of the 2018 Apartment Guidelines. Blocks A – C meet requirements for cluster sizes (6 rooms and 8 occupants per cluster). However, serious reservations in relation to Block D which comprises 20 rooms (accommodating 32 no. people) to 1 no. shared living / dining area per floor. Not consistent with the cluster model and not supported. The applicant confirms that there is 5.19 sq.m of shared amenities per bedspace and the residents will have access to all facilities throughout the scheme.
- Concern that scheme is not informed by a recognised operator.

#### 9.1.6. PA Comment on Heritage and Conservation – Conservation Officer

- Important historic structures in the receiving environment.
- Scale and articulation of the proposed development is not sensitive to the historic structures and heritage of the area. The proposed heights of Blocks

A, B and C particularly challenging to remaining buildings within this block. Implied that these would not survive and be replaced with higher buildings, thus removing the contextual references that relate to the scale and context of the Fruit and Vegetable Market, and around St. Michan's Park. The proposed height of the fourteen storeys of the corner element of Block A and adjoining nine storey block on Halston Street and Mary's Lane is out of character with, would entirely dominate and have an adverse impact on the setting of adjacent protected structures and other surviving buildings in the area, particularly the cluster of historic survivors and Protected Structures within the urban block on the west side of Halston Street (St. Teresa's Convent) and the Fruit and Vegetable Market. Block D, the proposed eight storey corner block would completely overwhelm and have an adverse impact on the adjacent Protected Structure (RPS 2092), the former boys school on Cuckoo Lane and the cluster of historic buildings behind (St. Teresa's Convent) and would compete with, and have an adverse impact on the setting of St. Michan's Church. These impacts are clearly illustrated on the contextual elevations and photomontages.

- The incorporation and refurbishment of parts of the buildings at no. 16 and 17 Halston Street welcome in principle. However, demolition of most of the fabric regrettable in conservation terms. The removal of the roof of no. 16 is regrettable, as the overall scale and form of the existing building respects the setting and scale of the adjoining Protected Structure, St. Michan's Church, which is the primary set piece at this location.
- The transition zone between the top of the parapet and pediment on No. 17 Halston Street is insufficient and appears to square the pediment in particular.
- Clarification needed in relation to junctions between the proposed and existing buildings at St. Michan's Church, former Hall on Cuckoo Lane, Dubco Credit Unit and buildings south of Block B.
- Considered that the development contravenes policies SC13, CHC1, CHC2 (a) and (d), and CHC4 of the Dublin City Development Plan.
- Concerns about the window to wall balance and materiality of the elevation treatment of Block D in particular.

9.1.7. PA Comment on Archaeology – City Archaeologist

- Need to consider whether development adequately reflects the historic scale and grain of the late medieval suburb / early modern market.
- Evidence and potential for extensive survival of fragmented post-medieval structures (walls, cellars, pits etc.) both above and below ground. All archaeological features require phased recording prior to, and post demolition, an in advance of development. If legible remains of known monuments are discovered during the pre-development investigations, these should be preserved in situ and presented within the development.
- Question whether it is possible to retain unaltered, basement level of the 18<sup>th</sup> century protected structure, how the history of the area may be celebrated in the development internally and externally and whether extant historic lanes and buildings adjacent to the sites can be retained within the development.

9.1.8. PA Comment on Transport and Access

- Accept the proposal to omit car parking and number of cycle parking spaces. Need clarification on access to cycle parking in Block C and design of spaces.
- DCC preparing a City Markets Draft Public Realm Masterplan to address pedestrian issues in the area. Request that the applicant / developer is required to liaise with the PA with regard to the extent of the works required to the public realm prior to the commencement of development.
- Request a financial contribution in respect of public infrastructure and facilities benefiting the area.
- Revised Demolition and Construction Management Plans required with detailed Traffic Management Plan – to take account of on street uses and nearby school.

9.1.9. PA Recommendation

PA recommend that permission is refused. The PA main concerns relate to the design of the proposed development and the associated visual and environmental impact. The proposal would constitute overdevelopment of four sites that would fail to result in either a contextual or high quality design response. The development



would have a detrimental impact on the architecturally and historically sensitive markets area and would result in an unacceptable impact on the adjoining sites and surrounding streetscape. Having regard to the above, it is considered that the proposal would not be in keeping with development plan provisions and it therefore considered that it would not be in order to grant permission.

## 10.0 Prescribed Bodies

### Department of Culture, Heritage and the Gaeltacht

#### Archaeology

- Recommend that proposed archaeological mitigation measures, relating to archaeological testing and monitoring are carried out and that this is required as a condition of any grant of planning permission that may issue.

#### Architectural Heritage

- Key concerns relate to: the dismissal of policy and practice for reuse of historic buildings as an integral part of climate change mitigation and sustainable urban development; impact on the city's architectural integrity and urban landscape; scale of demolition at Block D and loss of cultural heritage and craftsmanship that defines the character of the area; and overriding and excessive scale of Block A and the lack of justification for the proposed height in this sensitive historic environment.
- Submitted assessment has not adequately dealt with the surviving streetscape pattern, the impact on built heritage, and the impact on protected structures and ancillary features.
- Block D shows inadequate design response to surviving structures on the site and to the setting of St. Michan's Church, former institutional complex, St. Michan's Park and the Green Street Courthouse and Gaol.
- Demolition of a protected structure with retention of façade only not supported. Contrary to architectural heritage guidelines and established conservation practice and would set a poor precedent.
- Block D encroaches on building line and setting of St. Michan's church, obstructs views of the church and impacts on the relationship between the church and central park.

- Blocks A and B a poor urban design response to receiving environment – towering end gables adjoin architectural significant 19<sup>th</sup> century terraces.
- Concerns in relation to impact on wider context and on Dublin’s skyline.
- Precedent of refusal due to the negative impact of large scale development on the overriding character of the historic city skyline noted.
- Note ABP’s deference to the Urban Development and Building Height Guidelines for Planning Authorities 2018, which are considered to supersede the development plan, without reference to the complimentary advice that addresses the historic built environment in other guidelines. The Building Height Guidelines, Sections 2.8 and 2.9, states that historic environments are sensitive to large scale and tall buildings and that PA’s must determine if higher buildings are an appropriate typology or not in particular settings. Submitted information not adequate to inform a planning review in the context of this guidance.
- Current approach diminishes the setting of the Fruit Market and dominates the surrounding context.
- The lack of regard to the structures recommended by the NIAH for addition to the RPS (see Appendix A for description of structures).
- Surviving historical context is considered to be greatly undermined by the scale of demolitions and the approach to insertion of new development.
- Key design issues have not been adequately addressed particularly relating to the importance of the skyline of the inner city. The impact on the historic core of Dublin, its international reputation and the appreciation of its architectural character and plan has not been adequately illustrated to ascertain fully the impact of the proposal at a city and at a local neighbourhood level.

### **An Taisce**

- Question viability of co-living in the context of Covid 19.
- Development approach is developer led rather than plan led. The placing of these taller buildings appears random.
- Block D – Northern Site. This area has a particular character and relatively intimate scale. There are a number of significant historic buildings and protected structures in the vicinity of Block D and lands to the north are zoned Z8 – conservation zoning (submission outlines details of historic structures of

significance in the area). Proposal would have major adverse visual impact on the prominence and setting of the landmark church adjoining and would be at variance with City Development Plan conservation policy CHC2. The 8 storey element would be almost as tall as the church's castellated stone bell-tower, a feature of the north inner city skyline and seriously compromise the ability of the church and tower to act as a landmark. It would also conflict with City Development Plan policy to protect and enhance important views / view corridors and landmarks (SC7). Would dramatically alter and reduce light levels reaching the southern windows of the protected historic church, which light the main internal volume of the church. The Architectural Heritage Impact Assessment describes three historic buildings in Block D facing Halston Street, however, there is a fourth building of interest facing Cuckoo Lane to be demolished that is not described. This building together with the adjoining larger brick and stone warehouses on site and the pedimented former school to the west, form a grouping which represents a microcosm of the type of buildings that characterised the area. The building contributes to the character of the area and further consideration would be required before contemplating demolition.

- Blocks A, B and C: The location of the 14-storey tower is not consistent with the guidance of the Markets Area Framework Plan 2006 – which envisaged a 6-storey parapet at this location. Given the random nature of the 14 storey tower and its sudden height next to a historic inner-city landmark the proposal conflicts with building height policy in the City Plan to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, that new proposals demonstrate sensitivity to the historic city centre (SD17) and to protect existing landmarks and their prominence (SC7). It also conflicts with the guidance in the Urban Building Height Guidelines 2018 that “proposals within architecturally sensitive areas, should successfully integrate into / enhance the character and public realm of the area having regard to topography, its cultural context, setting of key landmarks, protection of key views” (Section 3.2). The proposed 9 storey blocks raise concern in respect of integrating satisfactorily into the neighbourhood around the Fruit & Vegetable Market having regard to the

existing, relatively intimate scale and pattern of development. These blocks would not represent coherent or sensitive development.

- Considered that regeneration in this area, to the extent that it has occurred, has been relatively sensitively executed, but that the current scheme shows a considerable lack of sensitivity to the context generally.

#### **Transport Infrastructure Ireland**

- The proposed development is close to a LUAS Line. The applicant should ensure that there is no adverse impact on LUAS Operation and Safety. Conditions are recommended.
- The proposed development is in the area of the adopted Section 49 Supplementary Development Contribution Scheme – LUAS Cross City. Section 49 condition recommended.

#### **Irish Water**

- No objection. Proposed to outfall to a combined sewer. IW recommend that details of SUDS measures are agreed with the PA prior to the commencement of development to reduce surface water outfall to combined sewer.

#### **Inland Fisheries Ireland**

- Submission notes that the proposed development located in the catchment of the Liffey System. The submission includes a list of measures to be implemented to protect the water system.

## **11.0 Assessment**

11.1.1. I consider that the key issues for consideration by the Board in this case are as follows: -

- Principle and Quantum of Development
- Architectural Heritage Impact
- Heritage, Townscape, Landscape and Visual Impact Assessment
- Impact on Archaeology
- Quality of Residential Accommodation

- Impacts on Amenities
- Other Issues

## 11.2. Principle and Quantum of Development

### Consistency with Zoning Objective

11.2.1. The site is zoned Z5 in the Dublin City Development Plan 2016-2022 with an objective “to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity”. Section 14.8.5 of the written statement states that “*the primary purpose of this zoning is to sustain life within the centre of the city through intensive mixed-use development, to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night...*”. Residential use is ‘permissible’ under the Z5 zoning objective. A third party submission questions the suitability of a single use shared accommodation development on the basis that the plan seeks a general mix of uses within the Z5 zoning. However, I am satisfied that proposals that are exclusively residential can be considered and that there is a vibrant mix of uses, existing and permitted, within the wider area. I am satisfied that the proposed development is consistent with the zoning objective. The Planning Authority state that the use is acceptable.

### Principle of Shared Accommodation

11.2.2. Some of the third party submissions suggest that the proposed development would contribute to an overconcentration of ‘transient’ housing in the area. A number of submissions suggest that it would be premature to grant permission for the proposed development due to the ongoing review of shared accommodation by the Minister for Housing, Local Government and Heritage. A letter issued by the Minister dated 23<sup>rd</sup> November 2020 clarifies that it is the Minister’s preferred approach to update the 2018 Apartments Guidelines, in so far as they relate to commercial co-living developments. The correspondence states that when a review is completed updated guidance will be issued and that this will replace the current guidance. The correspondence states that the 2018 guidelines shall continue to apply until the

update process is complete. On this basis I am satisfied that the provisions of the 2018 guidelines remain in force.

- 11.2.3. In relation to the principle of 'shared accommodation' at this location I would note that Chapter 5 of the 2018 Apartment Guidelines state that shared accommodation is only appropriate where responding to an identified urban housing need at particular locations. The guidelines suggested that 'shared accommodation' may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations. The guidelines state that planning authorities should ensure that the scale of such proposals is appropriate to the location and / or buildings involved and to the specific role that the development of the shared accommodation sector should play in the wider urban apartment market.
- 11.2.4. The submitted Statement of Consistency, Socio-Economic Report and Shared Accommodation Feasibility Report address the suitability of the site for shared accommodation. These reports address (inter alia) the role of shared accommodation, the benefits of shared accommodation, the site's central and accessible urban location, economic characteristics of the area, employment potential of the area and planning activity for shared accommodation in the area. The applicant's case states that market analysis indicates that shared living provides a valuable solution to housing demand arising from city centre employers. It is noted that shared accommodation can also suit single people and the elderly as it allows for the development of friendships and a community. The Socio – Economic Report concludes that the proposal will support population growth in the inner city, contribute to economic activity and jobs and support the regeneration of the markets area.
- 11.2.5. The planning authority supports the proposed development in principle. The site is located in the City Centre at a location that is highly serviced and connected to a large number of employment sites. The area is transitioning from its historic use as a fruit and vegetable market to more urban uses. I consider that the location is suitable for a large scale shared accommodation development of the type proposed. At a local level, the proposed development would introduce a significant residential population into this area and support the zoning vision to sustain life within the centre of the city and to provide for a dynamic mix of uses. Concerns raised in third party submissions in relation to the negative impact of shared accommodation on

established communities is not substantiated and there is no evidence to support these claims. I consider that the proposed shared accommodation use is acceptable at this location.

### Quantum of Development

The proposal for a high density residential development is in accordance with numerous national planning policies that support increased density at accessible urban locations such as this. This includes National Policy Objective's 33 and 35 of the National Planning Framework, SPPR 1 of the Urban Development and Building Height Guidelines, 2018 and Section 2.4 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018. A number of submissions received from third parties express concern in relation to the quantum of development proposed. The proposed plot ratio of 6.5:1 is substantially above the indicative plot ratio of 2.5 to 3.0 in the City Plan for Z5 lands. The site coverage of 83% is below the maximum coverage of 90%. The CE's report highlights the fact that there is no upper limit on unit density for zoned lands under the Dublin City Development Plan and that each proposal should be assessed on its own merits. Based on the location of the SHD site within the inner city the proposed site coverage and plot ratio are open for consideration. The CE's Report notes that the plot ratio is very high and that it raises concerns in relation to overdevelopment of the site and the need to safeguard appropriate levels of residential amenity both internal and external to the application site. These matters are considered below. As the plot ratio standard in the City Plan is an indicative standard, I am satisfied that the issue of material contravention does not arise in respect of plot ratio.

## **11.3. Architectural Heritage Impact**

- 11.3.1. This section considers the direct impacts on protected structures and structures of conservation interest within or immediately adjoining the site. I refer the Board to the 'Architectural Heritage Impact Assessment Summary 16-17 Halston Street' and to the 'Heritage, Landscape and Visual Impact Assessment' submitted with the application. Submissions have been received from the Department of Heritage, Culture and the Gaeltacht and from An Taisce which are summarised above, and I

refer the Board to same. In addition, I refer the Board to the CE's Report including the Report of the Conservation Officer.

- 11.3.2. There are no heritage designations pertaining to Blocks A, B or C. The potential for direct impact on a protected structure does not, therefore, arise in respect of these Blocks. It is proposed to demolish part of a 19<sup>th</sup> century terrace at the eastern end of Block A. The PA and DCHG have not indicated any objection to the loss of this structure. Block D is in a 'red-line' conservation area detailed on Map E of the Dublin City Development Plan. Within the site no. 17 Halston Street is a Protected Structure (RPS Ref. No. 3506). St. Michan's Church which adjoins no. 16 Halston Street (Block D) to the north is a Protected Structure (RPS Ref. 3505). The former Parish Hall / Boys School on Cuckoo Lane (RPS 2092) which adjoins no. 16 and no. 17 Halston Street (Block D) to the west is also a Protected Structure (RPS Ref. 2092).
- 11.3.3. No 16 Halston Street contains a three-storey red brick building dating from c. 1908 with a later extension to the rear. The building was surveyed by the NIAH in 2012 (Ref. 50070305) and given a 'Regional' rating due to its architectural, historical and social interest. It is proposed to retain the front façade of no. 16 and to construct a 5 no. storey development to the rear and above. The works involve the removal of the existing hipped slate roof and chimney to allow for the construction of two 'set-back' levels above. No. 17 Halston Street (Protected Structure) contains a single storey building at the corner of Halston Street and Cuckoo Lane that is in warehouse use. There is a separate two storey warehouse building at the rear of this plot that fronts onto Cuckoo Lane. The Record of Protected Structures refers to a "stone archway surround and entrance door in single-storey commercial structure". It is proposed to retain (conserve, repair and adapt) the single storey facade of the building including the stone archway surround and entrance door referenced on the RPS and to integrate this into the proposed Block D. A small number of internal walls and steel trusses over the protected elements are also be retained in situ. The applicant makes a case for demolition of the remainder of the existing warehouse on the basis that there is limited historic fabric remaining within the building. The submission from DCHG raises concerns in relation to the scale of demolition at no. 16 and no. 17 Halston Street stating that the demolition of a protected structure with retention of façade only is not supported and that this is contrary to architectural heritage



guidelines and established conservation practice. The PA's Conservation Officer welcomes the proposal to incorporate and refurbish part of the protected and unprotected structures in principle but indicates that the demolition of most of the fabric is regrettable in conservation terms. These concerns are reflected in submissions from An Taisce. An Taisce also raise concerns in relation to the failure to assess the architectural heritage merit of the two storey warehouse at the rear of no. 17 Halston Street that is proposed for demolition. I would note that in the case of no.17 Halston Street the Record of Protected Structures is quite clear in relation to what is consider worthy of protection. The features listed on the Record of Protected Structures are to be retained within the context of the single storey façade. The building has lost most of its internal fabric and the main value, at this stage, would appear to be its historical and streetscape value. In relation to the interventions at no. 16 Halston Street I would note that this building is not a protected structure. The building is a one-room deep brick built building with hipped slate roof over and more recent extension to the rear. The applicant's assessment states that the main concern of the original design was the façade to the street. This façade is to be retained which is an appropriate response in my view given the sites position within a conservation area.

The loss of historic building fabric within the historic core of the city is regrettable in conservation terms. However, I consider that a balance needs to be achieved between the protection of features of historical significance and facilitating sustainable regeneration within the city core. I am satisfied that in this instance the key features of historic significance and streetscape value are to be retained and incorporated into the new development and that the proposed demolition, would not of itself, undermine the conservation of features of interest. I am satisfied, therefore, that the proposed demolition at Block D would not contravene Section 57 (10)(b) of the Act relating to the demolition of a protected structure and elements which contribute to its special interest, or contravene Policy CHC2, CHC4 or CHC5 of the City Plan relating to the protection of structures and conservation areas.

11.3.4. In relation to the proposed redevelopment around the retained historic fabric, it is proposed to construct a 5 storey development to the rear of and directly above the retained façade of no. 16 Halston Street and an 8 storey box like structure to the rear of and directly above the retained façade of no. 16 Halston Street. The Report of the

Conservation Officer and the submissions received from DCHG, An Taisce and third parties express concern in relation to the proposed development over no. 16 and no. 17 Halston Street stating that it would overwhelm the retained structures. It is argued that the box like structure would compete with and have an adverse impact on St. Michan's Church to the north, described by the City Conservation Officer as the primary set piece at this location and have an adverse impact on the setting of the former Boys School on Cuckoo Lane to the west and a cluster of historic buildings behind. The cluster of buildings would appear to refer to St. Teresa's Convent (RPS Ref. 3174) located to the south of Cuckoo Lane. In relation to the addition of two 'set-back' levels over no. 16 the Conservation officer indicates that the preference would be to retain the existing roofscape and chimney as it respects the setting of St. Michan's Church and forms a buffer between the church and new development. The Conservation Officer also notes that the transition between the top of the parapet and pediment at no. 17 is considered insufficient and appears to square the pediment.

Third party submissions received from representatives of St. Michan's Church highlight the importance of this Church and express concern in relation to the impact on St. Michan's Church and Presbytery (Protected Structures). In addition to the general concerns the submissions note that the proposal will block light to stained glass windows on the southern elevation of the church and impact the continuing use of the historic bell. There are concerns in relation to the physical impact of construction against the bell tower and south elevation of the church.

11.3.5. I consider that the proposed Block D, due to its design scale and mass (including the lack of adequate setback or modulation to protected features within the site) would overwhelm the retained façade at no. 16 and 17 Halston Street. The proposed Block D would have a significant negative impact on the setting of St. Michan's Church (Protected Structures) due to the height, design, scale, bulk and mass of the block in proximity to the church. The principal façade of the Church faces east onto Halston's Street. Photomontage views 1, 2, 5, 9, 10, 23 show that the proposed development would replace St. Michan's Church as the dominant feature in these views from streets and spaces to the north, south and east, including from the historic St. Michan's Park to the east. In addition, the proposed development would obscure views of the historic bell tower, a prominent local landmark that is visible

from the surrounding streets as shown in photomontage views 10, 14, 15. In addition, the works proposed at the interface between the proposed development and the historic bell tower have not been adequately described and remain unclear. Drawing 1919-PL-021 Section 1-1 shows the relationship and would appear to indicate a retaining feature along the northern boundary at the interface with the bell tower. Such a feature has not been described or illustrated within the Architectural Heritage Impact Assessment. The impact of the proposed block on the level of light received by stained glass windows in the southern elevation of the church that light the main internal block of the church has not been assessed. I would note that the submitted Daylight and Sunlight Assessment considered other sensitive receptors in the area but not the church. In addition, there has been no assessment of impact on the acoustic integrity of the historic bell arising from the construction of an 8 storey building in close proximity. The stained glass window and bell are an integral part of the protected structure and any impact has the potential to detract from the historic, artistic and social interest of this structure in my view and needs to be assessed. The proposed Block D would also have a significant negative impact on the setting of the former Parish Hall / Boys School on Cuckoo's Lane due to the height, design, scale, bulk and mass of the block coupled with its proximity to the Protected Structure to the west. The Conservation Officer notes the need for clarity in relation to works at the junction with this structure also. I would note that the setting of this structure is more localised than that of St. Michan's Church due to its less prominent position along a narrow laneway.

- 11.3.6. It is considered that the proposed development by reason of its design, scale and mass, would seriously detract from the setting and character of the protected features at No. 17 Halston Street (RPS Ref. 3506), from the setting and character of St. Michan's Church (RPS Ref. 3505) and from the setting and character of former Parish Hall / Boys School on Cuckoo Lane (RPS Ref. 2092). In addition, the nature and extent of works proposed at the junction with the historic bell tower of St. Michan's Church and the impact on the structural and artistic integrity of these structures has not been adequately addressed in accordance with the requirements of Section 6.4.15 and 6.4.16 of the Architectural Heritage Protection Guidelines, 2011. The guidelines require a detailed impact assessment and method statement for works that could affect a protected structure. I consider that the proposed

development would have a seriously negative impact on protected structures within and adjoining the site and I recommend that permission be refused on this basis.

#### **11.4. Townscape, Landscape and Visual Impact Assessment**

11.4.1. I refer the Board to the Townscape, Landscape and Visual Impact Assessment; photomontage images; the Architectural Heritage Impact Assessment Summary; and to the submissions received from prescribed bodies, third parties, and the CE's Report.

The site is located in the historic core of Dublin City to the north of the River Liffey and the Liffey Quays, west of Capable Street and east of Smithfield. The site is within the medieval core and later Georgian core of Dublin (Fig. 17 CDP refers). In more recent times this area has accommodated the city's historic fruit and vegetable markets.

The character of this area is varied. There are large low profile warehouse structures including those within the city block that contains Blocks A, B and C; narrow grain 19<sup>th</sup> century terraces such as those along Little Mary Street to the east of Block A and south of Blocks B and C; historic structures including the Victorian Fruit and Vegetable Market to the south of Block A, St. Michan's Church to the north of Block D and the Green Street Court House and Debtors Prison to the north east of Block D; there are also modern mid-grain commercial developments and large-scale modern apartment developments such as the more recent blocks in the George's Hill apartment complex (St. Teresa's Convent), the Old Distillery apartments to the west on North Anne Street and apartments along Green Street to the east.

In terms of designations, the site is 50 metres (approx.) west of the Capel Street Architectural Conservation Area. Block D is in the Halston Street conservation area detailed on Map E of the City Plan. This conservation area extends to the north west corner of Block A.

The following protected structures are situated close to the site:

- St. Michan's Church and Presbytery (RPS Ref. 3505). Located immediately north of and adjoining Block D. The Church dates from c. 1810 - 1815. The NIAH (Reference 50070304) gives the structure a 'Regional' rating due to its

architectural, artistic, historical and social interest. The castellated bell tower is a local landmark visible from surrounding streets and the church also retains much of its historic interior. The City Conservation Officer describes the church as the primary set piece at this location. The Presbytery to the north is described in the NIAH as a three storey over basement structure dating from c. 1861 (NIAH Ref. 50070303).

- The former Parish Hall / Boys School on Cuckoo Lane (RPS 2092). Located immediately west of and adjoining Block D. The RPS refers to the 'façade, railings and granite plinth wall' of this structure. This NIAH (Reference 50070307) gives this structure a 'Regional' rating due to its architectural and social interest. The structure is currently used as a warehouse.
- St. Teresa's Convent (RPS Ref. 3174) is located to the south of Cuckoo Lane, east of George's Hill and west of Halston Street. There is a complex of structures on the western side of the site dating from c. 1785-1790 with more modern apartment developments on the eastern side. The RPS refers to the "older part of convent fronting George's Hill and Cuckoo Lane; chapel, gates, railings, intrinsic stone surround of entrance door north-facing on return to George's Hill". The NIAH (Refs. 50070308/9/10) assigned a 'Regional' rating to the structures with reference to architectural, artistic, historic and social interest. The complex is owned and managed by Focus Ireland and provides short-term and long-term housing in the original convent and school buildings (Protected Structures) and in two more recent apartments blocks on the eastern side.
- Fruit and Vegetable Market on Mary's Lane (RPS Ref. 5069). The Victorian market building is a single storey building that occupies most of the block to the south of Mary's Lane. The building is single storey and has a decorative frontage to Mary's Lane and St. Michan's Street. This structure was surveyed by NIAH in 2012 (Ref. 50070296) and assigned a 'Regional' rating with reference to its architectural, artistic, historic, social and technical interest. The building is owned by Dublin City Council and has a Part 8 consent to refurbish and develop retail, restaurant and café uses. The City Architect described the market building as an 'iconic' Dublin landmark.

- Debtors Prison (RPS Ref. 3507) dating from 1794 and Green Street Courthouse (RPS Ref. 3327) dating from c. 1795-1800. Located between Green Street and Halston's Street to the north east of Block D. These structures are zoned Z8 "Georgian Conservation Areas" with an objective "to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective". The stated aim of this zoning is to protect the architectural character, design and overall setting of such areas. NIAH survey assigns a 'Regional' rating to both structures (NIAH Ref. 50070300 and 50070301) noting architectural, artistic, historic and social interest.
- St. Michan's Park to the immediate east of Block D and north of Blocks A, B and C was surveyed by the NIAH in 2012 (NIAH 50070299). The monument of Eirn in the park was given a 'Regional' rating. The park has a historic associated with the Courthouse and Prison.

In addition to the conservation designations in this area, the historic medieval street pattern is reflected in some of the narrow streets and laneways. Halston Street and Cuckoo Lane retain original 19<sup>th</sup> century granite pavements, kerbs and cobble sets. Historic structures that are not protected, including the structures to the east of Block A, dating from the 19<sup>th</sup> and 20<sup>th</sup> century, also contribute to the historic character of this area.

11.4.2. Blocks A, B and C are part of a city block that is bound by Mary's Lane to the south, Halston Street to the west, Little Green Street to the east and Little Britain Street to the north. Block D is a standalone plot to the north that is part of a city block that is bound by North King Street to the north, Cuckoo Lane to the south, Halston Street to the east and North Anne Street to the west. It is proposed to introduce a cluster of new buildings that range in height from 5-14 storeys. The proposed Block A is a 9-14 storey block with an upper parapet height of 48.96 m OD. The proposed Blocks B and C are 9 storey blocks fronting onto Little Green Street with parapet heights of 30.12 m OD. Block D is a 5-8 storey block with an upper parapet height of 26.15 m OD. The building height in the area is predominantly 2-4 storeys. The recently permitted hotel / apart hotel developments on neighbouring sites are 7-8 storeys in height. The hotel permitted to the immediate north of Blocks A, B and C with frontage onto Little Britain Street has a parapet height of 33.75 m OD. The apart

hotel permitted to the east of Blocks B and C and under construction has a parapet height of 23.5 metres OD (approx.).

- 11.4.3. The Dublin City Development Plan recognises the quality of Dublin as a low-rise city. There is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. The plan states that any new proposal must be sensitive to the historic city centre, the river Liffey and Quays, Trinity College, Dublin Castle, the historic squares and the canals. The plan also states that it is important to protect and enhance the skyline of the inner city (Section 16.7 and Policy SC16 and SC17 refer). The height strategy in Chapter 16 identifies areas for low-rise, mid-rise and high-rise development. The proposed development is in a low rise area and is subject to a building height limit of 24 metres for residential development and 28 metres for commercial (Section 16.7.2 refers). All of the proposed blocks exceed the upper limit of 24 meters. I consider the exceedance in each instance to be material. The applicant has submitted a Material Contravention Statement in respect of building height which makes a case for the proposed development on the basis of national guidance and in particular guidance set out in the Urban Development and Building Height Guidelines (2018). The Guidelines support increased building height and density in city cores. SPPR3 allows for an exceedance of building height provisions within a development plan or local area plan where the assessment criteria in Section 3.2 of the guidelines are met.
- 11.4.4. I have inspected the site and viewed the site from a variety of locations in the surrounding area. I have considered the submitted plans and particulars including the Townscape, Landscape and Visual Impact Assessment (TLVIA), Photomontage Images and the Architectural Design Statement. I have also considered the submissions received from prescribed bodies, from third parties and the CE's Report which includes reports from the City Architect and the City Conservation Officer.
- 11.4.5. A total of 23 no. viewpoints are illustrated in the submitted photomontages. There are also a number of contextual elevations and sections. I am concerned that a number of important viewpoints and interfaces are not fully illustrated or assessed within the submitted documentation. I refer to the relationship with the fruit market to the south and the absence of visualisations along Chancery Street, from around the Forecourts and from points along the north quays to the south. In addition, I would

note that permitted developments on neighbouring sites to the north and east of the site are shown as greyed out blocks in photomontage images and that the detail of these blocks is not adequately shown. An increased number of section drawings showing existing and permitted developments would also have been beneficial. Having regard to the scale of development proposed within a historic urban context and the dispersed nature of the plots, I am of the view that impact on the immediate context and on the skyline is not fully explored within the submitted visualisations and drawings. This issue has also been raised in submissions received from prescribed bodies and in third party submissions.

- 11.4.6. The proposal to redevelop brownfield plots in an area in need of regeneration is welcomed by the PA and is supported by national and local planning policy. The proposed 5-14 storey buildings are taller than the predominant building height in the area. This of itself is not necessarily negative, provided that the blocks sit comfortably within the receiving environment and are of suitable design quality.
- 11.4.7. The applicant's statement of consistency argues that the design, form, scale and massing of the proposed development responds to the central urban location, street morphology, plot divisions and public space. The CE's Report and submissions received from prescribed bodies and from third parties express concern in relation to the height, scale and mass of the blocks. The PA considers that the proposal would dominate the character and urban form of the area and have a significant adverse impact on protected structures and on the urban grain of the streetscape. The Report refers to the proposed blocks as a step change from the current situation stating that Block A would overwhelm and overshadow the Fruit and Vegetable Market to the immediate south and that Block D would have a detrimental impact on the setting of St. Michan's Church. The CE's Report recommends refusal on the basis that the proposal represents an overdevelopment of restricted sites and that it would have a significant adverse impact on the neighbourhood and character of the surrounding area. The CE's Report and the report received from DCHG argue that criteria for taller buildings in the Building Height Guidelines (Section 3.2) are not met including (inter alia) the requirement to successfully integrate into and enhance the character and public realm of the area, its cultural context, setting of key landmarks and protect views. The submission from DCHG highlights the importance of having



regard to other Section 28 guidance including the Architectural Heritage Protection Guidelines 2011.

- 11.4.8. Block A and Block D are at prominent corner locations close to landmark buildings that are listed on the Record of Protected Structures. The photomontage images show that the proposed development would give rise to a visual change within the local environment. The increased in scale is particularly evident in the case of Blocks A and D.

Block A represents a significant increase in terms of its height, scale and mass relative to neighbouring structures. The site combines a number of plots and I would note that the proposed block is not graduated or modulated in any significant way to respond to the receiving environment. The proposed 14 storey element is identified by the applicant as a potential 'landmark'. This structure will certainly be visible within the surrounding environment and on the local skyline. The key question in my view is whether the block sits comfortably within the receiving environment and is of a suitable design quality given its visual prominence. I would note that the 14 storey 'tower' lacks the slenderness ratio that would often be associated with a landmark feature. In the absence of visualisations from Chancery Street, the rear of the Forecourts and at all gaps along the north quays to the south it is not clear how this structure would impact the local skyline to the south / southwest. The photomontages from the north, indicate that the structure will be visible above roof lines. In terms of the design quality, I consider that the elevations are extensive in terms of scale and mass and that the architectural detailing is quite generic in nature. I would suggest, given the historic context and varied architectural character of this area coupled with the increase in scale proposed, that a more bespoke architectural response that complements and enhances the streetscape and skyline is merited. In its current form I consider that Block A would be a dominant feature and would overwhelm and have a significant adverse effect on the streetscape and character of the local area, including on the Fruit and Vegetable Market building to the south which is a Protected Structure.

The direct impact of Block D on Protected Structures within and adjoining the site is discussed in Section 11.3 above. In terms of the wider impact, the photomontage images show that Blocks D would be a dominant feature in the 'red-line' conservation area around Halston Street and from Green Street Courthouse. It

would alter the setting of St. Michan's Church and alter the visual interaction between the Church and St. Michan's Park, the Greenstreet Courthouse and the Debtors Prison (Protected Structure and Z8 zoning) to the east. Block D would also obscure views of the prominent bell tower from the surrounding including from the Liffey Quays.

Policies CHC2 and Policy CHC4 of the City Plan seek to ensure the protection of the special interest and character of protected structures and conservation areas. Policy SC17 seek to protect the skyline and to ensure that taller buildings make a positive contribution to the skyline. I consider that the proposed Blocks A and D would contravene policies CHC2 and CHC4 and that there is a lack of document in relation to the impact on the skyline.

Blocks B and C are more aligned to the height and scale of the recently permitted 7-8 storey hotel on the adjacent site to the north and sit approximately one floor higher than the apart hotel under construction on the eastern side of Little Green Street. These blocks have a less prominent position than Blocks A and D and would appear to sit more comfortably within the streetscape. Notwithstanding this, I am of the view that additional visualisations and section drawings would be required to detail the relationship with adjacent sites and structures and along the narrow street frontage.

I would also draw the Boards attention to the somewhat piecemeal and dispersed nature of the development across two city blocks. I consider that the proposed development due the scale of the blocks and interface with adjoining sites would challenge the future regeneration of the area and that this has not been adequately addressed or justified within the submitted documentation. The CE's Report also refers to poor urban design and placemaking outcomes due to the lack of animation at ground level and absence of commercial uses at ground floor. The potential for overshadowing of streets and spaces at ground level is also highlighted. These are matters that would need to be addressed in any future application in my view.

11.4.9. I consider that there is no clear justification for the proposed urban design strategy and the nature and scale of development proposed within this historic context and close to a number of important protected structures and landmark buildings. I consider that the proposed development would adversely affect the established character of the local area and would also seriously detract from the setting and

character of protected structures and areas of conservation value. On the basis of the foregoing, I recommend that permission be refused.

### 11.5. Impact on Archaeology

I refer the Board to the Archaeological Assessment submitted with the application. The site is in the medieval core and later Georgian core of Dublin detailed on Figure 17 of the Dublin City Development Plan 2016-2023. The site is within the Zone of Archaeological Potential for Dublin (RMP No. DU018-020), in the immediate vicinity of the medieval Broad Street, the possible site of a marketplace and north of the walled precinct of St. Mary's Abbey. The site falls within the overlapping areas of archaeological potential or zones of notification for recorded archaeological sites listed in the RMP for a mill (RMP No. DU018-119), a habitation site (RMP No. DU018-020605), a glasshouse (RMP No. DU018-020150) and a religious house (RMP No. DU018-343 – the medieval wall on East Arran Street through to be part of St. Mary's Abbey). The site is proximate to the historic course of the River Bradogue (RMP No. DU018-0205566) shown on Speed's map of Dublin dated 1610 where Green Street and Little Green street are located. The river is culverted and is thought to run in the vicinity of the site.

Archaeological investigations on the site and in the vicinity of the site have identified sub-surface archaeology. The northern area of Block A (21 Halston Street) was investigated and partially excavated in 1993, revealing a masonry mill race of medieval date, a deep curving ditch associated with the rerouting of the River Bradogue and a spread of archaeologically enriched soils as well as the wall footings of 17<sup>th</sup> century structures. It is noted that similar features are likely to be present in Blocks B and C. It is noted that excavations on George's Hill south of Block D have revealed evidence of medieval occupation and that similar features may survive beneath the surface of Block D. While the sites appear to be located outside of the precinct walls of St. Mary's Abbey the results of excavations demonstrate that there was medieval activity in this area of the city, particularly in relation to the River Bradogue. There is also potential in this area for finds associated with the Viking settlement at Oxmantown.

The applicants study refers to design mitigation measures, including the elimination or substantial reduction of basements to reduce impact on in-situ archaeology. It is noted that there would still be developmental impacts as a result of piled foundations and other below ground features, depending on the depth at which the archaeology is present. The study indicates that given the nature of the site with upstanding remains, it may not be possible to carry out assessment in advance of the proposed demolition works. The study recommends post demolition archaeological test trenching and monitoring at all four blocks under licence to the National Monuments Service. The study states that the tests will establish as far as possible the nature, extent and location of archaeological features or soils and will establish the potential impact of the proposed development on these remains. It is suggested that the results of test trenching be compiled in an impact statement report to be submitted to the National Monuments Services and the City Archaeologist for discussion and consultation. Following this stage, the preparation of a precise impact assessment in respect of buried archaeological deposits on site can be achieved. Based on the results the final foundation layout can be agreed in consultation with and approval from the City Archaeologists office and they will determine if further resolution is required. This may involve full archaeological excavation with preservation in record form of archaeological soils or features encountered or preservation in situ with monitoring during construction. Should significant masonry remains be identified there may be a requirement for them to be put on display within the development.

The reports received from the City Archaeologist and National Monuments Services indicate no objection to the approach set out in the applicants Archaeological Desk Study Assessment. The National Monuments Services recommend that the proposed archaeological mitigation measures, relating to archaeological testing and monitoring are carried out and that this is required as a condition of any grant of planning permission that may issue. The Report of the City Archaeologist recommends that all archaeological features require phased recording prior to, and post demolition, an in advance of development; that if legible remains of known monuments are discovered during the pre-development investigations, these should be preserved in situ and presented within the development; it is questioned whether the basement level of the 18<sup>th</sup> century protected structure could be retained unaltered. A third party submission suggests that there should be a requirement to

cease the entire development should testing on any plot require works to cease. Other matters relating to the historic scale and gain of the area (inc. laneways) are addressed under Heritage, Townscape, Landscape and Visual Impact below.

Policy CHC9 of the City Plan seeks to protect and preserve national monuments. I am satisfied that the proposed approach is reasonable and that the proposed development would not contravene Policy CHC9 of the City Plan. The outstanding issues set out above can be satisfactorily addressed by way of condition in the event that the Board is minded to grant permission.

## 11.6. Quality of Residential Accommodation

11.6.1. The proposed development is described in the site and newspaper notices as 'Shared Accommodation'. The Apartment Guidelines refer to shared accommodation as a specific type of Build to Rent (BTR) accommodation where individual rooms are rented within an overall development that includes access to shared or communal facilities or amenities. Specific Planning Policy Requirement 9 states the following in relation to Shared Accommodation:

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

- (i) No restrictions on dwelling mix shall apply;*
- (ii) The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5a and 5b;*
- (iii) Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;*
- (iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is*

*intended to contribute to the capacity to establish and operate shared mobility measures”;*

11.6.2. The proposed development comprises 61 no. bedroom clusters with 360 no. bedrooms and 506 no. bedspaces summarised as follows:

<b>Block</b>	<b>No. Units</b>	<b>No. Bedrooms</b>	<b>No. Bedspaces</b>	<b>No. Single</b>	<b>No. Twin</b>	<b>No. Accessible</b>
A	40	186	245	127	59	0
B	7	35	56	14	21	7
C	7	42	56	28	14	7
D	7	97	149	45	52	7
<b>Total</b>	<b>61</b>	<b>360</b>	<b>506</b>	<b>214</b>	<b>146</b>	<b>21</b>

Section 5.16 and Table’s 5a and 5b set out space standards for ‘Shared Accommodation’.

Table 5a refers to a minimum bedroom size of 12 sq. metres for single bedrooms and 18 sq.m for double or twin rooms (including the ensuite). All units meet the minimum rooms sizes. In addition, all of the bedrooms are ensuite meeting this requirement.

Table 5b states that overall, shared accommodation units would have a maximum occupancy of 8 persons calculated on the single or double occupancy of the bedrooms provided (e.g. 2 x double bedrooms (4 persons) + 4 x single bedrooms (4 persons) = 8 person total occupancy).

Table 5b sets out a minimum standard for common living and kitchen areas of 8 sq. metres per person for clusters of 1-3 bedrooms and an additional 4 sq. metres per person for 4-6 bedrooms.

- In relation to cluster size, blocks A, B and C have individual clusters containing 3, 5 and 6 bedrooms and allow for a maximum of 8 occupants per cluster. This is in accordance with the provisions of Table 5b. Block D

has clusters contain 9, 11, 19 and 20 bedrooms that provide for 9, 16, 30 and 32 occupants. This is not consistent with the cluster model set out in Table 5b of the Apartment Guidelines. The PA do not support the format of shared living in Block D.

- In relation to the common kitchen and living area standards, I would note that the applicant has not provided a breakdown of kitchen and living areas per bedroom. The HQA states that 5.3 sq.m of common living and kitchen facilities are provided per bedspace. A review of the floorplans indicates that in blocks A, B and C the common living and kitchen spaces meet the per person floorspace requirements set out in Table 5b. These requirements are not met in in Block D. The 20 unit clusters at 2<sup>nd</sup> floor have 32 no. bedspaces and would require common living and kitchen spaces of 140 sq. metres based on the per person standards in Table 5b. The 19 unit clusters at 3<sup>rd</sup> and 4<sup>th</sup> floor have 30 no. bedspaces and would require common living and kitchen spaces of 132 sq.m based on the per person standards in Table 5b. The 11 unit clusters at 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floors have 16 no. bedspaces and would require common living and kitchen areas of 76 sq. metres based on the per person standards in Table 5b. A common area of 68 sq. metres is provided to all of these units. This represents a significant shortfall in the case of the 11, 19 and 20 unit clusters. I would note that a separate 'dedicated kitchen / living area' of 103 sq. metres is proposed at 1<sup>st</sup> floor. This is not connected to any unit. While this would provide additional kitchen and dining facilities, the overall quantum remains below that required under Table 5b. I consider that the location of this facility outside of the individual clusters on a different floor and the fact that it would be accessible to all 149 no. occupants of Block Dis not suitable compensation for common kitchen and dining areas within the cluster.

11.6.3. The guidelines state that a key feature of shared accommodation schemes internationally is the provision of recreation and leisure amenities that are accessible to the occupants of the scheme. SPPR 7 (b) of the Apartment Guidelines provides that BTR development must be accompanied by detailed proposals for (i) resident support facilities and (ii) resident services and amenities. SPPR 9 (iii) specifically states that “flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity”.

The HQA sets out an overall figure for shared residential services, facilities and amenities in each block. Notwithstanding the obligation on the project proposer to demonstrate the overall quality of the facilities the submitted documents do not include a schedule or breakdown of floorspace space within each Block. The overall figures provided would appear to include all common areas including circulation spaces. I have reviewed the submitted floorplans set out the following summary of common facilities based on the floor areas stated on the plans:

Figure 11.6.1 Resident Support Facilities and Amenities

	<b>Internal</b>	<b>External</b>
Block A	943 sq.m (approx.)  Communal cafe, arcade space along street edge at ground level, meeting space, residents co-working space, residents meeting rooms (x3), laundry's (x2), library, games / central amenity area, studio space (x2), meeting / co-working space, workshop / studio space and exercise area / gym.	106 sq.m ground level courtyard; 331 sq.m roof terraces.
Block B	154 sq.m (approx.)  Residents co-working space at ground level and multi-purpose amenity space at 8 <sup>th</sup> floor.	79 sq.m ground level courtyard; 66 sq.m roof terrace.



Block C	148 sq.m (approx.) Residents co-working space at ground level and multi-purpose amenity space at 8 <sup>th</sup> floor.	45 sq.m ground level courtyard; 45 sq.m roof terrace.
Block D	406 sq.m (approx.) Leisure area, plug-in workspace, refreshment area, laundry, workshop / office (x2)	256 sq.m roof terraces.

The applicant is to retain ownership of the scheme and to operate the shared living accommodation as 'Roost Living'. The submitted Operational Plan and Shared Accommodation Feasibility Report provides details of the operation of the scheme on a 24/7 basis.

I consider that the nature and extent of resident support facilities, services and amenities within the scheme is acceptable. The greatest level of provision is in Block A and I am satisfied that Block's B and C are reasonably proximate to and would have reasonable access to the facilities and amenities in Block A to supplement the lower level of provision in these Blocks. On this basis I am satisfied that the level of provision in Blocks B and C is acceptable. The occupants in Block D would be more remote from the facilities and amenities in Block A, however, a reasonable level of communal facilities and amenities is provided within this Block. I am satisfied that the amount of space dedicated to facilities and amenities is acceptable. I would note that the proposed external roof terraces at 12<sup>th</sup> and 13<sup>th</sup> floor in Block A; 8<sup>th</sup> and 9<sup>th</sup> floors of Blocks B and C and 1<sup>st</sup> and 5<sup>th</sup> floor of Block D are shown as blue roofs on the drainage drawings. Having regard to the limited open space available clarification in relation to the use of these areas would be required in the event that the Board is minded granting permission.

#### Public Open Space

11.6.4. In terms of public open space, Section 16.10.3 and Policy GI11 of the Dublin City Development Plan required 10% of the site area to be reserved as public open space in new residential developments. In some instances, the Plan allows for the payment of a financial contribution towards public open space provision, including in cases where it is not feasible to provide public open space within the site due to site

constraints or other factors. The PA note that the applicant has not proposed any public open space in this instance and that the development would result in a larger area of shadow for the existing public open space in the area St. Michan's Park. It is also noted that there is a deficit of open space in the inner city area. I consider that the potential for a negative impact on St. Michan's Park is unacceptable given the amount of public open space in this part of the city and having regard to the proposal to bring 506 no. new residents into this area. The absence of public open space within the development is acceptable in the context of SPPR9 of the Apartment Guidelines, which allows flexibility in relation to open space standards.

#### Car, Cycle Parking and Refuse

11.6.5. The proposed development is proposed as a zero car parking scheme. A total of 395 no. cycle parking spaces are proposed across the 4 no. Blocks. Having regard to the provision of SPPR9 and to the Report of the PA's transport section which supports the approach in relation to car and bicycle parking I consider that this is acceptable. The PA's Transport Section seeks further detail in relation to the accessibility and design of cycle parking areas. Refuse storage is proposed within the block and I consider the level of provision to be adequate subject to a suitable operational phase waste management strategy. These issues can be satisfactorily addressed by condition.

#### Residential Amenity

11.6.6. The submitted Wind Microclimate Study indicates that outdoor spaces would be conducive to sitting, reading and socialising. A sunlight study for each of the proposed open spaces confirms that all terraces (at upper levels) would receive in excess of 2 hours sunlight on 21<sup>st</sup> March apartment form the terrace at the 1<sup>st</sup> floor of Block D. Almost all of the bedrooms proposed in the development are single aspect, with most facing south, east or west. The submitted Daylight and Sunlight Assessment concludes that rooms at the lowest floors would exceed the minimum Average Daylight Factor values detailed in BS8206-2.

#### Conclusion:

11.6.7. Block D fails to meet the cluster size standard and to provide an acceptable standard of common kitchen and dining areas for its future occupants in accordance with the provisions of the Guidelines for Planning Authorities on Design Standards for New

Apartments issued by the minister in March 2018. Section 5.23 of the Apartment Guidelines allows for permission to be granted for shared accommodation formats that deviate from those outlined in paragraph 5.15 at the discretion of the planning authority. The guidelines state that in assessing such proposals, planning authorities should ensure that sufficient communal amenities are provided in accordance with the specified standards in Table 5b and that the scale of the development is appropriate to the location or buildings involved. I consider that the format proposed in Block D, due to the overall size of individual clusters and the notable shortfall in the quantitative provision of communal kitchen and living areas, would fail to provide an acceptable living environment for future occupants. Block D would, therefore, be contrary to these Ministerial Guidelines.

## **11.7. Impact on Amenities**

- 11.7.1. While the predominant land uses in this area are commercial or warehousing uses, there are a number of sensitive receptors in the area associated with residential and community uses. I would note that impacts on protected structures and on the public realm due to loss of light, overshadowing or overbearance impacts is assessed separately under the relevant sections of this assessment.
- 11.7.2. In considering the impact on amenity I refer the Board to the Daylight and Sunlight Assessment prepared by Digital Dimensions. Buildings considered include the Old Distillery apartments on North Anne Street, Ulysses House Apartments on Little Britain Street, Arran House on Mary's Lane, Georges Hill Apartments between Halston Street and Georges Lane and the primary school to the west of Block A. Following a preliminary assessment of proximity and the angle between blocks, the assessment concludes that more detailed assessment is needed in respect of the Old Distillery apartments, Georges Hill Apartments, the Primary School on Georges Hill and Arran House. In the case of the Fruit and Vegetable Market on Little Mary Street to the south of Block A and the permitted apart hotel on Little Green Street to the east of Blocks B and C assessment concludes that while there is potential for impact the uses do not have a specific requirement for daylight and as such do not need to be assessed. Having regard to the Protected Structure status of the Fruit and Vegetable Market and the extant planning consent to introduce a commercial market on this site I would suggest that the impact on this structure should be

considered as the development may have a material impact on this structure. I have also raised concerns in Section 11.3 above in relation to the failure to consider the impact on daylight reaching the stained glass windows in St. Michan's to the north of Block D due to the potential for a material impact on this Protected Structure.

### Overlooking

11.7.3. The southern elevation of Block D would be 5 metres (approx.) from the northern elevation of the George's Hill Apartment Block G2. The interface is across a narrow public lane (Cuckoo Lane). There are 6 no. windows to habitable rooms in the opposing elevation. The level of separation between blocks is limited, however, it is reflective of the tight urban context and the established building lines on both sides of the street. I consider that the level of separation is therefore acceptable, in the context of overlooking, subject to the incorporation of suitable design mitigation measures to ensure that windows in Block D are set off the opposing windows in the Georges Hill development. This would appear to be generally the case.

11.7.4. The primary school building immediately west of Block A includes a ground level courtyard play area and roof level play area on the eastern side of the block. Figure 14 of the Daylight and Sunlight Assessment shows the position of classroom windows and play areas. Submissions received from third parties, including a submission from the school principal, raises concerns in relation to the potential impact on the school arising from overlooking and overshadowing / loss of daylight. The western elevation of Block A would be 9 metres from closest windows and from the play areas at ground and roof level. Having regard to the level of fenestration in the western elevation of Block A coupled with the limited separation from the adjoining school, I consider that there is the potential for undue overlooking of classrooms and play areas. This issue is likely to arise with any redevelopment of Block A due to its proximity to and position relative to the school and on this basis, design mitigation will be required to limit the impact on the school. The submitted documents have not addressed this interface in detail or included sections or other illustrations to show that sufficient mitigation measures have been employed. I consider that this issue is not adequately addressed and that the issue of undue overlooking cannot be excluded. In the case of The Old Distillery complex and the Arran House development, I am satisfied that the level of setback is reasonable, and that the potential for undue overlooking can be excluded. I would concur that the

permitted hotel fronting Britain Street Little and the aparthotel that is under construction to the east of Blocks B and C are commercial in nature and would not, therefore, have the same requirement for privacy, particularly across a public street.

### Daylight and Sunlight

- 11.7.5. In considering daylight and sunlight impacts, the Apartment Guidelines (2018) state that PA's should have regard to quantitative performance approaches outlined in guides like the BRE guide '*Site Layout Planning for Daylight and Sunlight*' (2nd edition) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*' (Section 6.6 refers).
- 11.7.6. The impact on daylight and sunlight is measured in terms of Vertical Sky Component. BRE guidance states that where VSC falls below 27% and is less than 0.8 times the former value there would be a materially noticeable change in daylight. The greatest impacts arise in respect of Block G2 and G3 of the Georges Hill Apartments to the south of Block D and east of Block A and in respect of the primary school to the west of Block A.
- 11.7.7. In Block G2 of 12 windows tested the level of daylight to 6 windows on the northern elevation, would be significantly impacted with VSC's of over 27% reducing to 1.8%, 6%, 2.2%, 7.3%, 2.8% and 8.3% with the development in place. The assessment does highlight the fact that the rooms impacted are bedrooms (15, 19, 23) or living room windows with dual aspect (16, 20, 24) and that the other windows maintaining a much higher VSR. The most significant impacts are therefore confined to 3 no. bedrooms. In relation to the impact on Block G2 the applicants highlight the narrow nature of Cuckoo Lane and the fact that the VSC is high due to the existing 1-2 storey buildings on the northside. It is argued that a structure of even a few storeys would have significant impact on these windows. In Block G3 the VSC for all windows tested relating to living areas, kitchens and bedrooms (25 no. in total) would fall below 0.8 times the former value. In most cases the VSC is below 27% without the development in place. The proposed development would result in further reductions of up to 60%. In terms of Block G3 the impact on units closest to Block A is noted. The applicant notes that the building has an overhanging roof which reduced VSC. The applicant argues that Blocks G2 and G3 with frontage onto Cuckoo Lane and Halston Street provide short term transitional accommodation and

do not have the same requirement for daylight. Block G1 (the old convent) provides longer term accommodation but is not impacted to the same degree. The PA do not concur that these blocks provide exclusively short-term accommodation and note that they could be used as long-term accommodation at any time. Focus Ireland the owner and occupier of the site has not made a submission.

11.7.8. In relation to the primary school which is immediately west of Block A there is also a material impact on classroom windows. The assessment shows that the greatest impacts arise to windows in dual aspect classrooms. The applicant argues that there is a moderate reduction and that the rooms impacted are dual aspect. In relation to the school yard the assessment shows that the area receiving sunlight is limited and would not reduce substantially with the proposed development in place. No assessment has been provided for the roof level plan area.

11.7.9. A third party submission received on behalf of the Old Distillery apartment complex questions the conclusion in Section 3.5 of the Daylight and Sunlight Assessment that the Old Distillery Apartments on Anne Street North would meet the BRE guidelines, as no results are given for this development. While I accept that the calculations are not set out, I would note that these apartments are located c. 35 metres west of proposed Block D at the closest point. Having regard to the 8 storey height of proposed Block D and the level of separation I am satisfied that the potential for undue impacts can be excluded.

Sunlight impacts are not assessed, as annual probable sunlight hours to is generally measured to south facing living room windows and none of the sensitive receptors identified in the assessment fall into the category.

#### Conclusion

11.7.10. I consider that the proposed development would have a significant impact on the amenities of neighbouring residential properties in the Georges Hill Apartment development and on the primary school to the west of Block A due to the impact on the level of daylight received by these developments. The level of impact would be significant in the context of the residential and educational uses within these developments. Furthermore, I consider that the proposed development would have a serious impact on the primary school to the west of Block A due to overlooking of classrooms and play areas. Having regard to the tight urban context a level of

impact is to be expected with any redevelopment of the subject sites at a more urban scale. It is important, however, to achieve a balance and to incorporate design mitigation in order to mitigate the level of impact on the neighbouring properties. I consider that the level of impact on the amenities of neighbouring properties arises to a large degree from the overall height, design, scale, bulk and mass of the blocks. Given the substantive reason for refusal in relation to this issue, I do not propose to include a reason for refusal on the basis of impact on neighbouring properties. However, I would note that the issues raised would need to be addressed in any future scheme.

## 11.8. Other Issues

### Water and Drainage

11.8.1. The drainage network in the area comprise a network of combined public sewers (collecting both foul sewerage and surface water runoff). Separate foul and surface water drainage systems are proposed within the site with combined connections to the public sewer. The system serving Blocks A, B and C would discharge to a sewer on Green Street and the system serving Block D would discharge to a sewer on Halston Street. The surface water system is developed in accordance with the requirements of the Greater Dublin Strategic Drainage Study. The submission received from Irish Water indicates no objection to the proposed development but recommend that details of SUDS measures are agreed with the PA prior to the commencement of development to reduce the level of surface water outfall to the combined sewer. As discussed in Section 11.7 above I note that the proposed Blue Roofs at the 12<sup>th</sup> and 13<sup>th</sup> floor of Block A, 8<sup>th</sup> 9<sup>th</sup> floor of Blocks B and C and 1<sup>st</sup> and 5<sup>th</sup> floor of block D are also shown as external terraces. Clarity would be needed in relation to the compatibility of both uses. Otherwise, I am satisfied that the general approach is acceptable and that the matters raised by IW can be satisfactorily addressed by way of condition in the event of a grant of permission. In relation to water supply it is proposed to connect to the public water main. IW have indicated no objection in relation to the water connection.

### Flood Risk

11.8.2. The site is located within Flood Zone C and is at low risk of flooding. Any potential risks arising from pluvial flooding are addressed through design mitigation.

#### River Bradoge

11.8.3. The submitted documents in relation to the River Bradoge note that this river was converted to a culvert which runs along Halston Street in the 1900's and that this culvert now acts as a public sewer. A number of third party submissions have raised concerns in relation to the capacity of this sewer to accommodate the development. Irish Water and the PA have indicated that the proposed foul and surface water drainage arrangements are generally acceptable and have not raised any concerns in relation to this culvert.

#### Ecology

11.8.4. The application is accompanied by a Bat Survey. The survey found no sign of bats in or on buildings to be demolished and concludes that no mitigation measures are required. As a precaution it is advised that a secure box / container is on standby in the case of a bat being found beneath a slate during works to roofs.

#### Construction Phase

11.8.5. The Report of the PA's Transportation section states that more detail is required in relation to construction stage traffic and construction management. Issue's relating to traffic safety, noise and disturbance during the construction phase have been raised by third parties also. I am satisfied that the issues raised can be satisfactorily addressed by condition in the event of a grant of permission.

#### Procedural Matters

A number of submissions question whether the proposed development falls within the definition set out in Section 3(a) of the 2016 Act relating to SHD due to the number of new units proposed and the accumulation across 4 no. plots. The application, as described in the public notices, relates to a 'shared accommodation' development with a total of 360 no. units and is considered to meet the thresholds set out in Section 3(a) of the 2016 Act relating to SHD. The application is proposed as a single development across a number of neighbouring plots. This is not precluded under the 2016 Act. In relation to the suitability of 'shared accommodation' in the context of Covid 19 I would



note that the provisions of the 2018 guidelines remain in force as discussed in more detail in Section 11.2 above.

## 12.0 EIA Screening

- 12.1.1. The site of 0.02466 hectares comprises four standalone plots. The plots are nos. 6/8 Mary's Lane and 21 Halston Street (Block A); 2 Little Green Street (Block B), 4/5 Little Green Street (Block C) and 16/17 Halston Street (Block D). Block A, B & C are connected. Blocks A, B and C are part of a city block that is bound by Mary's Lane to the south, Halston Street to the west, Little Green Street to the east and Little Britain Street to the north. Block D is a standalone plot that is part of a city block that is bound by North King Street to the north, Cuckoo Lane to the south, Halston Street to the east and by North Anne Street to the west. All of the plots are occupied by commercial (warehousing) uses. The proposed development would involve the demolition of the remaining buildings at Blocks A, B and C and the demolition of remaining buildings, save for the facades of no. 16 and no. 17 Halston Street, and the construction of a shared accommodation development containing 360 no. bedroom units (16,152 sq.m) in 4 no. blocks ranging in height from 5-14 storeys.
- 12.1.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. In this class an environmental impact assessment is mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. The site is zoned City Centre - Z5 in the Dublin City Development Plan with an objective "to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. The predominant use in the area is commercial with some residential and community uses. Based on the zoning and predominant land uses the site can be considered to fall within a business district. The proposal for 360 no. shared accommodation units on a site of 0.02466 hectares is below the mandatory threshold for EIA within a business district.
- 12.1.3. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental

impact assessment. I would note that a number of the third party submissions highlight that the site relates to four separate blocks and that given the scale of development proposed and the potential for impacts on cultural heritage EIA should be undertaken. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. The nature and the size of the proposed development is well below the applicable thresholds for EIA. Residential use is already established in this area and is supported under the zoning objective. The proposed development will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 13.0 concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

12.1.4. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening assessment report submitted with the application. Please refer also to the screening determination set out in Appendix II to this Report.

## **13.0 Appropriate Assessment**

13.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### 13.2. Compliance with Article 6(3) of the Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application. The Screening Report has been prepared by Altemar Marine & Environmental Consultancy. The application is also accompanied by a Hydrological Desktop Study prepared by Byrne Looby which is considered to be relevant. The Screening Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report concludes that there is no possibility of significant impacts on Natura 2000 sites, features of interest or site specific conservation objective and that a Natura Impact Statement is not required.

Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

### 13.3. Need for Stage 1 AA Screening

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess

whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### 13.4. Brief Description of the Development

The applicant provides a description of the project in Section 4 of the Screening Report. The development is also summarised in Section 3 of this Report. In summary, permission is sought for a shared accommodation development with 360 no. bedrooms on a brownfield site of 0.02466 hectares situated in an urban area of Dublin City. The area is characterised by warehousing and distribution uses, residential and institutional uses. The site is serviced by public water and drainage networks. All sewage from the proposed development will be to a combined sewer, which will drain to the Ringsend WWTP and ultimately outfall to Dublin Bay. The dominant habitat on site is buildings and artificial surfaces. The proposed development incorporates attenuation for surface water. There are no watercourses within or immediately adjoining the site. An ecological assessment of the site dated 15<sup>th</sup> November 2019 and 2<sup>nd</sup> September 2020 noted that biodiversity on site was minimal. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site and there are no third schedule<sup>1</sup> non-native invasive plant species were encountered on site. The scheme would involve the demolition of most of the structures on site. All waste will be disposed of to a registered facility.

#### 13.5. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 7, 8 and 9 as well as in Appendix 2 of this Report. The submissions do not raise any issues in relation to Appropriate Assessment.

#### 13.6. Zone of Influence

A summary of European Sites that occur within the vicinity (10-15km radius) of the proposed development is presented Figure 5 and Figure 6 of the applicant's AA Screening Report. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. The nearest Natura 2000 sites

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<sup>1</sup> Third Schedule of the EC (Birds and Natural Habitats) Regulations 2011.

are sites in the inner section of Dublin Bay. The South Dublin Bay SAC [Site Code 000210] is located 4.1km from the site. The South Dublin Bay and River Tolka Estuary SPA [Site Code 004024] is located c. 3km from the site. Both sites are c. 537 metres south of the Ringsend WWTP outfall. The North Bull Island SAC [Site Code 004006] and North Dublin Bay SAC [Site Code 000206] are located c. 6.2km north east of the site and are 2.3km north east of the Ringsend WWTP outfall.

Table 1 of the applicant's screening report identifies all potential impacts associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, examines whether there are any European sites within the zone of influence, and assesses whether there is any risk of a significant effect or effects on any European sites, either alone or in combination with other plans or projects. The possibility of a hydrological connection between the proposed development and habitats and species of European sites in Dublin Bay is identified due to the combined surface and foul water connection. This is discussed further below. The potential for a hydrological connection to any site through groundwater is excluded. The potential for significant impacts such as displacement or disturbance due to loss or fragmentation of habitats or other disturbance is excluded due to the lack of suitable habitat for qualifying interests of SPAs and the intervening distances between the site and European sites.

- 13.6.1. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, all sites outside of Dublin Bay are screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections. In relation to the potential connection to sites in Dublin Bay I am satisfied that the Rockabill to Dalkey Island SAC, Dalkey Island SPA and Howth Head Coast SPA are not within the downstream receiving environment of the proposed development given the nature and scale of the proposed development, the insignificant loading in terms of either surface water or wastewater, the intervening distances and the significant marine buffer and dilution factor that exists between the sites. I conclude that it is reasonable to conclude on the basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.

13.6.2. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are closer to the development site and to the outfall location of the Ringsend WWTP and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

13.6.3. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

### 13.7. Screening Assessment

The Conservation Objectives (CO) and Qualifying Interests of sites in inner Dublin Bay are as follows:

South Dublin Bay SAC (000210) - c. 4.1 km from the proposed development. c. 537 m south of Ringsend WWTP outfall.
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CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
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Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]
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North Dublin Bay SAC (000206) – c. 6.2 km north east of the proposed development; c. 2.3 km north east of Ringsend WWTP outfall.
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CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
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Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimi</i> ) [1330] / Mediterranean salt meadows
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(*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 3 km from the site.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999]

North Bull Island SPA (004006) - c. 6.2 km north east of the site.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

13.7.1. Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within the site. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.
- During the operational phase foul and surface water will drain to combined sewers. The combined discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

13.7.2. AA Screening Conclusion:

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.



## 14.0 Recommendation

14.1.1. I recommend that permission be refused for the reasons and considerations set out below.

## 15.0 Recommended Draft Board Order

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21<sup>st</sup> September 2020 by The Fruitmarket Partnership, care of Future Analytics Consulting, 23 Fitzwilliam Square (South), Dublin 2, D02RV08.

**Proposed Development:** The development will consist of:

1. Demolition of all existing structures on site (excluding protected archway at 16/17 Halston Street) and the construction of a Shared Accommodation development with a gross floor area of c.16,152 sq.m. set out in 4 no. blocks, ranging in height from 5 to 14 storeys to accommodate 360 no. bedroom units (with a total of 506 bed spaces) on a total site area of 2,466 sq.m.
  - i. Block A: construction of 186 no. bedroom units (in 40 no. “cluster” apartment units), with living/kitchen space provided in each of the 40 no. apartments; shared communal space, reception, laundry and café at ground floor level, gym, games area/general amenity areas, co-working space at first floor level and bicycle parking provided at basement level (224 no. spaces provided), in a 9 to 14 storey block (c.8,025 sq.m. gross floor area) above basement (c.551 sq.m.) on a site measuring c.905 sq.m. at 6 and 8 Mary’s Lane bounded by Mary’s Lane to the south and Halston Street to the west.
  - ii. Block B: construction of 35 no. bedroom units (in 7 no. “cluster” apartment units), with living/kitchen space provided in each of the 7 no. apartment units, shared communal space, communal amenity space at ground floor level, rooftop garden and bicycle parking provided at ground level (35 no. spaces provided), in a nine storey block (c.1,887) sq.m. gross floor area) on a site measuring c.345 sq.m. at 2 Little Green Street bounded by Little Green Street to the east.

iii. Block C: construction of 42 no. bedroom units (7 no. “cluster” apartment units), with living/kitchen space provided in each of the 7 no. apartment units, shared communal space, communal amenity space at ground floor level, rooftop garden and bicycle parking provided at basement level (39 no. spaces provided), in a nine storey block (c.2,091 sq.m. gross floor area) above basement (c.306 sq.m.) on a site measuring c.427 sq.m. at 4/5 Little Green Street bounded by Little Green Street to the east.

iv. Block D: the construction of 97 no. bedroom units (7 no. cluster units), with living/kitchen space provided in each of the 7 no. cluster units, shared communal space, reception/lobby, support office, co-work space, amenity areas and coffee dock at ground floor level, meeting rooms, management office, rooftop gardens/terraces provided on a number of floors, and bicycle parking provided at ground level (100 no. spaces provided), in a 5 to 8 storey block (c.4,149 sq.m. gross floor area) on a site measuring c.789 sq.m. at 16/17 Halston Street.

2. Conservation of and works to the existing protected archways located at 17 Halston Street and maintenance works to the Protected Structure with the cleaning of the Stone façade.

3. A total of 398 no. bicycle spaces are proposed to be provided.

4. All ancillary site development and landscape works, including retaining walls, sub-station, provision of bin stores, boundary treatments, hard and soft landscaping and provision of foul, surface water and water services on site with connections and modifications to existing.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

## **Decision**

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

## **Matters Considered**

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

## **16.0 Reasons and Considerations**

1. It is considered that the proposed development and in particular Blocks A and D, by reason of their design, scale and mass would seriously detract from the setting and character of protected structures and areas of conservation value in the vicinity of the site, in particular, the Halston Street Conservation Area, no. 17 Halston Street (Protected Structure Ref. 3506), St. Michan's Church and Presbytery (Protected Structure Ref. 3505), the former Parish Hall / Schoolhouse Cuckoo Lane (Protected Structure Ref. 2092), the Fruit and Vegetable Market on Mary's Lane (Protected Structure Ref. 5069), Green Street Courthouse (Protected Structure Ref. 3327) and the Debtors Prison Green Street (Protected Structure Ref. 3507). The applicant has failed to provide adequate information or justification that would support a material contravention of policies CHC2 and CHC4 of the Dublin City Development Plan 2016-2022 in relation to the protection of the special interest and character of protected structures and conservation areas. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed Block D would fail to provide an acceptable standard of amenity for its future occupants in accordance with the provisions of the Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in March 2018, as the proposed bedroom clusters exceed the maximum occupancy standard per cluster set out in Table 5b of the guidelines and there is an inadequate provision of communal kitchen and dining areas in

each unit having regard to the per person floor areas standards set out in the guidelines. The proposed development would therefore be contrary to the above mentioned guidelines and plans, and to the proper planning and sustainable development of the area.

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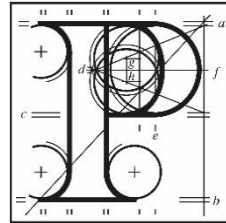
Karen Kenny  
Senior Planning Inspector

4<sup>th</sup> January 2021

## **Appendix I – Third Part Submissions**

- 1. Brendan O’Sullivan**
- 2. Mr. and Mrs Bruce Morgan and Mrs Sheila Hillis**
- 3. Dubco Credit Union**
- 4. Ian Lumley**
- 5. Niall Ring**
- 6. O’Brien Household**
- 7. Terry Crosbie and Others**
- 8. The Old Distillery Management Company**
- 9. Allen Mee**
- 10. Carmel Keogh**
- 11. Frank McDonald**
- 12. Geoff Power**
- 13. Joe Costello**
- 14. Martin Bennett**
- 15. Neasa Hourigan**
- 16. Neil Forsyth**
- 17. Pat Coyne**
- 18. Patrick King**

## Appendix II - EIA Screening Form



An  
Bord  
Pleanála

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

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		ABP-308228-20
<b>Development Summary</b>		Demolition of all existing structures, construction of 360 no. shared accommodation bedrooms and associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	AA Screening.

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	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	Dublin City Development Plan 2016-2022 subject to SEA and SFRA.

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

<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>Redevelopment of brownfield site. Not significant in scale in context of the wider Dublin City 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>Uses proposed consistent with land uses in the city centre area. Z5 City Centre zoning applies. Residential use permitted in principle. No changes to topography or waterbodies.</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 used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.</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. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature. The implementation of a Construction Environmental Management Plan would 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>Demolition / 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. The implementation of a Construction Environmental Management Plan would satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via an operational waste management plan. Foul water will discharge to the public network. No significant operational impacts anticipated.</p>	<p>No</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. The implementation of a Construction Environmental Management Plan would satisfactorily mitigate potential impacts from emissions during construction.</p> <p>In the operational phase the development will connect to public network.</p>	<p>No</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 and short term in nature. The implementation of a Construction Environmental Management Plan would satisfactorily mitigate potential 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. The implementation of a Construction Environmental Management Plan would satisfactorily mitigate 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 issue of Flood Risk has been satisfactorily addressed in the submitted SFRA. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	Redevelopment of this site as proposed will result in an increase in residential units within the urban core of Dublin City. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	No. Standalone regeneration project.	No
<b>2. Location of proposed development</b>			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> </ol>	<b>No</b>	No. Potential for significant effects on Natura 2000 sites has been screened out. Refer to Section 13.0 of the Inspectors Report.	No

<p><b>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</b></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 habitats of species of conservation significance identified within the site or in the immediate environs.</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>Site is in Zone of Archaeological Potential for Dublin (RMP No. DU018-020) and in areas of archaeological potential for recorded archaeological sites RMP No. DU018-119 a mill, RMP No. DU018-020605 a habitation site, RMP No. DU018-020150 - a glasshouse and RMP No. DU018-343 - a religious house. The site is proximate to the historic course of the River Bradogue (RMP No. DU018-0205566). No. 17 Halston Street is a Protected Structure (RPS Ref. No. 3506). St. Michan's Church which adjoins no. 16 Halston Street (Block D) to the north is a Protected Structure (RPS Ref. 3505). The former Parish Hall / Boys School on Cuckoo Lane (RPS 2092) which adjoins no. 16 and no. 17 Halston Street (Block D) to the west is also a Protected Structure (RPS Ref. 2092). Other protected structures in the</p>	<p>No</p>

		<p>area (refer to Section 11.4 of Planning Assessment). Block D is in a 'red-line' conservation area designated under the relevant Development Plan and lands to the north of the site are zoned Z8 a conservation zoning. Impacts considered in Section 11.0 Planning Assessment. Recommendation that permission be refused due to impact on protected structures and areas of conservation value in the vicinity of the site. The impacts identified while significant in the context of the local historic environment, are localised in nature and are not considered to be significant in the context of the wider environment and EIA.</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>There are no areas in the immediate vicinity which contain important resources.</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 open watercourses in the area. The development will implement SUDS measures to control surface water run-off.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>No.</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>No</p>	<p>No</p>
<p><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></p>	<p><b>Yes</b></p>	<p>Potential impact on George's Hill primary school due to overlooking and obstruction of daylight and sunlight. Potential impact on St. Michan's Church due to obstruction of daylight. The potential impacts identified in the planning assessment above (Section 11), are localised in nature and are not</p>	<p>No</p>

		considered to be significant in the context of the wider environment and EIA.	
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<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>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<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>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## 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 zoned Z5 “City Centre” in the Dublin City Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan;
- (c) The nature of 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)
- (e) 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 applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment.

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.

Inspector: \_\_\_\_\_ **Karen Kenny**

Date: \_\_\_\_\_ **04/01/2021**