



An  
Bord  
Pleanála

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

## Inspector's Report ABP-308871-20

### **Strategic Housing Development**

Demolition of existing buildings on site, construction of 189 no. Build to Rent apartments and associated site works.

### **Location**

Former Steelworks Site at 32A, 32B, 33, 34 and 35 James Street and a site off Basin View, Dublin 8.  
([www.jamesstreetshd.com](http://www.jamesstreetshd.com))

### **Planning Authority**

Dublin City Council South

### **Applicant**

Cherry Core Limited and Jasmine Perfection Limited

### **Prescribed Bodies**

Minister for Culture, Heritage and the Gaeltacht  
Irish Water

**Observer(s)** (1) Michael & Mary Carolan, Brendan Bane, Frank & Carmel O'Connor  
(2) Mark Kinsella

**Date of Site Inspection** 19<sup>th</sup> February 2021

**Inspector** Colin McBride

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	5
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation .....	7
Applicant's Statement.....	10
6.0 Relevant Planning Policy .....	10
7.0 Third Party Submissions .....	13
8.0 Planning Authority Submission .....	14
9.0 Prescribed Bodies.....	16
10.0 Assessmnet.....	<b>Error! Bookmark not defined.</b>
11.0 Recommendation .....	17
12.0 Reasons and Considerations .....	41
13.0 Conditions .....	41

## 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 site is located to the west of the city centre and on the southern side of James Street. The appeal site is occupied by a number of structures fronting James Street including no.s 32A, 32B, 33, 34 and 35, which are two-storey structures and are currently vacant. To the rear of these structures is an open yard area with a number of large warehouse structures around it. The site has a vehicular access off the northern boundary on to James Street and a vehicular access at its south-western corner off Basin Street Lower. The appeal site, which has an area of 0.55 hectares is currently being used as a short stay car park. The site also includes a vacant site, which runs along the southern side of the main body of the site currently in use as a car park. This is a vacant site and with no existing structures (appears to have been cleared) and has a vehicular access off Basin Street Lower.

2.2 Adjoining development include a housing development to the east (Oaklee Housing), consisting of a number of five-storey blocks. To the east are no. 30-32, which are three-storey structures with commercial use on the ground floor and residential use on the upper floors. These properties have an open yard that adjoins the western boundary of the site. To the south west of the site are the Mary Aikenhead Apartments located along Basin Street Lower, which consist of a five-storey block. Immediately to the south of the site are two-storey dwellings that front onto Basin Street Lower and James Avenue.

### 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises of 189 apartment units, communal residential amenities/facilities including a communal lounge, multi-functional space, a concierge and delivery storage area. The proposed scheme provides for the following: -

Unity Type	Number	Percentage
1-bed units	151	80%
2-bed units	34	18%
3-bed units	4	2%

The development is split into three blocks, Block A, B and C. Block A ranges in height from three-eight-storeys and is located along the James Street road frontage to the north of the site. This Block contains 30 no. one-bed units, 8 no. two-bed units and 4 no. three bed units as well as the communal facilities serving the overall development. Block B, which is the largest of the three blocks ranges in height form three-eight-storeys and contains 106 no. one-bed units and 21 no. two-bed units. Block B is located to the south of Block A and has some frontage along Basin Street Lower to the south west of the site. Block C is a six-storey block consisting of 15 no. one-bed units and 5 no. two-bed units. Block C is located to the west of the site and to the south of no.s 30-32 James Street.

3.2 The application includes the following

- Planning Report and Statement of Consistency
- Material Contravention Statement
- Statement of Reponses
- Operational Management Plan
- Quality Audit
- Architectural Report

- Planning Stage Acoustic Report
- Building Lifecycle Report
- Traffic and Transport Assessment
- Road Safety Audit
- Construction Management Plan
- Archaeological Report
- Appropriate Assessment Screening
- Wind Microclimate Modelling
- EIA Screening Statement
- Daylight and Sunlight report
- Landscape and Visual Impact report
- Landscaping Proposals
- Part V proposals
- Photomontages and CGI's

## 4.0 **Planning History**

### 4.1 Subject site

4264/07: Permission granted for change of use of site steel works, office building, track and trailer parking to use as a private car park for staff of St. James Hospital.

3240/13: Permission granted for retention of the continued change of use from industrial to a private car park.

#### Surrounding sites

2765/20: Permission granted to and the permission granted under ref no. 3209/19 with 53 no. additional apartments providing a total of 596 no. build to rent units.

3209/19: Permission granted for a mixed use development consisting of 543 no. build to rent apartment units as well as retail, medical, café, restaurant and childcare facility. At Grand Canal Harbor, Grand Canal Place, Dublin 8.

4060/04: Permission granted for the construction of and educational premises comprising of three-storey block and single-storey block fronting onto Basin Street Lower, this site is located immediately south of the appeal site.

PL29S.121529 (0686/00): Demolish existing warehouse building. Erect mixed use development including 92 apartments, car park, retail and commercial units. 36/39

## 5.0 Section 5 Pre Application Consultation

5.1 A Section 5 pre-application virtual consultation took place on the 15th September 2020 in respect of a development of 225 no. Build-to-Rent residential apartments in 3 no. three to ten storey blocks. Representatives of the prospective applicant, and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Development Strategy – layout; height; design; visual impact; unit mix.
- Residential Amenity - sunlight/daylight analysis; open space; aspect; resident support facilities/services and amenities.
- Interface with neighbouring properties and impact on adjoining residential amenity.
- Any Other Matters.

Copies of the record of the meeting and the inspector's report are on this file.

5.2 In the Notice of Pre-Application Consultation Opinion dated 05<sup>th</sup> day of September 2020 (ABP-307204-20) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment in order to constitute a reasonable basis for an application with regard to the following: -

1. Further consideration/justification of the documents as they relate to the development strategy for the proposed scheme, in terms of the overall layout, apartment, building and open space design, as well as height, form and massing,

specifically with regard to impacts in relation to residential amenity (existing and future) including overbearance, sunlight-daylight and overshadowing.

2. While the site may be considered suitable for high density development and may be able to absorb height and taller elements within it, further consideration/justification of the documents as they relate to the visual impact of the development, in particular in terms of design, materiality and massing. Further consideration/justification of the documents should also address the visual impact of the development, and the development's visual relationship with the existing development(s) adjacent to it, as well as within the wider city area.

5.3 The opinion also stated that the following specific information should be submitted with any application for permission.

1. Revised sunlight/daylight/overshadowing analysis, including impact on properties to the west and south, as well as to the east.

2. Further consideration of level of sunlight available to open spaces to the east and the amenity value of such spaces.

3. Consideration of proximity of Block C to the western boundary and issue of overbearance.

4. Consideration of passive surveillance at ground level within the development as well as onto the external streets, specifically location of pedestrian access to Block C, location of waste storage room, and location of plant and bicycle stores.

5. Additional CGIs/visualisations, specifically from: corner of Bow Lane and Steeven's Lane; further east on Basin View (south footpath, east of View 14); further north on Basin View (north of View 4); directly opposite the site on James Street; and in the position of the proposed footpath on the northern side of the Grand Canal Harbour scheme; and roof plant to be indicated on the drawings. The additional CGIs/visualisations should be accompanied by a report addressing the justification for increased height at this location relative to the surrounding area.



6. Unit mix proposed and consideration of the housing typologies and mix within the wider area (both existing and permitted).

7. Wind micro-climate study, including analysis of balconies and any upper level roof gardens.

8. Details of all materials proposed for buildings, open spaces, paved areas, boundary and landscaped areas.

9. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.

10. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.

11. Response to issues raised in relation to transportation and water services, report in Addendum B of Planning Authority Report, received 24th June 2020.

12. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

5.4 A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

1. Irish Water

2. Transport Infrastructure Ireland

3. National Transport Authority

4. Minister for Culture, Heritage and the Gaeltacht (archaeology)

5. An Taisce

6. The Heritage Council

## 5.5 Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016.

- The response indicates that the proposal has been reduced in scale from 225 units to 189, a reduction in maximum height from ten-storeys to eight storeys and an increased setback of the proposed blocks from the boundaries and adjoining development. The applicant has submitted a revised a daylight and sunlight assessment of adjoining development and for all proposed apartments and open space areas.
- The reduced scale of the development means a reduced visual impact and the overall impact is illustrated in sections submitted and the landscape and visual assessment submitted including photomontages. Additional photomontages as advised by the Notice of Pre-Application Consultation Opinion
- Increased level of external open spaces, increased internal communal areas and additional roof terrace. Consideration of overbearance of Block C and passive surveillance at ground level within the development.
- Submission of a wind micro-climate study including analysis of balconies and upper level roof gardens.
- Material contravention statement submitted in relation building height providing justification for exceeding height specified by development plan policy.

## 6.0 Relevant Planning Policy

### 6.1 National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Climate Action Plan Other policy of note is:
- National Planning Framework
- Regional Spatial & Economic Strategy for the Eastern & Midland regional Assembly

6.2 The Dublin City Development Plan 2016-2022 is the operative City Development Plan. Zoning: 'Objective Z4' which aims to 'to provide for and improve mixed-services facilities'.

Chapter 15: Strategic Development and Regeneration Area (SDRA).

The application site is within SDRA 16 Liberties and Newmarket Square. Section 15.1.1.19 of the CDP 2016-2022 sets out a vision for the area, building on the principles and objectives of the Liberties Local Area Plan 2009 (extended to May 2020):

1. To improve the quality of life so that the Liberties area becomes a great place for people to live, work and visit.
2. To provide for appropriate social and community infrastructure to support the existing population, which is growing and becoming increasingly diverse.
3. To provide for a wide diversity and choice of housing that can cater for families and older people by including options for mixed tenure and a range of housing types and unit sizes.

4. To stimulate the local economy and to include a critical mass of appropriate development and investment to provide significant employment opportunities, including in the digital media sector, as the Digital Hub has the potential to rejuvenate the economic profile of the Liberties.
  5. To recognise the unique role the Liberties plays in Dublin's character and to ensure that regeneration safeguards a strong sense of community identity.
  6. To identify and protect the distinctive heritage of the area and encourage sustainable and innovative re-use of historic spaces and structures.
  7. To ensure that the individual character of different areas within the Liberties is protected and enhanced by contemporary and high-quality design of new buildings.
  8. To promote the principles of good urban design including improving connectivity and enhancing the legibility and permeability of the Liberties in relation to the wider cityscape.
  9. To create a high-quality network of public spaces, parks and streets.
  10. To promote sustainable modes of transport by making them convenient and attractive, including walking and cycling routes, and by facilitating the provision of public transport infrastructure and optimising its use.
  11. To improve and encourage the cultural and tourist offer of the area.
  12. To encourage environmental sustainability by improving biodiversity, facilitating recycling, and minimising the use of non-renewable resources, including energy.
- The height strategy for the Grand Canal Harbour and Basin Area is: "To provide for a cluster of height including mid-rise and taller buildings. Locations must be selected to protect the setting of protected structures. The grouping and profile of the cluster must be managed to avoid clutter on the skyline."
  - Chapter 16: Development Standards: Section 16.2.2.2 Infill Development.
  - Section 16.10: Standards for Residential Accommodation.
  - Section 16.7.2 sets a general height limit of 16m in the outer city, or 24m at rail hubs which are defined as within 500m of Luas stops.

## 7.0 Third Party Submissions

2 no. third party submissions were received. The concerns raised are summarised below: -.

7.1 Submission by Kieran O'Malley & Co Ltd on behalf of Michael & Mary Carolan, 30 James Street, Dublin 8, Brendan Bane, 31 James Street, Dublin 8 and Frank & Carmel O'Connor, 32 James Street, Dublin 8.

- The submission from the owners of no.s 30-32, James Street, which consist of retail/commercial units at grounds floor and 11 no. apartments on the floor above with a private courtyard to the rear of the existing properties.
- The reduced height of boundary with the adjoining properties at no.s 30-32, taken in conjunction with the height, scale, proximity and orientation of windows and balconies relation relative to the adjoining properties would result in overlooking, overshadowing and overbearing impact and would impact future development potential of the adjoining sites.
- The proximity, scale and orientation of windows and balconies would result in overlooking of the private courtyard to the rear of no.s 30-32. Block A and C would have an overbearing visual impact in relation to the existing courtyard. The proposal would result in significant overshadowing and no diagrams have been submitted in this regard despite being specifically requested by the Board.
- The existing boundaries of the properties at no. 30-32 James Street are 4m high boundaries and their replacement with 2m high boundaries would result in reduced security.
- The proposal is overdevelopment of the site with the applicants seeking material contravention due to the excessive height and a high density of 341 units per hectare.
- The daylight and sunlight assessment contains fundamental errors in calculation and assessment and its conclusions are unreliable. The sunlight provision to open spaces are not provided for all areas.

- In the event of a grant of permission it is required that a condition be applied requiring a boundary wall of no lower than 3m between the site and nos 30-32, additional screening of the balconies of units A1.06, A2.06 and A3.06, omission of the fourth floor roof terrace of Block, reduction in height of the southwest corner of Block A to three-storeys (omitting 3 no. units) and the height of Block C reduced to three-storeys.

## 7.2 Submission by Mark Kinsella, 70 Steevens Gate, James Street, Dublin 8.

- The mix of units include too high a proportion of one bed units and there should be better provision of families with concern about the transitory nature of tenants in such a development.
- The provision of only 4 parking space is insufficient with existing issues concerning the lack of on street parking in the area which could not support an increased demand for such.
- The design of the development on the James Street Road frontage would not enhance the streetscape and the demolition of the existing structure would have an adverse impact on streetscape/visual character.

## 8.0 Planning Authority Submission

8.1 The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 16<sup>th</sup> February 2021. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 06<sup>th</sup> October 2020. The report may be summarised as follows:

### Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, interdepartmental reports, Area Committee Meeting details, policy context. A summary of representations received was outlined.

## Summary of Inter-Departmental Reports

Drainage Division: No objection subject to conditions

Transportation Division: No objection subject to conditions

Housing and Community Services: No objection.

Parks, Biodiversity and Landscape Services: No objection subject to conditions including provision of a small play space (the Chief Executives report incorrectly states that refusal was recommended by this department, the report from such states otherwise).

Environmental Health: No objection subject to conditions.

A detailed and informative report has been received from the planning authority. Pertinent issues raised therein shall be referred to throughout my assessment. The report concludes that having regard to the nature and scale of the proposed development, the established pattern of development in the area and the relevant provisions of the current City Development Plan and national guidelines (the Sustainable and Urban Development and Building Heights, Guidelines for Planning Authorities 2018 and Sustainable Urban Housing: Design Standards for New Apartments 2018), it is considered that the proposed development would be consistent with the provisions of these plans and therefore be consistent with the proper planning and sustainable development of the area.

### Conditions attached

The report includes a summary of the views of relevant Elected Members, as expressed at the South Central Area Committee meeting held on 20/01/2021 and are broadly summarised below:

- Height/density, overshadowing of existing dwelling along James Avenue.
- Design and layout, in particular streetscape treatment along James's Street considered to be sour and use of overhand inappropriate.
- Social/affordable housing, placing of all social units in one block considered inappropriate.

- Traffic/car parking, number of parking spaces should be increased, some elected officials considered the level of parking to be correct in the context of its location in relation to public transport.
- Landscape/parks and amenities, no provision being made for public open space with a lack of such in the area.
- Impacts on local community/amenities, construction requires to be properly managed.
- Impact of built-to rent units, concerns regarding transient nature of such build to rent development, need for more permanent residential accommodation in the area

## 9.0 Prescribed Bodies

9.1 The applicant was required to notify the following prescribed bodies prior to making the application:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Minister for Culture, Heritage and the Gaeltacht (archaeology)
5. An Taisce
6. The Heritage Council

Two bodies have responded and the following is a brief summary of the points raised.

### Minister for Culture, Heritage and the Gaeltacht (archaeology)

The site is in an area of high archaeological potential and no archaeological investigations have been carried out. On the basis of the information submitted and proposed archaeological mitigation, it is recommended that a condition requiring pre-development testing should be included in the event of grant of permission.

### Irish Water



Irish Water request the inclusion of a number of conditions in the event of grant of permission.

## 10.0 Assessment

10.1 I have had regard to all the documentation before me, including, inter alia, the report of the planning authority; the submissions received; the provisions of the Dublin City Development Plan 2016; as extended; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of the proposed development
- Height/Density/Mix/Size/Open Space/Elevational Treatment/Materials/Finishes
- Impacts on amenity
- Traffic and transportation
- Material Contravention
- Screening for Appropriate Assessment
- Environmental Impact Assessment
- Preliminary Examination

10.2 Principle of the proposed development:

10.2.1 Having regard to the nature and scale of development proposed, namely an application for 189 residential units located on lands for which residential development is permitted use under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. I am also of the opinion that the proposal is generally consistent with the City Development Plan's Z4 zoning objective. The planning authority have not raised concern in this regard.

10.2.2 The site is located within SDRA 16 Liberties and Newmarket Square. Guiding principles for this SDRA have been outlined within the operative City Development Plan (Section 15.1.1.19). I am of the opinion, as is the planning authority that the proposal largely accords with the objective of the Development Plan in relation to SDRA 16.

10.2.3 I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport in a serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

10.3 Height/Density/Mix/Size/Open Space/Elevational Treatment/Materials/Finishes/Visual Amenity:

Context

10.3.1 The subject site is a former steelworks consisting of an open yard area, a number of large sheds and existing two-storey structures along James Street frontage. The existing structures along Jame's Street are vacant and in a neglected state while the remainder of the site is in use as a short stay car park for St. James's Hospital with vehicular access off Basin Street Lower. The current proposal involves the construction of 198 build to rent apartments, ranging in height from 3- 8 storeys split into 3 no. Blocks. I note that concerns regarding the design and layout of the proposed scheme were raised by Elected Members, as contained in the Chief Executive Report. I do not have concerns in this regard. The proposed development will not be unduly visible from the wider public areas. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. The site in its current form, adds little to the streetscape at this location and I am of the opinion that the appropriate re-development of these lands would add significantly to the visual amenity of the area.

## Height

10.3.2 The height and density of the proposal was raised as a concern by the Elected Members, as contained in the Chief Executive Report, in particular the impact of overshadowing on adjoining properties due to proximity and height of the proposal. The policy basis for my assessment of the height of the development is informed by both national and local planning policy. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides a detailed national planning policy approach to the assessment of building height in urban areas. It provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.

10.3.4 SPPR 3 in the Building Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. There are no specific objectives regarding height in relation to SDRA16. The site is located in an area identified as low rise/rest of the city however is within 500m of a rail hub (Jame's Luas stop) with a max height of 24m specified (section 16.7 and Fig 39 of the City Development Plan). Buildings on site range from three-storeys to eight storeys with Block A having a parapet height of 20.88m, Block B a parapet height of 25.91m and Block C a parapet height 19.835m. Block B exceeds the maximum height and the applicant has submitted a material contravention statement in this regard. I have addressed the material contravention of the development plan in section 10.6 below

and I will provide further assessment against the Building Heights Guidelines criteria in section 3.2 here.

10.3.5 The first criterion relates to the accessibility of the site by public transport. The site is less than 5 minutes walk from the James Luas stop (Red Line), less than a 10 minutes walk from Heuston Station and there are existing bus services along James Street. It is clear to me that the site has good existing public transport accessibility to high frequency services.

10.3.6 The second criterion relates to the character of the area in which the development is located. One of the third party submissions raises concerns regarding the character of the development in the context of streetscape character. The site is not located in a conservation area or in close proximity to any protected structures. The existing structures on site consist of large warehousing structures and there is variation of development types and scale on adjoining sites including two-five storey structures on adjoining sites. The development is split into three blocks, Block A, B and C. Block A is six-storeys (part four storeys), Block B, which is the largest of the three blocks ranges in height from three-eight storeys and is located to the south of Block A and has some frontage along Basin Street Lower to the south west of the site. Block C is six-storeys and is located to the west of the site and to the south of nos 30-32 James Street.

10.3.7 Where the development adjoins St. James Street, which is the only meaningful road frontage, the development integrates well with the existing streetscape. The massing of the blocks on site and the layout of surrounding development is such that the bulk of the development is obscured by existing development on surrounding sites. The highest block (B) will be visible in the surrounding area due to its height relative to development on immediately adjoining sites, however such are partial views in the immediate area and obscured by existing development in the context of the wider area. The site is also in close proximity to development that is higher in ridge height including structures within the Guinness Complex and a permitted development of thirteen storeys at Grand Canal Basin. A Visual Impact Assessment and a comprehensive set of photomontages to illustrate overall impact

has been submitted and such illustrates that the proposal is satisfactory in context of character or the area and building height.

10.3.7 The remaining pertinent criteria under section 3.2 of the Building Height Guidelines relate to the following: contribution of the proposal to the place-making; its contribution to the urban neighbourhood and streetscape; the avoidance of uninterrupted walls; contribution to public spaces (including inland waterway/ marine frontage) and compliance with flood risk management guidelines; improvement of legibility; contribution to mix / typologies in the area; and daylight performance against BRE criteria as well consideration of overshadowing / ventilation / views. Specific assessments are also required depending on the scale of the building proposed. I note the submission of CGI visualisations and photomontages of views, Landscape and Visual Appraisal, and Daylight and Sunlight Report have been submitted, all of which have informed my assessment of the proposed development.

10.3.8 As stated above and addressed later in this section (10.3) in relation to elevation treatment and visual amenity, the overall visual impact of the proposed development is acceptable in the context of its urban location and integrates well with existing structures in the vicinity. It is notable that the level of height above that specified under City Council's Development is marginal with only Block B exceeding such by 1.91m. The impact on adjoining amenity through overshadowing and overlooking was raised in the third party submission. These elements of the proposed are addressed in detail under Section 10.4 and the quality of the development in relation daylight and sunlight is addressed later in this section. I am satisfied that the development as proposed satisfies the criteria described under section 3.2 and therefore SPPR3 of the Building Height Guidelines. This follows the complete assessment set out in my report and particularly sections 10.3.12 and 10.4.

### Density

10.3.5 The third party submission raised concerns regarding the density of development and the proposed mix of units, which does not provide for family units with an over-concentration of one and two bed units. The elected officials also raised concerns

regarding the nature of the development as build to rent scheme and the transient nature of such. Density as proposed, at approximately 343 units/ha is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines. I note the density in the recently permitted development in the vicinity, including at Grand Canal Basin a short distance to the south east with 543 build-to-rent units permitted under ref no. 3209/19 and such increased to 596 units under ref no. 2765/20 giving a total permitted density of 391 units per hectare. This proposal is considered to be consistent with same. The proposed development is in excess of the minimum density required under the 2009 Guidelines on Sustainable Urban Residential Development, which advises that minimum net densities of 50dph should be achieved along public transport corridors. It is also in line with the operative City Development Plan where no upper density on zoned lands is specified. The planning authority considers that the proposed density is acceptable due to its location relative to the city centre and a public transport corridor.

### Mix/Size

10.3.6 The proposal is for a build to rent scheme. The definition of such is contained under SPPR 7 of the Sustainable Urban Housing: Design Standards for New Apartments 2020. Such schemes are defined by being long term rental developments (appropriate planning conditions required) as well as providing resident support facilities (laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities) and resident services and amenities (communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities). The proposal would qualify to be considered as a built to rent scheme. In terms of unit mix, I note that for build to rent schemes there are “no restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;” under SPPR 8(i) of the Sustainable Urban Housing: Design Standards for New Apartments 2020. Given the context of the area in terms of its central location and proximity to public transport infrastructure, such is an appropriate location for a build to rent scheme and in this regard I would consider the mix of units to be appropriate.

10.3.7 The documents submitted include an Architectural Report housing quality breaking down the residential development in different categories unit type, unit aspect, including floor area, aggregate living area, aggregate bedroom and storage, private external space and communal external space. In relation to minimum apartment size the requirement is 45sqm, 73sqm and 90sqm for 1, 2 and 3 bed apartment units respectively (SPPR3). All apartment units meet the standards set out under Appendix 1 of the guidelines in relation room dimensions, aggregate living area, bedroom space and internal storage. The requirement in relation to private amenity space for 1, 2 and 3 bed units is 5sqm, 6/7sqm (3/4 person units) and 9sqm respectively. A minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines. All units are provided with a balcony and meet the minimum standards required under the guidelines. The Chief Executive's report states that the internal floor area of the apartments comply with the requirements of the Dublin City Development Plan and the Sustainable Urban Housing guidelines.

10.3.8 As the scheme is a BTR scheme the provisions of SPPR 7 apply. Under SPPR7(ii) it is noted that "flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development". As stated above all apartment units have private amenity space compliant with the guidelines as well as being provided with communal amenity space and communal support facilities in the form of 232sqm of residential amenity/support facilities including an amenity space of 149.4sqm comprising a residents' communal lounge and multi-functional space.

10.3.9 In relation to aspect, the relevant guidelines standard states that "a minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate" (SPPR4). In this

case the percentage of dual aspect apartments is 33% (63 apartment units) with no single aspect north facing units proposed. The guidelines note that “where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. Living spaces in apartments should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. Particular care is needed where windows are located on lower floors that may be overshadowed by adjoining buildings”. I would note that all single aspect units overlook the public road or open space areas and that the proposal is compliant in terms of unit aspect with national policy. The Chief Executive’s report also states that the proposal is compliant with the recommendations of the Sustainable Urban Housing guidelines in relation to the aspect of apartment units.

10.3.10 The application was accompanied by a Daylight & Sunlight report. This report assessed three elements, Average Daylight Factors (ADF) for 100% of habitable rooms, sunlight impact for gardens/open spaces and vertical sky component for windows on neighbouring buildings (based on the 2011 BRE Guidelines). In relation to ADF the report identifies the required standard as being 1.5% for a living room and 1% for bedrooms. The results indicate that the required standard is met in the case of 98% of the living spaces and bedrooms. 8no. rooms are below the standard (6 living spaces and 2 bedrooms). Of the 8 no. rooms the level of failure is marginal and within 10% of the guidelines, the worst affected room is ground floor bedroom with balcony and above and fails to meet the ADF target by 25-35%. In relation to daylight provision within the proposed development, the standards provided in 98% of units meet the recommended ADF value.

10.3.11 The third party submission from the owners of no.s 30-32 James Street submitted a report that is critical of the applicants’ daylight and sunlight assessment. This report notes that an assessment of Average Daylight Factors (ADF) for habitable rooms in the proposed development ignores that fact there is requirement of 2% for kitchens and focuses on bedrooms and living spaces, which has a lower requirement of 1%



and 1.5% respectively. The guidelines note in the case of shared uses in rooms the higher value should apply. The living spaces and kitchens areas are shared areas and a high percentage of these areas meet and exceed the higher 2% standards. I would be of the view that the development is satisfactory in the context of daylight provision to the proposed development.

### Open Space

10.3.12 In relation to communal amenity space, there is a provision of a total of 1,456.8sqm of external space at ground level. This space is split into three areas (591.1sqm to the east of Block A, 360.2sqm to the east of Block B and 502.5sqm to the south of Block B). The requirement for communal space under Appendix 1 of the guidelines is 5, 6/7 (3/4 person units) and 9sqm for one bed units, two bed units and three bed units respectively. In addition to the ground level communal space, Block A also provides for a 75sqm communal roof terrace at fourth floor level. Based on the guidelines the minimum requirement based on the breakdown of apartment units proposed is 1,010sqm, the proposal exceeds the minimum standards required under the guidelines. The open space areas are evenly distributed throughout the site and are easily accessible from each block with detailed landscape proposal to ensure these areas are attractive and useable open space areas.

10.3.13 In relation to sunlight impact for gardens/open spaces, the benchmark standard is that a garden/amenity area should receive at least 2 hours of sunlight on the 21<sup>st</sup> of March (BRE guidelines). The applicants report states that all communal areas in the proposed development at ground level and the fourth floor roof terrace meet the required standard. The third party submission by the owners of no 30-32 James Street is critical of this assessment and indicates that the majority of the communal amenity areas proposed bar one area to the west of Block B meets the recommended standard of 2 hours of sunlight on the 21<sup>st</sup> March. I am of the view that the proposed development is of sufficient quality in terms of sunlight provision communal amenity space and would reiterate the fact the level of such is space is well above the standards under the Apartment guidelines. In addition I would note that wind and microclimate study was submitted in relation to wind patterns,

pedestrian comfort and impact in relation to balconies. The conclusions are that the conditions likely to prevail are tenable and consistent with a good quality urban environment.

10.3.14 Dublin City Council recommend attaching a special contribution condition in lieu of public open space provision as required under Section 16.10.3 of the Development Plan. I have assessed the proposal and the provision of private open space is consistent with the relevant guidelines as is the provision of communal open space serving the scheme. I do not consider that such a condition is justified in this case.

#### Design/Materials/Finishes/Visual Amenity

10.3.15 One of the third party submission states that the elevation along the James Street frontage would not enhance the streetscape and the demolition of the existing structure would have an adverse impact on streetscape/visual character. The overall visual impact of the proposal is acceptable with the applicant providing sufficient information in the form of Visual Impact Assessment and a comprehensive set of photomontages to illustrate overall impact. The site has limited road frontage with its main road frontage along James Street. The proposal provides for development that integrates successfully into the streetscape along James's Street with the scale, architectural character and external finishes having adequate regard to the existing streetscape. The proposal would enhance the existing visual character of the area. The proposal ranges in height from three-storeys to eight and is higher in ridge height than existing building in the immediate vicinity. Notwithstanding such the built up nature of the surrounding area can absorb the scale and form of development without having a detrimental of significant visual impact. I would be of the view that photomontages demonstrate this.

10.3.16 The standard of elevational treatment, while generic in nature, is acceptable and if permitted would integrate with the existing development within this area. Materials and finishes proposed would also integrate with the finishes on the existing permitted development in the wider area. Brick is the primary external finish

proposed. Exact details relating to same should be dealt by means of condition, if the Board is disposed towards a grant of permission.

10.3.17 The proposal provides for a degree of active uses at ground floor level along the main frontage of the site including the main pedestrian entrance, concierge and management office as well as providing a residential communal kitchen and lounge and a separate multifunctional community space for Dublin City Council with its own access from the street. I am satisfied that the overall design and treatment of the frontage is satisfactory in regards to streetscape and architectural character.

#### 10.4 Impacts on amenity

10.4.1 A third party submission by the owners of the adjoining structures at no. 30-32 St. James's Street raises issues regarding overbearance/proximity and scale of development, overlooking of the private courtyard and deficiencies in the daylight/sunlight assessment submitted.

10.4.2 The proposal adjoins the western and southern boundaries of no. 30-32. The existing development on site include 2 no. structures (two-storeys) adjoining the boundary with no.s 30-32 and forming part of boundary between the two properties. To the south of no.s 30-32 is a large shed, which also forms the southern boundary of no.s 30-32 and is the southern limit of the open courtyard to the rear of such. Block A continues the pattern of development along James Street but is setback from the boundaries with no.s 30-32 to the rear (south of the street frontage). Block A is setback from the boundary with no.s 30-32 and its associated courtyard with a reduction in the bulk and scale of structures immediately adjoining the boundary. Block A is four-storeys where it adjoins existing structure along James Street and six-storeys to the rear of the portion fronting the street. There is a degree of separation between such and the adjoining property with an external area adjacent the boundary. The provision of windows on the western elevation of Block A is limited with windows serving the corridor areas facing west. There are balcony areas facing south serving Block A, however such are facing south and continue the

pattern of development and orientation established by development along James Street. These balconies appear to have a 1.8m high screen on their short side to the west. The roof terrace at fourth floor of Block A has a 2m high opaque screen around its perimeter to prevent overlooking. I would be of the view that the city location context of the site must be taken into account and that the retention of a complete level of privacy in the courtyard area to the rear, which appears to be a parking area is not realistic or a reasonable expectation within an urban context such as this. I would consider that the design, layout and orientation of Block A does have adequate regard to the amenities of the adjoining properties including the development at no.s 30-32.

10.4.3 Block C is six-storeys in height and located to the south of no.s 30-32. This structure replaces structures of considerable bulk that defines the southern boundary of the adjoining site. In relation to orientation and level of windows on the northern elevation of Block C, the windows proposed serve a stairwell, corridor and a small window serving kitchen/living area (not the main glazing serving such) on each level. There is a balcony area orientated east that presents its short side northwards, however the proposal provides for 1.8m translucent screens along this edge to prevent overlooking. I would again refer to the urban context of the site in assessing the impact of the proposal on adjoining amenities. The level of windows provided on the elevation orientated towards the adjoining property is limited in nature, mainly servicing communal areas and such could be provided with obscure glazing if considered necessary.

10.4.4 In the case of other adjoining sites the overall scale of development is arranged that the highest portion of the development on site is in middle of the site away from edges of the site. The Blocks are laid out in such a manner that there is degree of separation between the proposed blocks and existing adjoining development with an area of open space along the eastern side of Block A providing separation from the Oaklee Housing development. The same is also the case in regards to Block B and the Oaklee apartment development (Block C) to the east. To the south there is also the provision of a setback from the dwellings fronting James Avenue with an open space area between the rear boundaries of the existing dwellings and Block B.

There is also an adequate degree of separation between the proposed blocks and the Mary Aikenhead apartment development along Basin Street Lower to the south west of the site.

10.4.5 The application was accompanied by a Daylight & Sunlight report. This report assessed three elements, Average Daylight Factors (ADF) for 100% of habitable rooms, sunlight impact for gardens/open spaces and vertical sky component for windows on neighbouring buildings (based on the 2011 BRE Guidelines). The aspects of this report in relation to the quality of the proposed development itself is outlined in previous sections of this report.

10.4.6 The report provides an assessment of Vertical Sky Component (ratio of direct sky illuminance falling on a vertical wall/window at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky (%)). The standard deemed to be benchmark for VSC is 27%. The report outlines an assessment for VSC for windows at Oaklee Housing development, (Blocks A, B and C) and at no. 30-32 Jame's Street. In the case of Oaklee the assessment details impact on kitchen, living and bedroom windows for the three blocks on the adjoining site to the east. The study highlights that there is a significant number of windows serving living, kitchen/dining and bedrooms in the Oaklee, in particular Block B, development that have VSC currently below the 27% value and that in some cases are highly dependent on artificial light. The proposal would reduce this value further in a number of cases. The report submitted highlights that in the majority of cases that the level of reduction is no more than 20% in most cases and that the majority still reach a 15% VSC value, which the report deems to be adequate in the context of the guidelines. In some cases the study indicated that the windows are assessed on the basis of removing two floors from the proposed development and that such did not alter the result significantly. The study also did an assessment of VSC of the windows in Oaklee based on omitting the balconies serving such (the balconies area heavily enclosed in nature) and that the VSC value of existing windows is heavily impacted by existing balcony treatment regardless of the proposed development.

10.4.7 In relation to the adjoining properties to the west an analysis was carried out for no. 22-32 James Street. In the case of numbers 23-29 the VSC value for habitable windows remains above the 27% threshold post development apart from no. 22, which is below the 27% value and the change post development is marginal. In the case of no.s 30-32, which is subject to a third party submission, the proposed development would reduce the VSC value for windows assessed. In no. 32 two windows (living space) that are at or above the threshold standard (27%) would be reduced below such, in the case of no. 30 4 out of 5 no. windows (dinning/kitchen) currently above the threshold level would be reduced below such and 5 out of 7 windows (bedrooms) are reduced below the threshold standard. The report states that as all these windows are still above a threshold level of 15% they are compliant with the guidelines.

10.4.8 An analysis of VSC was also carried out for the properties at no. 1-6 Basin Street Lower to the west of the site. In the case of all windows analysed the value for VSC was above 25% and would remain above this level post production with a marginal decrease in the value.

10.4.9 In relation to sunlight impact for gardens/open spaces, the benchmark standard is that a garden/amenity area should receive at least 2 hours of sunlight on the 21<sup>st</sup> of March. The report states that all communal areas in the proposed development at ground level and the fourth floor roof terrace meet the required standard. In relation to adjoining development the report assessed the open space area associated with Block C of the Oaklee housing development (located east of Block B). It is indicated that this area, which is laid out in concrete is non-compliant with the standard and (2 hours of sunlight over 50% of the area) and that the proposal will result in a 20% reduction from its former value, which is stated as being compliant with the BRE standards.

10.4.10 The owners of no. 30-32 James Street have submitted a review of the daylight and sunlight report (written by Building Research Establishment Limited (BRE) who are the author of the Guidelines referred to in the applicants assessment) and highlight a number of deficiencies in the applicants' assessment. The report highlights the

lack of assessment loss of daylight in relation to the Mary Aikenhead Apartments, St. James's Avenue and Grand Canal Place and is of the view that such is inappropriate. The assessment of VSC by the applicant uses a 15% figure as a threshold level and that such is not the case under the BRE guidelines and that the 27% figure is the threshold level. The report does not entail an assessment of loss of sunlight to existing properties and has focused on loss of daylight only. The report also does not assess loss of sunlight to the courtyard area to the rear of no.s 30-32 and only analyses such in relation the development itself and an open space within the Oaklee housing development.

10.4.11 The Urban Development and Building Height-Guidelines for Planning Authorities (2018) state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Firstly in relation to daylight provision within the proposed development, the standards provided in 98% of units meet the recommend ADF value. The living spaces and kitchens areas are shared areas and high percentage of these areas meet and exceed the higher 2% standards. I would be of the view that the development is satisfactory in the context of daylight provision to the proposed development. In relation to sunlight provision to open space areas the information on file including the third party observation indicates that the majority of the communal amenity area bar one area to the west of Block B meets the recommended standard of 2 hours of sunlight on the 21<sup>st</sup> March. I am of the view that the proposed development is of sufficient quality in term daylight and sunlight provision in terms of the individual units and communal space serving such.

10.4.12 In relation to the level of assessment of adjoining properties, the focus of the report submitted is on the properties to the west along James Street, the Oaklee housing development to the east and dwellings at Basin Street Lower to the west of the site. I would consider that the lack of assessment of the properties to the south, south east and south west in the form of the Mary Aikenhead apartment block, the dwellings along Basin View and development along St. James Avenue and Grand

Canal Place is acceptable. These are located south of the appeal site and reasonable distance away and it is reasonable to conclude that the proposal would have no significant or adverse impact in these cases.

10.4.13 The applicants' assessment of Vertical Sky Component for windows in adjoining properties is noted. The guidelines state that in order to have a noticeable impact on VSC the value needs to drop below 27% and be reduced by more than 20% of the existing value. In my assessment of this proposal the level of impact on the properties to the west in the case of most windows is less than 20% reduction. In relation to the impact on the courtyard area, I would question whether such is an amenity space with this area laid out in hardstanding and being used as a parking area. I would be off the view that the built up and urban context of the site and location is a factor in consideration and the area is characterised by an existing dense urban pattern of development. I consider that the level of impact is to be expected of any redevelopment of the site for high density development and that it would not constitute reasonable grounds for refusing planning permission. In relation to the Oaklee housing development the level of impact in relation to daylight in the main is within the level of a 20% reduction. It is notable that there are existing issues regarding daylight level to some windows that are an inherent issue with the design of the existing development and reliance on artificial light is required regardless of the current proposal. A submission on the application from the operators of Oaklee housing development raises no concerns regarding the proposal and states that the applicant had offered to help in the improvement of balcony areas (existing design is highly enclosed). I am off the view that the proposal is an acceptable form of development at this location and is consistent with Local and National policy in relation to housing development and objectives for higher density development in areas close to city centres and public transport infrastructure. I would also refer to Section 1.6 of the BRE Guidelines which states that "the advice given here is not mandatory and the guide should not be used as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors". I would reiterate my earlier statement that I consider that the level of impact is to be expected of any redevelopment of the site for high density



development and that it would not constitute reasonable grounds for refusing planning permission.

10.4.14 The owners of no.s 30-32 state in their submission that the boundary between their property and the application site should be a 4m boundary (or at the very least a 3m high boundary) and the provision of a 2m high boundary is inadequate and would reduce security. I am of the view that a 2m high boundary along this boundary is more than sufficient to provide the required level of separation. I would also state that the redevelopment of the site for high density residential development that is a managed build to rent scheme would be a more secure use than the existing use on site.

## 10.5 Traffic and Transportation

10.5.1 The application is accompanied by a number of technical reports including TIA, Parking and Mobility Report and DMURS Statement. The contents of these documents appears reasonable and robust. I note that concerns regarding transportation matters were raised by the Elected Members, as contained in the Chief Executive Opinion and the third party submission, with particular concern regarding the level of residential development proposed and the lack of provision for parking in relation to such.

10.5.2 In terms of parking provision the overall scheme provides for no car parking provision apart from 1 no. disabled space, 2 no. shared car club spaces (letter from Go Car indicating intention to operate 2 no. cars) and 1 no. set down space. The application site is located within Area 1, as set out in Map J of the operative City Development Plan. Table 16.1 of the aforementioned plan permits a maximum of 1 car parking spaces per residential unit in Area 1. The proposal provides for 257 no. bicycle parking spaces, which is compliant with Development Plan Standards.

10.5.3 As justification for the provision of no car parking on site the applicant has submitted a Traffic Management and Travel report. This report includes a mobility management plan overview, which provides details of the pedestrian accessibility,

public transport services, future public transport infrastructure, shared transport services (Dublin bikes and existing shared car facilities within the locality), bicycle infrastructure. The application site is located in an area that is highly accessible for pedestrians with the site a short distance from the inner city. The area is well serviced by public transport infrastructure with the site within 500m of the Jame's Luas Stop, within 500m of Heuston Station and adjoining existing bus routes (St. James St. In addition there are shared bike infrastructure within 5 minutes walking distance of the site and 7 no. shared car scheme spaces (Go car) within a 10 minute walk of the site with it proposed to provide 2 no, additional shared car spaces as part of the scheme.

10.5.4 The location of the site and its accessibility to public transport infrastructure is such that there is justification for the lack of provision of any off-street car parking. The insistence of provision of off-street car park would severely compromise the development potential in terms of unit number and open space provision and the site is at a location where dependency on the car as a mode of transport should not exist or be encouraged.

## 10.6 Material Contravention

10.6.1 The applicant has submitted a Statement of Material Contravention with Dublin City Development Plan 2016-2022 with the application. The public notices make reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). There is one issue raised in the applicant's Material Contravention statement, it relates to building height.

10.6.2 I have considered the issue raised in the applicants submitted statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).

10.6.3 I draw the Board's attention to the height of the proposed development which exceeds the City Development Plan height strategy for this area. The site is located in an area identified as low rise/rest of the city however is within 500m of a rail hub (Jame's Luas stop) with a max height of 24m specified (section 16.7 and Fig 39 of

the City Development Plan). Buildings on site range from three-storeys to eight stories with Block A having a parapet height of 20.88m, Block B a parapet height of 25.91m and Block C a parapet height 19.835m. I have considered the Statement of Material Contravention submitted with the application which describes the justification for the proposed height. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities. Particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the street, improvement of legibility and daylight and sunlight considerations alongside performance against BRE criteria. My assessment of the development against the section 3.2 criteria in the Building Height Guidelines is set out in detail in section 10.3 above, including related assessments in section 10.4 of this report. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations and photomontages of views, Landscape and Visual Appraisal, and Daylight and Sunlight Report.

10.6.4 Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant a permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).

10.6.5 Under section 37(2)(b) (i) the proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

10.6.6 Under section 37(2)(b)(iii) permission for the development should be granted having regard to the Eastern and Midland Regional Assembly – Regional Spatial and

Economic Strategy 2019-2031, which seeks to increase densities on appropriate sites within Dublin City and Suburbs. In addition, permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines. I refer the Board to section 10.3 and other related sections of this report (10.4) that address these criteria in detail.

10.6.7 Following reflection of the above, I am satisfied that a grant of permission that may be considered to materially contravene the Dublin City Development Plan is justified in this instance. I have incorporated specific reasoning and justification having regard to s.37(2)(b) of the 2000 Act (as amended) into the Conclusion and Recommended Order for the Board’s consideration at the end of this report.

10.7 Screening for Appropriate Assessment:

10.7.1 A Screening Report for Appropriate Assessment was submitted with the application. This report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own or in combination with the effects of other plans or projects. The subject site is not located within any designated European site, however the following Natura 2000 sites were deemed to be located within the zone of influence (identified as being 15km with the nearest designated site ) of the project...

Natura 2000 Site and Distance from Subject Site:	Conservation Objectives:	Qualifying Interests:
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<p>North Bull Island SPA (004006) 12km</p>	<p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) Oystercatcher (Haematopus ostralegus) Teal (Anas crecca) Pintail (Anas acuta) Shoveler (Anas clypeata) Sheduck (Tadorna tadorna) Golden Plover (Pluvialis apricaria) Grey Plover (Pluvialis squatarola) Knot (Calidris canutus) Sanderling (Calidris alba) Dunlin (Calidris alpina) Black-tailed Godwit (Limosa limosa) Bar-tailed Godwit (Limosa lapponica) Curlew (Numenius arquata) Redshank (Tringa tetanus) Turnstone (Arenaria interpres) Black-headed Gull (Larus ridibundus) Wetlands and Waterbirds</p>
<p>North Dublin Bay SAC (000206) 4.3km</p>	<p>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.</p>	<p>Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows</p>

		<p>(<i>Glauco-Puccinellietalia maritima</i>)</p> <p>Petalwort <i>Petalophyllum ralfsii</i></p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i>(white dunes)</p> <p>Fixed coastal dunes with herbaceous vegetation</p> <p>Humid dune slacks</p>
South Dublin Bay SAC (000210) 5km	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC	Mudflats and sandflats not covered by seawater at low tide
South Dublin Bay and River Tolka Estuary SPA (004024) 4.3km	The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.	<p>Ringed Plover (<i>Charadrius hiaticula</i>) Grey Plover (<i>Puvialis squatarola</i>) Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>) Dunlin (<i>Calidris alpina</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Redshank (<i>Tringa totanus</i>) Black-headed Gull (<i>Croicocephalus ridibundus</i>)</p> <p>Roseate Tern (<i>Sterna dougallii</i>) Common Tern (<i>Sterna hirundo</i>) Arctic Tern</p>

		(Sterna paradisaea) Wetlands & Waterbirds
Poulaphuca Reservoir SPA (004063) 24km	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Greylag Goose Lesser Black-backed Gull

10.7.2 The screening assessment concluded that the no significant effects will arise. The appeal site is located in built up area on zoned and serviced lands. The project has the benefit of connection to existing water supply, drainage infrastructure and municipal wastewater treatment services. The proposed development is not situated within or adjacent to a Natura 2000 site. No Annex species or habitats were noted on the site or in its immediate environs. The proposed site is located in an urban environment 4.3 km from the nearest Natura 2000 site. Watercourses and surface runoff are seen as the main potential pathway for impacts on Natura 2000 sites. However, the site is not proximate to and does not have a direct pathway to watercourses that could act as potential vectors for impact on Natura 2000 sites. There is no direct hydrological pathway from the proposed development site a Natura 2000 site. There is an indirect pathway to Ringsend WWTP. Foul water from the development will be processed in the Ringsend Treatment works.

10.7.3 Taking into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the dilution effect with other effluent and surface runoff, it is concluded that this development that would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 site.

10.7.4 The appeal site is not located in any designated Natura 2000 site and does not have a direct or indirect connection to any such site. Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.8 Environmental Impact Assessment-Preliminary Examination

10.8.1 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted in the Statement of Consistency and Planning Report. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

10.8.2 The current proposal is an urban development project that would be in the built-up area of a town but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The number of proposed residential units is 189 and the site area is 0.55 hectares. The proposed development is therefore well below the applicable thresholds. The current proposal is an urban development project that would be in the built up area but not in a business district. There is no real likelihood of significant effects based on the nature, size and location of the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.



## 11.0 Recommendation

- 11.1 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an emerging area where a wide range of services and facilities exist and proximate to good public transport links. In my opinion, the proposal will provide a quality development, with an appropriate mix of units and an acceptable density of development, in accordance with national policy.
- 11.2 I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission. In fact, I consider that the proposal, if constructed as permitted would add to the visual amenity of the area and enhance the streetscape at this location. I have no information before me to believe that adequate services and facilities are not available in the wider area, to cater for the development as proposed.
- 11.3 I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

## 12.0 Reasons and Considerations

Having regard to the following:

(a) the site's location close to Dublin city centre, within an emerging built-up area, in close proximity existing public transport infrastructure and accessible to the inner city,

- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning objective Z4, which aims to “to provide for and improve mixed-services facilities’,
- (c) the policies set out in the Dublin City Development Plan 2016, including the including the location of the site within Strategic Development and Regeneration Area 16,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area,
- (n) the report of the Chief Executive and associated appendices and
- (o) the report of the Inspector and the submissions and observations received, It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of

development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Recommended Draft Board Order**

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

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

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11th day of July 2019 by.

#### **Proposed Development:**

Permission for a strategic housing development on lands at former Steelworks Site at 32A, 32B, 33, 34 and 35 James Street and a site off Basin View, Dublin 8.

The proposed development consists of:

The construction of 189 apartment units split into three blocks, Blocks A, B and C. Block A ranging in height from three-eight-storeys. Block A contains 30 no. one-bed units, 8 no. two-bed units and 4 no. three bed units as well as the communal facilities serving the overall development. Block B contains 106 no. one-bed units and 21 no. two-bed units. Block C contains 15 no. one-bed units and 5 no. two-bed units.

#### **Decision**

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

#### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was

required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

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

- (a) the site's location close to Dublin city centre, within an emerging built-up area, in close proximity existing public transport infrastructure and accessible to the inner city,
- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning objective Z4, which aims to "to provide for and improve mixed-services facilities",
- (c) the policies set out in the Dublin City Development Plan 2016, including the including the location of the site within Strategic Development and Regeneration Area 16,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,

- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area,
- (n) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (o) the report of the Chief Executive and associated appendices and
- (p) the report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Stage 1 Screening for Appropriate Assessment**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the information submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed

development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dublin City Development Plan 2016-2022 (DCP) in relation to building height. Specifically, as a result of the DCP height strategy for this area of 24m for residential development, while the proposed development has a maximum height of approximately 25.91m m (Block B eight-storeys).

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

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended): The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness

issued in July 2016. In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended): Under section 37(2)(b)(iii) permission for the development should be granted having regard to the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy 2019-2031, which seeks to increase densities on appropriate sites within Dublin City and Suburbs. In addition, permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines.

### 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.

(a) The proposed development shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and shall be used for long term rentals only.

(b) Prior to the commencement of development on site the developer shall submit for the written agreement of the planning authority details of the following in respect of each of the blocks permitted as the Build-to-Rent developments:

(c) The management company established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

(d) A covenant or legal agreement which confirms that each block shall remain owned and operated by a single institutional entity as a Build-to-Rent scheme for a minimum period of not less than 15 years and that no individual residential units shall be let or sold separately in that period.

(e) Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit and agree in writing with the planning authority details of the ownership and management structures for the continued operation of the blocks as Build-to-Rent schemes. Any proposed amendment or deviation from the Build-to-Rent model authorised in this permission for those blocks shall require a separate grant of planning permission.

Reason: In the interests of orderly development and clarity.

3. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:

(i) Details of privacy screens/ buffer zones, which shall be provided between balconies at ground floor levels and above

(ii) Glazing for all apartment balconies/patios be frosted/obscured rather than clear glazing

(iii) Details of the location of vents and appropriate landscaping in their vicinity. Proposals shall include for natural screening, with vents incorporated into planter beds where they are located within open space/landscaped areas

(iv) Glazing for all windows on the western elevation of Block A and northern elevation of Block C shall be frosted/obscured glazing.



Reason: In the interests of proper planning and sustainable development and to safeguard the amenities of the area

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

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

Reason: In the interest of public health.

6. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development

7. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

(d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of

development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site

(e) A detailed mobility management strategy shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The strategy shall address the mobility requirements of future residents and shall promote the use of public transport, cycling and walking, as well as identifying car club spaces outside of the development, in the vicinity of the site. This strategy shall be prepared and implemented by the management company for all units within the development. This strategy shall also incorporate a Car Parking Management Strategy for overall development, details of which to be agreed with the planning authority, prior to the commencement of development. It shall address the continual management and assignment of spaces to users and residents over time.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

8. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

9. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

11. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the amenities of property in the vicinity.

12. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development

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

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

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre-development testing at the site. Archaeological testing should take place at the pre-demolition and post demolition phases of the development. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

(b) The archaeologist is required to notify the National Monuments Service in writing at least four weeks prior to the commencement of any site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

(c) The archaeologist shall carry out any relevant documentary research and will excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.

(d) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the National Monuments Service for consideration.

(e) Where archaeological material is shown to be present, avoidance, preservation *in situ*, preservation by record (excavation) and/or monitoring, may be required and the National Monuments Service will advise the Applicant/Developer with regard to these matters.

(f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the National Monuments Service.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

17. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing.

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding.

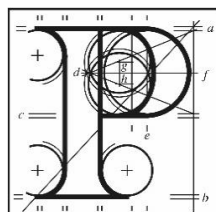
18. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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

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

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Colin McBride  
Planning Inspector

11<sup>th</sup> March 2021



An  
Bord  
Pleanála

## EIA - Preliminary Examination for Strategic Housing Development Applications

<b>An Bord Pleanála Case Reference</b>	308871
<b>Development Summary</b>	189 Build to rent units

<b>Examination</b>	
	<b>Yes / No/ Uncertain</b>
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?	No
2. Will the development result in the production of any significant waste, or result in emissions or pollutants?	No
3. Is the proposed development located on, in, adjoining or have the potential to impact on the ecologically sensitive site or location*?	No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?	No
<b>Comment (if relevant)</b>	
<p>Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required</p>	

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Conclusion (Tick '✓' 1 or 2)		
<b>Based on a preliminary examination of the nature, size or location of the development is there a real likelihood of significant effects on the environment**?</b>		
1. There is no real likelihood of significant effects on the environment	x	
2. There is significant and realistic doubt in regard to the likelihood of significant effects on the environment		
<p>2a. Has the information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) [if applicable] of the Planning and Development regulations 2001-2018 been provided?</p> <p>[If <b>No</b>, refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)</p> <p>If <b>Yes</b>, proceed to Screening Determination]</p>	Yes	No

\* Sensitive locations or features include SAC/SPA, NHA/pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/LAP (including draft plans)

\*\* Having regard to likely direct, indirect and cumulative effects

**Inspector: Colin McBride**

**Date: 11th March 2021**