



An
Bord
Pleanála

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

Inspector's Report ABP-308917-20

Strategic Housing Development

Demolition of all buildings excluding the original fabric of the former Player Wills Factory, construction of 492 Build to Rent apartments, 240 Build to Rent shared accommodation units, community, arts and cultural and exhibition space, retail/café/office uses, crèche and associated site works.

Location

Former Player Wills site and undeveloped Land in Ownership of Dublin City Council, South Circular Road, Dublin 8.
(www.PWSCR2SHD.ie)

Planning Authority

Dublin City Council

Applicant

DBTR-SCR1 Fund, a Sub-Fund of the
CWTC Multi Family ICAV.

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage
and the Gaeltacht
5. Heritage Council
6. An Taisce
7. Department of Education and Skills
8. Córas Iompair Éireann
9. Dublin City Childcare Committee

Observer(s)

1. Aaron Hamilton and Emma Birdy
2. Aideen Burke and Brian O’Keeffe
3. Ailbhe Ní Mhaoilearca
4. Aisling Kelly
5. Alan Mee
6. Amy van den Broek
7. Andrew & Barbara Guy
8. Angela and Marion McKenna.doc
9. Anne Marie Connolly
10. Anne Power
11. Anne Roper
12. Antoin Doyle
13. Ashe Conrad-Jones
14. Aurora Aleson
15. Barbara O’Shea
16. Barry McCall and Kari Rocca
17. Barry McCrea

18. Breda Walsh and Others
19. Breen Hardiman
20. Brian Mc Carthy and Others
21. Brian McLoughlin
22. Brid Smith and Tina McVeigh
23. Briona McArdle
24. Camila Comas
25. Cara Nig Fhearraigh
26. Carlo Manselli
27. Caroline Baldwin
28. Caroline O Meara
29. Catherine Mc Sweeney
30. Catriona McArdle
31. Celine Leonard
32. Chris Maher
33. Ciarán Lynch
34. Clare Dunne and Ely Siegel
35. Clare Jordan
36. Conor Gavin and Lisa Higgins
37. Conor McCarthy
38. David Caron
39. David Corrigan
40. David Griffin
41. David Kelly
42. David McDermott
43. David Meaney and Helen Burke
44. David Scanlon
45. David Wall and other
46. Davin O Dwyer
47. Dean Phillips
48. Declan and Mary Bale
49. Declan Murphy and Grace-Ann
Fallon

50. Declan O'Regan
51. Deirdre Kerins and Others
52. Denise Rynne
53. Diarmuid Collins
54. Donnchadh O'Neill and Karinda
Tolland
55. Doreen McGouran
56. Dublin 8 Residents Association
57. Eamonn Manning
58. Eileen O Gorman
59. Eilish O'Carroll
60. Eimear Brennan
61. Eithne Murphy
62. Eleanor Mac Partlin
63. Emily Cunnane
64. Emma Byrne and Matthew
Donnelly
65. Emma Flinter
66. Esther Donohoe
67. Eugene Kelly
68. Eunan Mc Loughlin
69. Eunan O Halpin
70. Faye Mulhern
71. Fiona Quilligan
72. Fionn Kidney
73. Flawia and Simon Devine
74. Frances Mowlds
75. Francesca La Morgia
76. Frank McDonald
77. Gavin Lyons and Elaine Martin
78. Gillian Plockelman
79. Giustina Mizzoni & Michael
Bradley

80. Inez Murray
81. Inland Fisheries Ireland
82. Iseult Coffey
83. Jacqueline Fallon
84. James Dennis and Leonora Lowe
85. James Hanrahan and Maria
Ramirez
86. James Horan
87. Jane Ferry
88. Jane Musgrave
89. Janet McLean & Tom Farrelly
90. Jean Evers-Norton
91. Jean Higgins
92. Jen Cummins
93. Jennifer Warren
94. Jim Lawler
95. Jim Nolan
96. Joan Carmichael
97. Joe Clarke and Sinead Deegan
98. John Curley
99. John Mahon and Emma Blaney
100. John Mahon and Paula Markey
101. Jose Ricardo Soares
102. Judy O Hanlon
103. Karen Marconi
104. Karen Talbot
105. Keiryn Groome and Others
106. Kerri and Paul Geoghegan
107. Kevin Gannon
108. Laura Leonard
109. Leon McCarthy
110. Lisa Casey
111. Lisa Farrelly

112. Liz Harper
113. Loretta Kennedy
114. Luke Hartnett & Elena McLean
115. Maeve McElligott
116. Marcus Donaghy
117. Margaret Hennessy
118. Maria Kelly
119. Maria O Reilly
120. Mariam Ribón
121. Marie Devine and Aengus O
Snodaigh
122. Marie Nolan
123. Mark Dolan
124. Mark Stedman and Maeve Barry
125. Martin Maguire
126. Mary Alleguen
127. Mary Pike
128. Maurice Anthony Knightly
129. Michael Pidgeon
130. Neil Hegarty and John Lovett
131. New Donore Ladies Club
132. Niamh Mathews
133. Niamh Murphy
134. Nicky Hooper
135. Nigel Quane and Aoife Dolan
136. Norma Bodie & Peter Bodie
137. Orla Byrne and Caoimhín
MacCormaic
138. Orla McAleer
139. Orna Cooke
140. Pat Coyne
141. Patricia Daly
142. Patricia O'Doherty

143. Patrick Costello
144. Patrick Tierney
145. Paula Hicks and Tony Kelly
146. Pauric McGroder
147. Pearse Ryan
148. Peter Toole and Hilary Cahill
149. Rebecca Moynihan and other
150. Richard Duke
151. Richard Harris
152. Robert and Noeleen Flood
153. Robert Coyle
154. Robert Gleeson
155. Rod Maharg
156. Ronan Evers-Norton
157. Rutledge Terrace Residents
158. Sabrina Brett
159. Sara Donaldson and John O
Connor
160. Sarah Kelly & Neil Gleeson
161. Seamus and Eileen McPartland
162. Sean Fingleton
163. Shane Twohig
164. Sheila Kilduff
165. Sinead Hyland and Bridget
Hourican
166. Sinead Kerins
167. Sinead Riordan
168. Siobhan Griffin
169. Sonia Haccius
170. St Anne's Road South
Residents Group
171. St Catherine's Ns Board of
Management

- 172. Susan Cullen
- 173. Tenters Residents Association
- 174. Thomas Geoghegan
- 175. Thorsten Peters
- 176. Tom Buyckx
- 177. Tonyia Dowling and David
Coffey
- 178. Úna Shinnors
- 179. Valerie O'Toole
- 180. Vincent Hoban
- 181. William Hauxwell
- 182. Yvonne Judge

Date of Site Inspection

3 March 2021.

Inspector

Stephen Rhys Thomas.

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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 development site is located on the northern side of the South Circular Road (SCR), Dublin 8. The lands are brownfield in nature and contain former industrial premises comprising three factory buildings, including the Player Wills art deco factory building. The site is bounded to the east by Donore Avenue and St. Catherine's Avenue which comprises two-storey red brick terraced houses, school and churches of a strong architectural character.
- 2.2. At present there are two vehicular entrances from South Circular Road adjacent to house numbers 274 and 290. The site has a secondary frontage to St. Catherine's Avenue/Donore Avenue with access points along this road. There is a vehicle entrance from St Catherine's Avenue between two industrial buildings. There is a second (main) entrance from Donore Avenue between St Catherine's National School and St Teresa's Church. The western boundary adjoins residential units and a small housing estate (Southfield), waste ground and a small all-weather playing pitch. To the north of the site is St Teresa's Church, a granite stone building. The overall area is defined by the domestic, red brick two storey houses close to the street edge, punctuated by notable public buildings such as churches and a school, all wrapped around a very large former industrial brownfield site.
- 2.3. The overall subject site comprises former industrial lands associated with the Player Wills cigarette factory and accommodates a number of factory buildings and large areas of hardstanding. The site is mostly level with little difference in height between adjacent sites. Two factory buildings are close to the eastern boundary with residential property along South Circular Road and St Catherine's Avenue, these will be removed. The former factory along the SCR will be retained, to some degree, it is a notable building along the SCR and dominates the street due to its height, massing and architectural design. The former factory building along the SCR is set perpendicular to the street and runs for some distance northwards, quite close to its

western boundary. There have been many alterations and additions to the former factory building over the years, and periods of vacancy, but the overall buildings on site remain largely intact.

- 2.4. The site has a stated gross site area of 2.86 hectares. This overall site area is made up of the Player Wills site at 2.39 hectares and an additional 0.5 hectares of land owned by Dublin City Council for the provision of a public park and to accommodate works to facilitate connections to municipal services and works proposed to public roads. The site forms part of a wider non-statutory framework/masterplan area located between South Circular Road and Cork Street to the north west.

3.0 Proposed Strategic Housing Development

The proposed development will comprise a total of 732 residential units, a combination of 492 build to rent apartments and 240 shared accommodation units on a site of 3.06 Hectares. Development includes the demolition of all buildings (15,454 sq.m), excluding the original fabric of the former Player Wills Factory. The accommodation will be arranged in four blocks up to 19 storeys in height and provide some commercial and community uses, the detail is as follows:

1. Block PW1 - The former Player Wills factory building (PW1) will be extended from four storeys to eight storeys and will accommodate:
 - 240 shared accommodation units, 21 kitchen/dining areas, 835 sqm shared accommodation services, amenities and facilities across levels 1-4, (lounge areas, entertainment area, 2 external terraces, laundry facilities, welfare facilities and waste storage);
 - 47 build to rent units with 1,588 sqm of shared services such as ground floor reception/lobby area, parcel room, 2 lounges and administration facilities; entertainment area, TV rooms, entertainment room, library, meeting room, business centre; lounge area, gym and storage.
 - 852 sqm of floor space dedicated to community, arts and cultural and exhibition space together with artist and photography studios,
 - 503 sq.m of retail floor space,
 - 994 sq.m of café/bar/restaurant floor space,

- 217 sq.m of co-working office floor space and ancillary floor space for welfare facilities, waste management and storage;
 - Outdoor communal space 735 sqm.
2. Block PW2 – 415 build to rent units in a block of between 2-19 storeys (maximum 62.9 metres in height);
 - two ground floor retail units (88 sqm and 110 sqm);
 - café/restaurant (142 sqm);
 - tenant services; co-working space and communal amenity spaces.
 3. Block PW4 – 9 build to rent apartments in a block 2-3 storeys in height and with a communal courtyard amenity space.
 - Childcare facility 275 sqm with dedicated play area.
 4. Block PW5 – 21 build to rent apartments in a 4 storey block, with a communal courtyard amenity space.
 5. Public open space - 2 parks, 'Players Park' (3,960 sqm) on lands owned by Dublin City Council; 'St. Catherine's Park' (1,350 sqm) a playground, adjacent to St. Catherine's National School. A temporary park (1,158 sqm) on a site set aside for a future school extension. The existing courtyard (690 sq.m) in block PW1 (former factory building) to become a public plaza (320 sqm)
 6. 280 car parking spaces in total, comprising:
 - 249 basement level car parking spaces (including disabled access);
 - 31 surface car parking spaces;
 - Crèche set down spaces, loading bays and taxi set-down areas
 7. 903 long stay cycle parking spaces and 110 short-stay bicycle spaces
 8. Vehicular from Donore Avenue with a one-way exit onto South Circular Road, vehicular access to the adjacent 'Bailey Gibson' site, works to the public road and footpaths adjacent to the site and pedestrian and cycle permeability.
 9. ESB substations, waste storage areas and all ancillary site development works.

The detailed parameters of the entire scheme can be summarised as follows:

Parameter	Site Proposal
Application Site Area	3.06 Hectares
No. of Units	732 units (492 BTR units and 240 Single occupancy shared accommodation units)
Density	239 units per hectare
Non-residential Uses	<p>PW1: 852 sqm community uses</p> <p>503 sqm retail space</p> <p>994 sqm café/bar/restaurant floor space</p> <p>217 sqm co-working space</p> <p>PW2: Co-working facility and retail units</p> <p>Two ground floor retail units (88 sqm and 110 sqm)</p> <p>Café/restaurant (142 sqm)</p> <p>Co-working space (221 sqm)</p> <p>PW4: 275 sqm Crèche</p>
Residential Amenity Uses	<p>PW1: 1,588 sqm of shared amenity/facilities</p> <p>PW2: 673 sqm of shared amenity/facilities</p>
Public Open Space	<p>'Players Park' (3,960 sq.m)</p> <p>'St. Catherine's Park' (1,350 sq.m) a playground, adjacent to St. Catherine's National School.</p> <p>A temporary park (1,158 sq.m) on a site set aside for a future school extension.</p>

	The existing courtyard (690 sq.m) in block PW1 (former factory building) to become a public plaza (320 sq.m)
Height	4-8 storeys in PW1 (240 shared living units and 47 BTR units) 2-19 storeys in PW2 (BTR block; 415 units) 2-3 storeys in PW4 (9 BTR units and crèche) 4 storeys in PW5 (21 units)
Car Parking	280
Bicycle Parking	1,013
Vehicular Access	From Donore Avenue and South Circular Road

Build to Rent - Dwelling mix as follows:

Unit Type	Number of units	Percentage mix
Studio	40	8
One Bed	292	59
Two Bed – 3 person	5	1
Two Bed – 4 person	100	20
Three Bed – 5 person	4	1
Three Bed	41	8
Two Bed Duplex	3	0.5
Two Bed Duplex	7	1.5
Total	492	100

4.0 Planning History

4.1. Subject site:

ABP Ref. PL29S. 221190 (DCC Ref: 3130/06) - Mixed use residential and commercial development comprising 484 residential units, 15 commercial/retail units, 2,071 sqm offices, a school building, creche, community centre and ancillary site works.

The Board decision included measures to address the following: (i) an excess amount of residential use (by substantially reducing the number of residential units), (ii) overdevelopment of the site (by a substantial reduction in overall height and the provision of additional public open space) and (iii) access/ egress to the site (by the reorganisation of traffic arrangements).

Condition 3 is relevant –

The proposed development shall be amended as follows:

- (a) The front three bays of the existing John Player building shall be retained, as shown on drawing number G-H-J (03)01 received by An Bord Pleanála on the 22nd day of October, 2007.
- (b) The front façade of the existing John Player building shall be retained except that a two-storey high opening shall be created through the central stone-faced section only (approximately five metres wide).
- (c) The two new penthouse floors proposed over the front three bays of the existing building shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of the preservation of the historic streetscape.

Condition 11 and 12 also relate to architectural character

4.2. Adjacent sites:

PL29S.307221 - Strategic Housing Development: Demolition of all existing structures on site and the construction of 416 residential units (4 houses and 412 apartments),

2 – 16 storeys in height and associated site works. Location Former Bailey Gibson Site 326-328 South Circular Road, Dublin 8. Grant Permission, 14.09.2020.

5.0 Section 5 Pre Application Consultation

5.1. A section 5 pre-application consultation took place via Microsoft Teams on the 15 July 2020 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-307178-20. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

1. Shared Living

Reconsider the overall layout/format of the shared living accommodation in PW1, include consideration/justification for the large number of units per floor on levels 1-4 and the lack of a cluster format; consideration of the quantum of shared living/kitchen space per bedspace, as well as location and number of satellite kitchens proposed per floor; sunlight/daylight analysis of rooms on floor 1, showing acceptable level of residential amenity for future occupiers, in addition to overshadowing analysis of the central courtyard area.

2. Tower Design

Further consideration/justification of the documents regarding the slenderness of the towers in PW2.

3. Aspect and Residential Amenity

Further consideration/justification of the documents in terms of the number of dual aspect units in PW2; number of north facing single aspect units; internal layout with long corridors; sunlight daylight analysis; and wind-microclimate study.

4. Impacts to Neighbouring Development

Further consideration/justification of the documents as they relate to PW4 and PW5 and impact on neighbouring dwellings.

- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
1. Daylight/sunlight analysis for PW2 and for PW1.
 2. Operational management provisions for the Shared Accommodation.
 3. Wind micro-climate study, including analysis of balconies and upper level roof gardens.
 4. 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.
 5. 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.
 6. A detailed phasing plan, including timing of delivery of the central park and public open space.
 7. Response to issues raised in Addendum B of Planning Authority Report, received 15th June 2020 and 17th June 2020, which includes the internal reports of the Parks Department, Roads and Traffic Department Section, and Water Services Planning Section.
 8. 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.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. Heritage Council
6. An Taisce
7. Department of Education and Skills
8. Córas Iompair Éireann
9. Dublin City Childcare Committee

5.4. **Applicant's Statement**

5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

1. Shared Living

The revised proposal sees a reduction from 331 single occupancy, private living areas to 240 in PW1. A clustered approach could not be pursued because of the interventions necessary to the former factory building and conflict with the objective of providing community spaces. Communal kitchens are distributed throughout floors 01, 02, 03 and 04, with a maximum distance of 21 metres from private living space to

kitchen/dining area. Individual cooking stations in each shared kitchen/dining space will be shared by about 5 rooms.

A Daylight, Sunlight & Overshadowing Report has been submitted. According to the applicant the average daylight factor (ADF) analysis of the rooms proposed on level 01 demonstrates that all of the rooms have an ADF greater than the recommended minimum values (1.5% for living rooms and 1.0% for bedrooms) as stated under the BRE's 2011 guidance document 'Site Layout Planning for Daylight and Sunlight'.

The courtyard in the former Player Wills building (PW1) was analysed to determine the existing sunlight penetration. This area falls significantly below the BRE Site Layout Planning for Daylight and Sunlight standard for a space to appear adequately sunlit throughout the year. This poor natural lighting results from the overriding objective to retain as many historical/architectural features of the former factory building as possible. There are other and better lit amenity spaces distributed throughout the overall development and this makes up for shortfalls. While the courtyard cannot meet the BRE Guideline, it is considered that it can still offer amenity value.

2. Tower Design

The applicant has prepared an Architectural Design Statement, that amongst other things, explains the slenderness ratio of the two towers located at block PW2. In the first place the rationale for towers is that it frees up more space at ground level for amenity and circulation purposes. The applicant has submitted drawings that show the evolution of the tower design. In order to retain an efficient use of urban land the articulation of the tower buildings assists a more slender expression. This achieved by breaking down the mass of each tower into distinct elements, to incorporate an expression of a grouping of taller units, each grouping element is more-slender than the target 3:1 ratio. In addition, the lower portion (PW2) of the two towers has been further articulated to create a substantial delineation of the separate volumes and further enhance the verticality of the building.

3. Aspect and Residential Amenity (PW2)

Given the site's urban location and having regard to the site's characteristics a dual aspect ratio of between 33% and 50% is considered appropriate. The proposed PW2 building includes 51% (212 units) as dual aspect units. This represents a 9% (26 unit) increase in dual aspect units. This was achieved through the following design amendments; a single north facing unit design was revised to incorporate an additional west orientated window (14 more dual aspect units); reduce the length of the common corridors in the mid-rise building, new 2 bed units were created (12 more dual aspect units).

North facing single aspect - Following revisions to the layout of the PW2 building, one north facing single aspect unit per floor was revised to incorporate an additional west orientated window, which has incorporated an additional 14 no. dual aspect apartments.

Long corridors in block PW2 have been broken up by a central double aspect unit that straddles the floorplan.

Sunlight/daylight factors – A Daylight, Sunlight & Overshadowing Report has been submitted. 128 rooms across levels 1, 3 and 5 were tested for ADF. The rooms selected for testing represent 'worst-case' locations i.e. having obstructed views. Overall, 85% of the rooms tested in PW2 achieve ADF values above the BRE guidelines. Since these rooms are 'worst case' locations, it is reasonably concluded that the results for the building as a whole would increase.

A Pedestrian Wind Comfort Report has been submitted. The results of the north-west facing balconies of the PW2 block are positive, they meet the sitting and standing comfort criteria of the Lawson's Pedestrian Comfort criterion.

4. Impacts to Neighbouring Development (PW4 and PW5)

The design submitted has introduced significant changes, with reference to the boundary interface between PW4 and No.8 St. Catherine's Avenue. Massing has been reduced from 3 storeys to 2 storeys along this boundary. The ground floor units are removed and the duplex units are entered at grade level. These duplex units will replace the existing industrial unit and their site position and relationship to the boundary, together with their parapet and ridge height is similar to the existing unit

on site. To mitigate overlooking, windows on the first-floor level are limited to secondary windows only with obscure glass proposed.

Regarding PW5, the elevational treatment of the access gallery has been redesigned resulting in elimination of the "lightbox" facade. The revised facade consists of brick, perforated brick and a green wall. The facade elements will ensure neighbouring privacy is not compromised, whilst light transmission through the facade is minimised.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing

buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the following policy documents and Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018/2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

6.3. **Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031**

Under the RSES a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin. The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas

identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

6.4. Local Policy

Dublin City Development Plan

The site is governed by the policy and provisions contained in the Dublin City Development Plan 2016-2022.

Zoning

The site has two land use zoning objectives as follows:

The majority of the site is located within the Strategic Development and Regeneration Area of St. Teresa's Gardens – Z14 with the objective "To seek the social, economic and physical development and / or rejuvenation of an area with mixed use of which residential and Z6 (employment and enterprise) would be the predominant uses".

A small portion of the site adjacent to St Catherine's National School is zoned Z1 for residential use with the objective "To protect provide and Improve residential amenities".

Strategic Development and Regeneration Area

Table E of the Core Strategy indicates that SDRA 12 has the capacity to accommodate between 800-1000 residential units. The overall guiding principles for SDRA 12 are set out below:

- The development of a network of streets and public spaces will be promoted to ensure the physical, social and economic integration of Saint Theresa's Gardens with the former Player Wills and Bailey Gibson sites, with further integration potential with the sites of the Coombe Hospital white Heather industrial estate.
- A vibrant mixed-use urban quarter would be promoted with complementary strategies across adjoining sites in terms of urban design, interconnections and land use. To provide an area zoned sufficient in size to accommodate a minimum 80 metre by 130 metre playing pitch.

- A new public park is proposed as a landmark feature with passive supervision by residential and other uses; it will have a comprehensive landscaping strategy to provide significant greenery within the scheme and will make provision for a diverse range of recreational and sporting facilities for use by the wider neighbourhood.
- There is potential for one or two mid-rise buildings (up to 50m) within the site, subject to the criteria set out in the standards section of this plan. To acknowledge the existing sports lands of St Teresa's Gardens and its environs and act to retain and augment these lands as sporting facilities for the benefit of the wider community and used by local sports clubs. At least 20% of the SDRA 12 be retained for public open space, recreation and sporting facilities including an area to facilitate organised games.
- Strong permeability through these lands will be encouraged to generate movement and activity east to west (connecting Dolphin's Barn street and Cork street with Donore Ave) and north to south (connecting Cork St and Donore Ave with the South Circular Road and Grand Canal corridor): a high quality public domain, provision of pedestrian and cyclist routes and provision of active streets will be promoted.
- A community hub will be incorporated into the scheme to provide a wide range of community facilities accessible to the wider neighbourhood; opportunities to highlight the heritage of the local area by proposing community uses close to the important landmark buildings such as St Teresa's Church will be promoted.
- Provision shall be made for the expansion of Saint Catherine's National School, Donore Avenue, in the redevelopment of the former Player Wills site, subject to agreement with the Department of Education and Skills.

Policy Provisions

Policy statements contained in the development plan which are relevant to the current application before the Board include:

- Policy SC25 which seeks to promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate'.
- Policy QH8 of the Dublin City Development Plan seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.
- Policy QH7 seeks to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of surrounding areas.

Density

The development plan states that sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable. All proposals for higher densities must demonstrate how the proposal contributes to place making and the identify of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

Building Height

Section 4.5.4 of the City Development Plan deals with taller buildings and states that clustering of taller buildings of the type needed to promote significant densities of

commercial and residential space are likely to be achieved in a limited number of areas only. Taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs. There are also a few areas where there are good transport links and sites of sufficient size to create their own character, such that a limited number of mid-rise (up to 50m) buildings will help provide a new urban identity. These areas of the city are the subject of a local area plan, strategic development zone or within a designated SDRA. The site of the proposed development is located within SDRA 12 where the Plan states that there is potential for one or two midrise buildings (up to 50 m) within SDRA 12.

Applications will be assessed against the building heights and development principles established in the relevant LAP/SDZ/SDRA. Proposals for high buildings should be in accordance with the provisions of the relevant LAP/SDZ/SDRA. In addition to the assessment criteria for high buildings and developing plan standards. Chapter 15 provides guiding principles for the design of potential high buildings in SDRA's where appropriate.

All proposals for mid-rise and taller buildings must have regard to the assessment criteria for high buildings as follows:

- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas
- Effect on the historic environment at a city-wide and local level
- Relationship to transport infrastructure, particularly public transport provision • Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for
- Contribution to public spaces and facilities, including the mix of uses
- Effect on the local environment, including micro-climate and general amenity considerations
- Contribution to permeability and legibility of the site and wider area
- Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360 degree view analysis, shadow impact

assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies

- Adoption of best practice guidance related to the sustainable design and construction of tall buildings
- Evaluation of providing a similar level of density in an alternative urban form.

Standards for Residential Accommodation

The indicative plot ratios and site coverage provided for in the Development Plan is as follows: for Z14 plot ratio of 1.0-3.0 and site coverage up to 50%.

In terms of aspect, natural lighting, ventilation and sunlight penetration, the Plan notes that daylight animates an interior and that good levels of daylight and sunlight contribute to making a building energy efficient; It reduces the need for electric lighting, while winter solar gain can reduce heating requirements. Living rooms and bedrooms shall not be solely lit by roof lights and all habitable rooms must be naturally ventilated and lit. Development shall be guided by the principles of Site Layout - Planning for Daylight and Sunlight - A Guide for Good Practice (Building Research Establishment Report 2011). Staggering of balconies on the facade of the building has a positive effect on daylight / sunlight. A daylight / sunlight analysis of the different units may be required and modifications to the scheme put in place where appropriate. Dual aspect apartments maximise the availability of sunlight and should be provided where possible.

Variation 7 Dublin City Development Plan (adopted March 2020):

The purpose of this Variation is to incorporate the National Planning Framework (NPF) and the Regional Spatial Economic Strategy (RSES) into the City Development Plan 2016 – 2022, in accordance with Section 11 (1) (b) (iii) of the Planning and Development Act, 2000, as amended. This is in order to align national, regional and local policy objectives.

- Dublin city in its entirety lies within the Dublin Metropolitan Area Strategic Plan (MASP) area and the RSES's give direction to Dublin city as the 'global gateway'

for high-intensity clusters, brownfield development, urban renewal and regeneration. The RSES settlement strategy for the metropolitan area includes a strong policy emphasis on the need to gain maximum benefit from existing assets, such as public transport and social infrastructure, through the continuation of consolidation and increasing densities within the existing built footprint of the city.

- Assuming an average occupancy rate of two persons per residential unit, the housing requirement for the 2016 – 2022 period is between c.21,000 – 26,500 units over a 6 year period. The Development Plan provides capacity to exceed this figure in the Housing Strategy for the Development Plan period 2016–2022, in order to accommodate longer-term sustainable growth. From the above analysis, and particularly because there is capacity in excess of the required population and housing figures, it is concluded that the policies and objectives of this Dublin City Development Plan remains consistent the high-level national and regional policies.

Dublin City Development Plan - SDRA 12 - Development Framework For St. Teresa's Gardens and Environs June 2017

A masterplan was developed, adopted and published on its website by the Council for the site and articulated the SDRA 12 guiding principles for the entire area as delineated in the Development Plan.

Master Plan for the Players Wills, Dublin City Council and Bailey Gibson Lands January 2020

This master plan, developed by Dublin City Council in conjunction with Hines, makes changes to the development framework plan of June 2017.

6.5. Applicant's Statement of Consistency

- 6.5.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of national and regional planning policy including section 28 guidelines

and the Dublin City Development Plan 2016-2022. The applicant's documents state the following:

The design of the proposed development achieves the objective to create a new and sustainable urban neighbourhood that can aid in securing the regeneration objectives for this site and the wider SDRA 12 lands. This is achieved by providing opportunities to enhance permeability and connectivity and through a mix of residential and supporting arts, cultural, community and commercial uses. As the balance of lands within SDRA 12 are brought forward for development, this scheme will be fully integrated with the adjoining sites in accordance with the Dublin City Development Plan, benefitting surrounding residents and future occupants. The proposed development responds to a housing need by incorporating a mix of unit sizes that will address the shortfall in housing supply locally and within the wider City. The inclusion of an element of shared accommodation is appropriate having regard to the locational criteria established in the Design Standards for New Apartments Guidelines (2018) The architectural drawings, considered in conjunction with the Architectural Design Statement, Masterplan and Housing Quality Assessment demonstrate the highest standards of urban design that will create a vibrant and attractive urban neighbourhood for people to live, work and socialise. The proposed redevelopment of the Player Wills site achieves the principles of proper planning and sustainable development.

6.6. Applicant's Material Contravention Statement

A Material Contravention Statement has been prepared that sets out the rationale as to why the development, which exceeds the height standards set out in the Dublin City Development Plan 2016-2022, is considered acceptable. The applicant sets out the reasons why permission can be granted in the context of Section 37(2) of the Planning and Development Act 2000 (as amended).

Strategic or National Importance (section 37(2)(b)(i) of the Act) - The proposed development is being progressed through the Strategic Housing Development planning process which, in itself, confirms the strategic importance of the current application. The scheme's contribution to the achievement of the National Planning Framework (NPF) National Strategic Outcome No. 1 in respect of delivering compact

growth and urban regeneration specifically in this instance involving the regeneration of a disused former industrial site, brownfield infill development, within close proximity of the city centre, adjacent to significant public transport links, further confirms the strategic nature of this development proposal.

National/regional policy and guidelines (section 37(2)(b)(iii) of the Act) – the development will meet the needs of Rebuilding Ireland – Action Plan for Housing and Homelessness (2016), under pillar 3 and 4 by delivering more homes and improve the rental sector. National Planning Framework (NPF) 2018, the applicant has prepared a Masterplan to address the performance criteria set by the NPF for urban development. The Eastern and Midlands Regional Spatial and Economic Strategy 2019 is addressed by achievement of the strategic objectives of regeneration and increased density in urban areas. Urban Development and Building Height Guidelines for Planning Authorities 2018, SPPR 1 of the Guidelines seek to encourage increased building height and density in locations with good public transport accessibility to secure the objectives of the NPF and so prohibit the inclusion of blanket numerical limitations on building height in local statutory planning policies, this has been achieved by increasing height. In this respect the taller projections that form part of building PW2 exceed the maximum height of 50m identified for this location in the DCDP. At the scale of the city/town down to the district / neighbourhood / street and site, the applicant has prepared an Architectural Design Statement, Landscape Design Statement, Landscape and Visual Impact Assessment (EIAR, Volume II) and Cultural Heritage: Built Heritage Assessment (EIAR, Volume II). Increased building height is concentrated toward the centre of the site and away from the site's boundaries where the proposed building heights taper down; as set out in SPPR 3(a) and the criteria in section 3.1 and 3.2 of the guidelines.

Design Standards for New Apartments Guidelines 2018, the applicant has prepared a Housing Quality Audit that establishes standards relating to unit design are met and exceeded.

Pattern of development in the area (section 37(2)(b)(iv) of the Act) - having regard to the pattern of development, and permissions granted, in the area since the making of the Dublin City Development Plan 2016-2022, the permission should be granted, specifically with respect to the following studies submitted: Architectural Design

Statement, Landscape & Visual Impact Assessment (see Volume II EIAR) and Photomontages.

The proposed development site is in Dublin 8, an area of the City that is undergoing significant transformation. In recent years, the pattern of development (constructed, under construction and permitted) is one of mixed use development, including apartments, student accommodation and hotels in buildings of increased height relative to the traditional existing building stock in the area. In September 2020, the Board granted permission (Ref. PL29S.307221) for the demolition of all existing structures at the adjacent Bailey Gibson Site and the construction of 416 residential units. The permitted development includes 2 buildings that exceed 50m; building BG1 ranges from 5-11 storeys and has a maximum height of 57.25m and BG2 ranges from 2-16 storeys (max. height 72.435m). This permission sets a precedence for taller buildings at this location. I note that the applicant's material contravention statement refers to 'above datum' or above sea level heights. However, the drawings refer to both 'above datum' and actual above ground level heights. In this regard only one building on the Bailey Gibson site is above 50 metres and it is building BG2.

The applicant advances the theory that the Board can permit the development under Section 37(2)(b) of the 2000 Act, as follows:

(i) the proposed development is of strategic or national importance,

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.0 Observer Submissions

7.1. 182 valid submissions were received and included observations from individuals, individuals on behalf of others, residents' groups, planning/architectural specialists, and others. In almost all cases observers supported the principle of careful redevelopment of the site at a reduced scale and density; many were encouraged by the provision of new public parks. The repurposing of the Players Wills Factory building was supported in principle, but the proposals fell short of expectations. Nearly all observers were critical about almost all of the proposed development in terms of height, scale, built heritage of the wider area, density, housing type and tenure, housing affordability and housing for the public good, the use of the 2020 Masterplan instead of democratically agreed plans for the area, poor public open space and public domain, lack of public meaningful public consultation, construction phase nuisance, transport and traffic problems, the split up nature of development proposals for the area, Part V proposals, no overall community gain or mitigation. A large number of observations covered similar ground and some followed a set layout with individual additions. In broad terms the planning issues can be summarised as follows:

7.1.1. City Development Plan – the SDRA for the wider area and the framework plan agreed does not envisage the scale of development proposed. Development of the site should follow the Masterplan (2017) agreed by Councillors, not the recently amended one agreed by the executive. Councillors did not agree to the Hines revised Masterplan for the area. The democratically agreed development plan has been ignored in this development proposal.

The 2017 Masterplan is entirely in line with the 2018 Height guidelines and so remains a relevant documents with which to guide development of the SDRA.

The proposal is contrary to the objectives of the City Development Plan, the agreed Masterplan, regional planning policy of contributing to the economic, social and sustainable viability of the city as set out in the RSES.

7.1.2. Height – against heights of up to 16 storeys already permitted on the Bailey Gibson site, strongly opposed to heights of up to 19 storeys (63 metres) on the Player Wills site. The site is not at a gateway location and tall buildings do not make sense here. The buildings are out of proportion with local streets, will impact upon the visual

amenities of the area, dominate the existing low rise urban form and impact the planned public open spaces. The SDRA for the overall area points to one or two mid-rise buildings, up to 50 metres. A maximum of 8 storeys was envisaged in the Framework Plan for the area. The towers that are proposed would be more acceptable in the docklands area of the city, not the low rise historical area of the South Circular Road. Tall buildings give rise to social problems, anti-social behaviour and crime. Four areas are identified for high rise buildings in the city (Docklands Cluster, Connolly, Heuston Area and George's Quay), nine areas are identified for medium rise and only with the required public open space and amenities.

The proposed heights will create a hostile pedestrian environment through the creation of wind tunnels and overshadowing of the street. Tall buildings will result in adverse overlooking and loss of privacy to existing dwellings. Fire safety is voiced as a concern. The photomontage images chosen by the applicant are misleading and misrepresent the actual impact of the buildings proposed.

The use of the Height Guidelines as a rationale to propose tall buildings on this site is incorrect, the publicly agreed masterplan for the area specifies heights and locations as is required by the guidelines.

The tall buildings proposed are not of a high enough standard of design and fail to provide a slenderness ratio that would contribute to the visual amenities of the area. The use of breaking up the massing by façade treatment alone is not acceptable.

- 7.1.3. Unit mix – the predominance of shared accommodation, build to rent studio and one bedroom apartments will not contribute to the local community and is driven by a financial rather than planning model. Dublin 8 is already overwhelmed with other co-living developments and student accommodation and the unit mix of this proposal will do nothing to support community. Shared accommodation is a 'banned' form of residential accommodation and has no place at this location. The lodgement of a planning application days before the cut-off date for consideration of such development is not acceptable. Smaller apartments and increased home working cannot be compatible, especially in the current pandemic and possibility of more to come. This and the Bailey Gibson site will provide no family accommodation. The proposed unit mix fails to meet the objectives contained in the City Development Plan for this location outside an employment centre.

- 7.1.4. Density – the site has the ability to support high densities, but the current proposal is overdevelopment of the site. A proposed 321 residential units per Hectare is higher than parts of many world cities, eight storeys with 150 units per hectare would be much more manageable and appropriate. The subject site should be assessed in the context of the Baily Gibson and St Teresa’s Gardens site (DCC lands).
- 7.1.5. Social/affordable housing – centralising all 49 Part V units in one block is against the principle of ‘pepper potting’ units through the scheme to enable social integration. The proposed units will not alleviate the housing crisis and will only be rented by those that can afford to do so. The provision of a single form of housing tenure is not sustainable and will lead to social exclusion issues.
- 7.1.6. Public open space – most of the planned public open space will occur on Dublin City lands, whilst smaller amounts of amenity space will accrue on the applicant’s land it is feared that these spaces will be closed off and made inaccessible to the public. It should be noted that no public open space was planned for on the adjacent Bailey Gibson site, that site relies on all its public amenity spaces on the current proposal. The question arises, if the Bailey Gibson site relies on public space on the Player Wills site, then it would follow that a positive decision has already been reached on the current proposal. The designation of the temporary area for school expansion should be seen as such and not included in the public open space calculation.
- 7.1.7. Residential Amenity – BRE Daylight and Sunlight, firstly queries are raised as to which standards should be used, more recently published ‘Daylight in Buildings 2018’ should be used not the dated reference material used by the applicant. Questions are raised as to whether apartment units achieve 2% ADF for kitchens and 1.5% for living rooms and whether kitchen/living rooms should be assessed differently. Should 2% ADF be considered for all living spaces. Have public amenity spaces been modelled for sunlight. The validity of the shadow analysis is questioned, as some property owners report direct sunlight to rooms in reality but are modelled by the applicant has in full shadow. No full appreciation of floor level differences has been taken into account, especially along St Catherine’s Avenue, where rooms at the rear are at a lower level and stairs lit by rooflight. Overlooking will result from tall buildings and the privacy of homeowners, school and church goers will be adversely impacted.

The location of bin stores, crèche roof terrace, bike stores and communal open spaces/courtyards all raised as concerns for residents at the eastern edge of the site.

There are no details about the management the community spaces and event spaces, there is an anticipation that the holding of events throughout the year would lead to residential amenity issues particularly along St Catherine's Avenue.

7.1.8. Heritage – the Player Wills factory building should now be listed on the Record of Protected Structures (RPS), a process started in November 2018. The process of listing the property has continued and is currently at an advanced stage, but not yet at public consultation stage. The re-use of the building is welcomed, however, the extent of demolition and additional storeys, leaves only the façade and this is unacceptable, the Ormeau Bakery building in Belfast is cited as an example to follow. Permission should be refused for the former factory component of the development until the RPS process is concluded. The proposed towers do not provide any degree of architectural excellence in order to present a new city landmark and will detract from the character of the area as a whole. Analysis submitted by the applicant fails to address the entire historical character of the area including two churches and a local school.

7.1.9. Ecology – A submission has been made by Inland Fisheries Ireland (IFI), the IFI submission states that as the site is within the catchment for the Liffey System; a regionally significant population for Atlantic Salmon, Brown Trout, Lamprey, Eel and other sensitive species, specific conditions and requirements are suggested to protect fisheries. In addition, the capacity of the Ringsend WWTP is questioned as being able to accommodate additional surface and foul water volumes.

Tall buildings will impact on the flight paths of birds/fowl that use the Grand Canal. There is an existing submerged watercourse that traverses the site and this has not been taken into account in the overall layout.

7.1.10. Traffic and transport – increased development will result in traffic congestion and greater volumes of traffic, local public transport will be strained. The pedestrian and cyclist infrastructure in the vicinity is unsatisfactory and cannot accommodate such an increase in users. The increase in traffic will lead to traffic hazard, especially given the location of local schools where walking and cycling to school is

encouraged. The provision of cycle parking should be properly located throughout the scheme, most spaces are in the basement of PW2 and this may reduce full take up and 'dumping' of cycles. Not enough car parking spaces have been provided to cater for the number of apartments proposed.

- 7.1.11. Access – though St Catherine's Avenue will not be provided with an actual vehicle connection with the development, there are concerns that as a pedestrian route it will attract anti-social behaviour.
- 7.1.12. Ancillary uses – more retail and service units should be provided.
- 7.1.13. Local amenities – local schools are oversubscribed and will not be able to accommodate the level of population envisaged. There are very few community amenities proposed. The area designated for school expansion should be conditioned as such in order to allow no development other than school development as this location.
- 7.1.14. Water Services – concerns are raised about the addition of such a high number of units will be extra strain on an already poor quality foul water and water supply network.
- 7.1.15. Construction traffic and construction nuisance – this and other ongoing construction activities are very damaging to the amenities of the area and dangerous too. Construction works on such a large project will park in neighbouring streets. A study should be carried out to ascertain the structural integrity of surrounding houses to ensure no damage is done. Specific conditions are requested by residents to ensure that the construction phase of the development is not disruptive to local amenities and preserve pedestrian and traffic safety. The issue of asbestos removal has not been tackled by the applicant
- 7.1.16. SHD process – a lack of meaningful engagement prior to the lodgement of the application, a single meeting in the summer of 2019 is not engagement with the community. Nearly all submissions from local residents assert a feeling that more meaningful public participation should have taken place. In general, the SHD process has failed to deliver homes.
- 7.1.17. Application Documentation – insufficient drawings to fully represent blocks PW4 and PW5. Drawings that have been submitted are not sufficiently detailed, for example

dimensions on plan are not shown and it is difficult to compare existing houses with proposed blocks. In relation to the retention of buildings such as the former factory, what is to be retained and what is to be added are not shown on drawings, making it impossible to differentiate between the two. Site sections are not detailed enough and do not show continuous development to any degree of detail. The complete extent of the basement beneath PW2 is not shown in section.

- 7.1.18. EIAR – the findings and conclusions of the EAIR are flawed, particularly with regard to the visual impacts, presence of bats, wind effects and impacts to human health. Reasonable alternatives were not explored, specifically reduced height.
- 7.1.19. Legal – concerns are raised that given the uncertain status of the recently permitted Bailey Gibson site because a judicial review decision is still pending, that a decision on this current proposal for the Players Wills site should be either refused or postponed. Legal title to some lands and party walls on the edge of the site are submitted, 8 St Catherine's Avenue.
- 7.1.20. International Accords – the proposed development will not deliver sustainable communities and contravenes international agreements such as Goal 11 of the UN Sustainable Development Goals and reduced carbon developments highlighted in the Paris Agreement, an international treaty on climate change.

7.2. Submissions are augmented by drawings, sketches, maps and photographs. I have considered all submissions and the documentation included with the above observations.

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 of 2016, was received by An Bord Pleanála on the 19 February 2021. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected members of the South Central Area Committee Meeting at a meeting held

electronically on Wednesday 20 January 2021, their comments are outlined as follows:

Height, density and the City Development Plan – heights outlined in the revised non-statutory masterplan for the area are disputed and agreement had not been reached amongst all Councillors to the revised plan. The original masterplan had broad engagement and agreement, however, the revised plan had not. Increase in height and density are accepted, but not to the extent proposed. The heights are excessive, bear no relation to the surroundings or meeting the needs of future occupants.

Design and layout – broad acceptance that the layout was acceptable and the retention of the factory facade as important.

Part V Housing – units should be spread throughout the development.

Traffic and Car Parking – car parking for the development requires adjustment, as the volume of development will create parking and congestion issues for nearby residents.

Landscape, open spaces and amenities – public access to amenity spaces queried (factory courtyard), open spaces should all be in the first phase and this is related to the deficiencies recognised in the adjacent Bailey Gibson site. The use and management of the proposed community centre was queried.

Community Impact – none of the locals support the development, build to rent and shared accommodation gives nothing to the area, limited family units, and what portion of public land will be left over for development.

Build to rent/shared accommodation model – even though the applicant states that the residential amenity standards are above the minimum required, dissatisfaction is expressed that the application was lodged two days before restrictions on shared accommodation developments became law.

Conservation and Heritage - the existing Player Wills Building should be added to the Record of Protected Structures.

Drainage – there are problems in the existing drainage and water supply network for the area.

- 8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

- 8.2.1. Layout – guiding principles of the masterplan and development plan are outlined. The planning authority state that the proposed masterplan seeks to create a sense of place through the building height strategy, the provision of attractive streets and public spaces, community facilities and tenant amenities. Permeability through the development is achieved by connectivity with the existing and planned surrounding street network. In this regard vehicular access is provided onto South Circular Road and Donore Avenue. The proposed street network will link to the DCC lands and connect to the network of streets on the Bailey Gibson site. Pedestrian and cyclist access will be provided from multiple access points along the South Circular Road, St. Catherine's Avenue and Donore Avenue. The access points to the west of the factory building and onto St. Catherine Avenue will be pedestrian and cyclists only, with pedestrians also permitted to enter via the retained factory building, PW1, and through the courtyard.
- 8.2.2. Plot Ratio, Site Coverage, Density and Height - Plot ratio standards for Z14 range from 1.0 -3.0 and site coverage standards for Z14 is 50%. While plot ratio standards for Z1 is 0.5 - 2.0 and site coverage standards for Z1 is 45%-60%. The stated plot ratio for the site is 2.19 and site coverage is 31%, site coverage and plot ratio are acceptable. The stated residential density of 219 units per hectare is appropriate given the National Policy objective to increase residential density in existing urban brownfield locations. The proposal for development up to 19 storeys in height (63 metres) contravenes the provisions of the Dublin City Development Plan 2016-2022. The site forms part of a wider regeneration area governed by a non-statutory Development Framework Plan for the SDRA St. Teresa's Gardens and Environs was presented and noted by the City Council in June of 2017. A Masterplan has been submitted with the application that reviews the approach to building heights as outlined in the Development Framework Plan 2017 arising from the emergence of changes in the national planning policy framework and Ministerial Apartment Guidelines and Height Guidelines and sets out the rationale for the proposed height strategy for the site. The planning authority the requirements of Specific Planning Policy Requirements of section 28 guidance and are satisfied that the applicant has demonstrated that the proposal accords with the development management criteria as outlined in Section 3.0 of the Height Guidelines. The rationale for clustering higher buildings at the centre of the site to mitigate the impact of the development upon

neighbouring areas in terms of daylight/sunlight and visual impact while the proposed lower heights of the perimeter blocks where they adjoin existing 2 storey housing to allow the development to integrate with the existing surroundings is accepted by the Planning Authority.

- 8.2.3. Visual Impact – the design of the towers proposed is acceptable. The site forms part of an area that will change the urban environment at this location. The landscape and visual assessment submitted includes permitted and planned development in the area. The planning authority do not anticipate that the proposed development will have a significant adverse impact upon the character of the area. The clustering of tall buildings at this location (inclusive of Bailey Gibson and Dublin City site) will create a new skyline with its own distinctive character. The provisions of SDRA 12 of the Dublin City Development Plan 2016-2022, allows for buildings up to and including 50 metres, it is noted that the development proposes additional height of c.13 metres, which is not considered significant in terms of visual impact. Buildings at the perimeter are acceptable and respond to local building heights, building materials and finishes are acceptable, the planning authority consider that the development, a new urban quarter, will be a positive addition to the surrounding neighbourhood.
- 8.2.4. Impact on Residential Amenity and Amenity of Adjoining Development – the location of the crèche is noted and a condition to install privacy screens are recommended. Given the scale and design of development along the perimeter of the site it is not anticipated that any adverse residential amenity impacts will result.
- 8.2.5. Public Open Space - SDRA 12 requires the provision of a minimum of 20% public open space, this has been met with the provision of three public parks (0.63 Hectares out of a site area of 3.06 Hectares). To ensure that public access to open space, all designated public open space should be provided with a safeguarding of public access and use through conditions.
- 8.2.6. Community Facilities and Social Infrastructure – the planning authority note the mix of commercial and community uses in the wider area and have no issues with the extent of retail, commercial and community uses proposes, subject to a condition to ensure access for all.

- 8.2.7. Repurposing and Extension of the Player Wills Factory Building (PW1) - The Players Wills Factory is not a Protected Structure, but is listed in the National Inventory of Architectural Heritage (NIAH) and has a 'Regional Significance' rating. A Report on whether to initiate the RPS process in relation to the former Player Wills factory was noted at the South Central Area Committee on 17 February, a decision on whether to initiate the process has not been arrived at. The design changes and re-purposing of the former factory building is welcomed, access to the broader community should be conditioned.
- 8.2.8. Floor Areas and Development Standards – After a detailed analysis of the location, design and layout of the shared accommodation component of the proposal, the planning authority consider that it is acceptable and will provide a high standard of amenity for occupants. The remainder of the development comprises build to rent accommodation, certain standards set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, December 2018, do not apply and this is noted by the planning authority. With respect to dual aspect, slight less than half of units are single aspect and none face north, this is acceptable. Guidance in relation to floor to ceiling heights, lift/stair cores, storage, refuse storage, private amenity space and communal amenity space (tenant amenities) are all to an acceptable standard.
- 8.2.9. Children's play space – the provision of dedicated children's play space in the landscape design statement are noted.
- 8.2.10. Daylight/Sunlight Analysis and Wind Analysis – the planning authority note that there would be some overshadowing of the properties in Southfield to the west of the development in the morning. Some additional shading would also occur in the evening of properties on Donore Avenue and St. Teresa's Church and grounds which are qualified as minor adverse impacts within the Daylight, Sunlight and Overshadowing Study accompanying the application. The proposed development as a whole would exceed BRE recommendations. In terms of pedestrian comfort, it is noted that Lawson's Leisure Siting comfort criteria is exceeded at two locations and that as a whole landscape measures seek to mitigate the worst wind exposure impacts. However, increases to the balustrading of some balconies and rooftop terrace areas would be desirable.

- 8.2.11. Transport – the planning authority note the contents of a detailed Transportation Planning Division report. The report is attached as an appendix to the planning authority’s opinion and requires the attachment of technical and standard conditions. Specifically, clarification about the allocation of 81 car parking spaces in the basement area and an updated Travel plan / Mobility Management Strategy.
- 8.2.12. Energy Efficiency and the Built Environment – submitted reports are noted.
- 8.2.13. Flood Risk Assessment – the site is located in Flood Zone C, no objections are raised to the submitted Flood Risk Assessment.
- 8.2.14. Environmental Impact Assessment Report – the submission of an EIAR is noted and the Board are the competent authority in this instance.
- 8.2.15. Appropriate Assessment Screening – the finding that no elements of the project will result in any likely significant impact on any relevant European site, either on their own or in combination with other plans or projects, in light of their conservation objectives, is noted.
- 8.3. The planning authority conclude that the proposed development is acceptable and will comply with the planning objectives for the area, 27 conditions are recommended. The planning authority recommend standard and technical conditions in common with larger residential schemes. However, the planning authority include specific conditions to address points made in their report as follows: roof terrace privacy screen at the crèche, apartment unit balcony and roof terrace amendments, requirements regarding works to the former Player Wills factory building, landscape requirements and ecology survey work, detailed specifications with regards to works on Donore Avenue and South Circular Road and clarification regarding 81 additional car parking spaces at basement level.
- 8.4. Appendix reports have been included from:
- Transport Planning – no major issues are outlined, however, some technical aspects of the proposal require adjustment or clarification and a number of conditions are recommended: coordination with DCC traffic and roads maintenance for works on the public road are required, details concerning road and footpath finishes, an updated Travel plan / Mobility Management Strategy including a parking management strategy, submission of a Construction Environmental Management

Plan and Construction Traffic Management Plan, cycle parking requirements, electric vehicle charging, that the additional 81 car parking spaces at basement level and circulation area shall be used for permanently as storage ancillary to the proposed residential development.

Conservation – the surrounding character of the area is noted and protected structures are listed and highlighted. The importance of the Player Wills factory building is outlined and the Conservation Officer notes that it is included in the list of Ministerial Recommendations for inclusion on the RPS of structures deemed as being of ‘Regional’ significance or higher identified during Stage 2 of the Dublin Survey, issued to Dublin City Council on the 9th of August 2017, but the factory building is not protected. The Conservation Officer outlines the policies and objectives in the Development Plan that relate to buildings of interest and protected structures and the contribution they make to placemaking. In terms of detail, the reuse of the building and many of the internal/external features is welcomed in principle, but there is disappointment that some internal features such as staircases will not be retained, the internal arrangement of shared accommodation is criticised as not using the intrinsic industrial quality of the building, and the removal of the front boundary wall and railings is seen as regrettable but necessary. Profound impacts are anticipated to the factory building and wider area from the height, scale and massing of the proposed flat roofed blocks. A refusal of permission is not recommended, and conditions are listed out to address concerns.

Drainage – a public surface water sewer and proposed sewer runs through the site, various technical requirements to do with survey, construction and separation distances are listed out. No other technical difficulties are raised and a large number of technical requirements are listed out for inclusion in any conditions.

Environmental Health Officer – standard construction and demolition good practice guidelines are outlined.

Housing – engagement by the applicant in relation to Part V obligations are noted.

Parks and Biodiversity – the location and size of public parks are noted. The ecology and habitat value of the site is noted and the benefit from development of new habitats for wildlife is welcomed. Standard and technical conditions are recommended.

Waste Reg – a list of waste regulations is listed out.

Other items in the appendices include: a Summary of Comments of SCA Committee, and a Planning and Property Development Department Letter regarding financial arrangements.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. Heritage Council
6. An Taisce
7. Department of Education and Skills
8. Córas Iompair Éireann
9. Dublin City Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 16 December 2020. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. Specific requirements are raised in relation to wastewater and include: the separation of storm and foul water connections, surface and storm water should be discharged to the existing storm water network or associated alternatives to a combined drainage discharge and at connection application stage the applicant is required to provide additional evidence (by

way of CCTV survey inclusive of dye testing and calculations) to prove that the current surface area contributing to the combined sewer in Donore Avenue is minimum 1860 m² and when removed from the combined sewer the overall proposed discharge (from the development CDS19002980 of 901 units and development CDS19002978 in the area of 500 units proposed to be connected via the development) will be less than the current discharge into the combined sewer.

A Statement of Design Acceptance has been issued and relevant items to be contained in a condition are suggested.

- **The Minister for Culture, Heritage and the Gaeltacht Development Applications Unit (DAU)** – with regard to the archaeological potential of the site, standard conditions are recommended in line with the findings of the archaeological component of the Environmental Impact Assessment Report (Chapter 13) submitted with the application.

With respect to Nature Conservation the following comments are made: Chapter 10 'Biodiversity' of the Environmental Impact Assessment Report is noted, regarding clearance of scrub areas, this should be carried out outside of nesting seasons. The existence of foraging common and soprano pipistrelles, and Leisler's bats is noted, the EIAR proposal to erect bat boxes is also noted. The wording of specific conditions are proposed.

With respect to Architectural Heritage the following comments are made: the importance of various surviving aspects of the former Player Wills Factory building are noted in the context of the NIAH and the area generally. The DAU are critical of the level of some assessments such as: the structural capabilities of the existing fabric to take the development proposed has not been adequately detailed on drawings, the architectural character of additions to upper levels have not been assessed in terms of the building or its surroundings, the context of this site and the wider historic nature of the city within the canals requires greater assessment. The DAU have key concerns regarding the scale of the development and the impact that it will have on the adjoining protected structures, historic residential terraces, the character of the historic South Circular Road and historic settlements such as Dolphin's

Barn and the historic arteries to the city. The development as proposed eclipses permitted development on the adjacent site and will have a profound and long term detrimental impact to the setting of the extant built heritage of the area and historic city's skyline. Careful reconsideration of the Players Wills Factory should exclude roof top additions and retain as many internal elements as possible. The appropriate reuse of the factory building should be at the core of the development objective for the site and overseen by the input of a Grade 1 Architect in order to determine the level of intervention achievable.

- **National Transport Authority (NTA)** – the consolidation of a central city site is supported from a sustainable transport perspective. Taken in conjunction with the adjacent Bailey Gibson site and Dublin City Council lands, the creation of a local road network is supported. However, it is not evident that the proposed development would meet transport and land use objectives related to diversity of tenure, a wider demographic profile, or social inclusivity. This could undermine efforts to achieve an attractive and enduring urban format for the area. If permitted, the developer should be required to agree on a cycle investment programme which demonstrates how cyclists can safely travel to connect with existing and proposed high-quality cycle infrastructure, namely the existing Grand Canal Greenway, Cork Street and Clanbrassil Street.
- **Transport Infrastructure Ireland (TII)** – has no observations to make.
- **An Taisce** – the provision of shared accommodation and build to rent apartments will not contribute to the community and therefore a sustainable city. The proposed building heights are excessive and are out of proportion with the historic, inner-suburban location of the area. A Northern-European city like Dublin does not have the latitude or climate for buildings of this size without resultant creation of large areas of shadow and damp throughout much of the year when the sun is low in the sky.

10.0 Oral Hearing Request

- 10.1. There is provision within the Act of 2016 to hold an Oral Hearing in respect of a SHD application, section 18 of the Act refers. However, as the intention of the legislation is to fast-track SHD applications, the holding of oral hearings will be the exception. The legislation provides that An Bord Pleanála should have regard to the exceptional circumstances requiring the urgent delivery of housing and only hold a hearing where there is a compelling case for one.
- 10.2. The case made by the three submissions requesting an oral hearing (Helen Keane Tenters Residents Association, jointly by Brid Smith TD and Councillor Tina MacVeigh, and finally Yvonne Judge of 19 Lullymore Terrace, Dublin 8) is based around excessive height, scale and density, impacts to built heritage, unacceptable housing type and tenure, lack of housing affordability/housing for the public good and poor Part V proposals, the use of the 2020 Masterplan instead of democratically agreed plans for the area, poor public open space and public domain, lack of public consultation, impacts from the construction phase, problems regarding transport and traffic, the split up nature of development proposals and no real community gain or mitigation put in place. The subject matter of the three requests for an oral hearing replicates those concerns of most of the observations received in relation to the application. As far as these matters go, they all form part of the various elements of my assessment throughout this report and I find that the applicant has provided a sufficient amount of analysis to answer most questions I or the Board may have in relation to those matters raised in the oral hearing requests. In addition, I note the thoroughness and detailed consideration provided by the planning authority, statutory consultees and other observers that allows me to be satisfied with all of the considerable amount of detailed material before me to allow for a reasoned decision to be made by the Board. I do not consider that there is a compelling case to hold a hearing and that the necessary information is held on the file.

11.0 Assessment

11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on national policy, the relevant section 28 guidelines, the local statutory and non-statutory plans for the area. In addition, the assessment considers and addresses issues raised by all the observations on file, the contents of the Chief Executives Report received from the planning authority and the submissions made by the statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

- Planning Framework (section 11.2)
- Material Contravention (section 11.3)
- Building Height (section 11.4)
- Residential Amenity (section 11.5)
- Density, Layout and Public Open Space (section 11.6)
- Architectural and Natural Heritage (section 11.7)
- Traffic and Transport (section 11.8)
- Water Services (section 11.9)
- Planning Authority Recommendation (section 11.10)
- Other Matters (section 11.11)

11.2. Planning Framework

11.2.1. Land Use Zoning - The entirety of the application site is zoned Z14 'Strategic Development and Regeneration Areas' (SDRA 12 - St. Teresa's Gardens and Environs) under the Dublin City Development Plan 2016-2022. The land use objective for Z14 is to "To seek the social, economic and physical development and / or rejuvenation of an area with mixed use of which residential and 'Z6' would be the predominant uses.". In addition, a small portion of the land to the north east is zoned

Z1 – Sustainable Residential Neighbourhoods, with the land use zoning objective to protect, provide and improve residential amenities. SDRA 12 encompasses Dublin City Council lands, it also includes the former Player Wills (subject site), the adjacent Bailey Gibson site and the Coombe Hospital. It is acknowledged by all that the proposed site and the SDRA as a whole has been designated to deliver a significant scale of residential accommodation. Neither the planning authority nor any of the observers dispute this point. In fact, most observers welcome the redevelopment of the Player Wills site and the reuse of the former factory building, just not at the height, scale, density and design proposed. I am satisfied that the proposed development, a combination of mostly residential uses with some commercial/community uses is entirely appropriate at this location from a land use zoning perspective. In addition, the City Development Plan, through Strategic Development and Regeneration Area 12 (SDRA 12) outlines guiding principles for development and I focus on these detailed aspects next.

- 11.2.2. SDRA 12 - St. Teresa's Gardens and Environs, sets out a list of overall guiding principles for the entire area and I have already listed them in section 6.4 of my report, above. In summary these guiding principles equate to; the creation of streets to integrate and link each site with strong permeability, the provision of a full size playing pitch and other recreational assets, a new landmark public park and other open spaces, potential for one or two mid-rise buildings up to 50 metres in height (or 15 storeys) within the site, a community hub to provide a wide range of community based activities close to St Teresa's Church, and to provide for the expansion of Saint Catherine's National School. SDRA 12 acknowledges that this area can accommodate taller buildings and this has been flagged since the adoption of the City Development Plan.
- 11.2.3. In very broad terms, it is apparent that the proposed development meets many of the guiding principles set out for the overall area by the provision of residential accommodation, public parks, a new and active street network, community space and some tall buildings. However, it is the applicant's method of combining all of these principles and the end product that has enlivened so much opposition from the observations received. Specifically, many local observers are unhappy that the proposed development departs from the agreed development principles for the site and the area in general by increasing density and more than anything, the proposal

for two tower buildings in excess of the heights envisaged and in the wrong place, as they see it. The excessive scope of the planning application is hard to comprehend it is claimed by observers, especially given the availability of quite prescriptive local planning documents and even the 2018 Height Guidelines that set out criteria to be applied when locating taller buildings in urban areas.

11.2.4. Development Framework for St. Teresa's Gardens and Environs 2017 - To assist with the planned development of this large urban block within the city, the planning authority usefully devised a framework document, available to view on the Council website. According to the planning authority, this plan has a strong urban design focus and provides detailed guidance in relation to the structure of new neighbourhoods, including access and movement, built form, land uses, open space and other relevant issues. This non-statutory document provides a significant level of detail about how the overall area would change and was, though not required to be, adopted by the elected members of the City Council. Judging by the tone and content of many observations received, this 2017 Framework provided clarity of purpose for people in the area and they were happy with such a well-conceived and equitable plan.

11.2.5. The 2017 Framework takes the guiding principles articulated in the City Development Plan and presents a graphic and expanded description of how each site would play its part in achieving said aims. The framework is clear in intent and provides certainty for each site and the neighbouring property owners about what would happen and where in SDRA 12, both from a physical appearance and a land use point of view. In terms of building heights, the framework planned for two mid-rise buildings (up to 15 storeys) at the centre of the overall framework area overlooking a large amenity space. With regard to the overall residential unit yield for the plan area, an estimate of between 945 and 1,155 units was thought reasonable. With respect to the subject site, buildings up to eight storeys and around 315 residential units (113 units per Hectare over 2.78 Hectares) was indicated as achievable, together with a large public park at the centre of the subject lands. The proposal before the Board is quite different to that envisaged in the 2017 Development Framework, it has buildings of greater height than that planned for and a density of development more than twice that originally thought possible. This has caused serious concern for local residents and they are disappointed that the agreed

2017 Framework for the area was not followed. Indeed, it is not just the departure from the agreed plan that is highlighted by many but rather the magnitude of deviation from the plan that has manifested itself in so much dismay from observers. This is not a surprising reaction given the scale of development proposed, however, the planning authority have recently prepared a new plan.

- 11.2.6. SDRA 12 Masterplan for Player Wills, Dublin City Council and Bailey Gibson Lands January 2020 – the planning authority and Hines state that this new plan builds on the guiding principles of the 2017 Development Framework and provides an integrated approach to the development of public and private lands in a manner consistent with the original Framework Plan and the City Development Plan SDRA designation. The 2020 Masterplan states that the need for changes was contingent on the publication of new national policy/guidance and the coming into single ownership of the Player Wills and Bailey Gibson sites.
- 11.2.7. The City Development Plan outlines a number of guiding principles for the area, SDRA 12 refers. Following on from these principles, a non-statutory framework plan was devised by the planning authority and adopted by the elected members. Now, a new document has been produced by the planning authority and this has caused friction with the elected members and many local residents. Plainly put, many observers see that a completely new document has been written that paves the way for a scale of development that was never anticipated. I refer to the numerous submissions on file and the statements made by the elected members at the South Central Area Committee Meeting of the 20 January 2021, that dispute wholehearted support for the new masterplan.
- 11.2.8. In my view the 2020 Masterplan retains many of the guiding principles set out in SDRA 12 and its 2017 Framework Plan such as connecting sites, creating permeability, higher density residential development, creation of public open spaces and active street frontages. In addition, the 2020 Masterplan maintains the mix of land uses and they include: Residential, Mixed-use, Public Park/Open Space, Multi-Sport Area, Private Open Space, Playgrounds and New School.
- 11.2.9. Where the 2020 Masterplan departs from the adopted framework plan is in relation to the distribution of lands uses, meeting national policy advice in relation to increased residential densities and adjustments to the height strategy for the overall

site in response to Building Height Guidelines. What this means in practice is that there has been a minor redistribution of where some parcels of open space and where concentrations of commercial uses are to be found, but it also means there has been an emphatic increase in residential density and building height. It is this greater intensity of development and more buildings of greater height than anticipated that has exercised local opposition. In my mind the 2020 Masterplan is a very different vision of how things will be. It is not, as the applicant implies, a refinement of the 2017 Framework. But rather a complete reworking of significant design parameters such as height, density and to a minor extent the spatial distribution of land uses. According to the applicant this is because the 2020 Masterplan is a direct response to the 2018 Height Guidelines and draws its overall design and layout from the imperative to increase density through height. In this context, the development proposal before the Board more or less fits within the scope of the 2020 Masterplan. In my view, the current proposal before the Board does not comply with the statutory development plan and SDRA 12 contained therein, it materially contravenes this objective in terms of the heights proposed.

11.2.10. The planning policy context to the area has evolved since the adoption of the 2016 City Development Plan and SDRA 12, the production of the 2017 Framework and finally to the preparation of the 2020 Masterplan. This evolution has occurred because of changes in national policy and guidance and the need for homes. Arguably, the planning authority have been responsive to these pressures and delivered a 2020 Masterplan that seeks a balance between the amenities of those that already live here and those that will come to live here. Though the 2017 Framework and 2020 Masterplan are non-statutory, they do provide clear direction for how this area will develop. However, because the heights of two elements of the proposed development exceed 50 metres, the proposed development materially contravenes the statutory plan as articulated by SDRA 12, where two mid-rise buildings up to 50 metres would be permitted.

Shared Accommodation

11.2.11. Concerns have been raised by An Taisce and elected representatives about the appropriateness of this location for a shared accommodation model of residential development. This is echoed by many observers that see this location as a settled community where if exposed to a transient population likely to be housed in shared

accommodation, problems would result. The applicant makes the point that the site is close to employment hubs and has prepared a Shared Accommodation Demand Report to confirm their contention. The demand report sets out the suitability of the site in the context of the 2018 Apartment Guidelines, demographics for the area and recorded housing output. The report sets out that the provision of shared accommodation will provide an affordable alternative to conventional renting and allow a flexible approach to workers not seeking a home for life. The development will provide single occupancy units in excess of the standards required (between 19 and 32 sqm, above the minimum 12 sqm) and provide a variety of shared amenities, common kitchen and living areas. The report concludes that there is clear need for this type of accommodation at this location.

11.2.12. In terms of assessing the appropriateness, or otherwise, of the site for shared-living accommodation, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) (hereafter referred to as the Apartment Guidelines) provide guidance in respect of such development. I note that the Apartment Guidelines have been updated since the 23 December 2020 by specific planning policy requirement (SPPR) 9 with respect to a presumption against shared accommodation/co-living development unless the proposed development is either:-

(i) required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process;

or,

(ii) on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála has been made.

As the application was lodged prior to 23 December 2020, the Board can determine the development on its merits, and having regard to the Guidelines applicable prior to 23 December 2020 (i.e. 2018 Guidelines) and site-specific planning considerations. I have therefore assessed the current proposal in the context of the 2018 guidelines, that outlines the following locational and contextual criteria:

11.2.13. Section 5.18 of the Apartment Guidelines states that due to the distinct nature and features of Shared Accommodation type development, it is only appropriate when responding to an identified urban housing need at particular locations. There is an obligation on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly. This has been done by the applicant in their Shared Accommodation Demand Report.

11.2.14. Section 5.19 of the 2018 Guidelines states that the prevailing context of the proposed site shall also be considered, with city centres identified as the appropriate location for such development. Section 5.22 states that shared accommodation proposals may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities. The site is located close to the Coombe Hospital campus and St James's Hospital campus is less than a kilometre away. In terms of affordability, the applicant contends that the shared accommodation proposal is more affordable than the current rental market, and is more affordable than conventional tenancies. It is evident that there is a shortage of rental accommodation, and housing in general, and this requirement is not contested by any party. The provision of this format of accommodation, will provide additional accommodation and will help to free up other rental accommodation for the wider housing market. As such I am satisfied that the proposal is in line with the overarching national aims to increase the housing stock, as set out in various policy documents, including, but not limited to, Rebuilding Ireland – Action Plan for Housing and Homelessness (2016). I am satisfied that the proposed shared accommodation component of the scheme fulfils the locational and need requirements of the 2018 Apartment Guidelines and is acceptable at this location.

11.3. **Material Contravention Statement**

11.3.1. In anticipation that the proposed development at up 19 storeys in height would contravene section 15.1.1.15 of the City Development Plan that establishes overall guiding principles for SDRA 12, the applicant has prepared a Material Contravention Statement and as is required advertised this fact in public notices. In this statement the applicant outlines the following:

- Strategic or National Importance (section 37(2)(b)(i) of the Act) - The proposed development is being progressed through the Strategic Housing Development planning process which, in itself, confirms the strategic importance of the current application. The scheme's contribution to the achievement of the National Planning Framework (NPF) National Strategic Outcome No. 1 in respect of delivering compact growth and urban regeneration specifically in this instance involving the regeneration of a disused former industrial site, brownfield infill development, within close proximity of the city centre, adjacent to significant public transport links, further confirms the strategic nature of this development proposal.
- National/regional policy and guidelines (section 37(2)(b)(iii) of the Act) – the development will meet the needs of Rebuilding Ireland – Action Plan for Housing and Homelessness (2016), under pillar 3 and 4 by delivering more homes and improve the rental sector. National Planning Framework (NPF) 2018, the applicant has prepared a Masterplan to address the performance criteria set by the NPF for urban development. The Eastern and Midlands Regional Spatial and Economic Strategy 2019 is addressed by achievement of the strategic objectives of regeneration and increased density in urban areas. Urban Development and Building Height Guidelines for Planning Authorities 2018, SPPR 1 of the Guidelines seek to encourage increased building height and density in locations with good public transport accessibility to secure the objectives of the NPF and so prohibit the inclusion of blanket numerical limitations on building height in local statutory planning policies, this has been achieved by increasing height. In this respect the taller projections that form part of building PW2 exceed the maximum height of 50m identified for this location in the DCDP. At the scale of the city/town down to the district / neighbourhood / street and site, the applicant has prepared an Architectural Design Statement, Landscape Design Statement, Landscape and Visual Impact Assessment (EIAR, Volume II) and Cultural Heritage: Built Heritage Assessment (EIAR, Volume II). Increased building height is concentrated toward the centre of the site and away from the site's boundaries where the proposed building heights taper down; as set out in SPPR 3(a) and the criteria in section 3.1 and 3.2 of the guidelines.

- Design Standards for New Apartments Guidelines 2018, the applicant has prepared a Housing Quality Audit that establishes standards relating to unit design are met and exceeded.
- Pattern of development in the area (section 37(2)(b)(iv) of the Act) - having regard to the pattern of development, and permissions granted, in the area since the making of the Dublin City Development Plan 2016-2022, the permission should be granted, specifically with respect to the following studies submitted: Architectural Design Statement, Landscape & Visual Impact Assessment (see Volume II EIAR) and Photomontages.
- The proposed development site is in Dublin 8, an area of the City that is undergoing significant transformation. In recent years, the pattern of development (constructed, under construction and permitted) is one of mixed use development, including apartments, student accommodation and hotels in buildings of increased height relative to the traditional existing building stock in the area. In September 2020, the Board granted permission (Ref. PL29S.307221) for the demolition of all existing structures at the adjacent Bailey Gibson Site and the construction of 416 residential units. The applicant goes on to state that the permitted development includes 2 buildings that exceed 50m; building BG1 ranges from 5-11 storeys and has a maximum height of 57.25m and BG2 ranges from 2-16 storeys (max. height 72.435m). This permission sets a precedence for taller buildings at this location. I note that the actual above heights on the Bailey Gibson site are two buildings that are up to 36m and 51m; building BG1 ranges from 5-11 storeys and has a maximum height of 36m (57.25m above datum) and BG2 ranges from 2-16 storeys or 51m (72.435m above datum).

11.3.2. Many observers are concerned that the proposal exceeds the heights planned for the area, as articulated in SDRA 12 and the adopted 2017 Framework Plan and if granted a material contravention of the plan would occur. The planning authority mention that the 2020 Masterplan allows for a revised approach to the height of buildings in the regeneration area but agree that the proposed development would be a material contravention of SDRA 12 in terms of height.

- 11.3.3. The City Development Plan was written and became operative before the publication of the 2018 Height Guidelines but includes SDRA 12 that provides the potential for one or two mid-rise buildings (up to 50 m) within the St Teresa's Gardens and Environs site. From this I conclude that two mid-rise buildings up to 50 metres could be permitted across the entire plan lands and that the provision of two buildings greater than 50 metres (both part of blocks PW2) on the subject site would materially contravene the Development Plan in terms of overall height.
- 11.3.4. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.
- 11.3.5. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.
- 11.3.6. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.
- 11.3.7. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:
- (i) the proposed development is of strategic or national importance,*
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

11.3.8. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.

11.3.9. In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. In addition, the subject site is located within a Strategic Development and Regeneration Area (SDRA 12), that in itself implies strategic importance that elevates it above other residentially zoned lands contained in the development plan.

11.3.10. In relation to the matter of conflicting objectives in the development plan, I note that the aim of SDRA 12 is to provide two mid-rise buildings across the entire lands subject to criteria set out in the plan. Crucially, the Development Plan acknowledges that taller buildings can be located in SDRAs and goes on to identify suitable locations for height in the city. There are no conflicting objectives in the development plan with reference to height, I do not intend to invoke section 37(2)(b)(ii) of the Act in this instance.

11.3.11. In relation to regional planning guidelines for the area, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs.

- 11.3.12. In relation to Section 28 Guidelines, of particular relevance are the Urban Development and Building Heights 2018 that supports increased densities and taller buildings in appropriate locations, and I have assessed the proposal in relation to same, section 11.4 below.
- 11.3.13. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, I am aware of a recent planning permission granted immediately west of the subject site. The Board granted permission (Ref. PL29S.307221) for the demolition of all existing structures at the former Bailey Gibson Site and the construction of 416 residential units. The permitted development includes two buildings that are up to 36m and 51m; building BG1 ranges from 5-11 storeys and has a maximum height of 36m (57.25m above datum) and BG2 ranges from 2-16 storeys or 51m (72.435m above datum). The planning permission on the Bailey Gibson site is currently the subject of a judicial review and no judgment has issued to date. Further along the SCR and to the west permission was granted for a student residence up to seven storeys in height, PL29S.305061 refers. To the north along Cork Street, a student residence of up to seven storeys was permitted, PL29S.300184 refers. As already stated, I note that the Board have recently granted permission on the adjacent Bailey Gibson site for one building marginally in excess of SDRA 12 limitations on the height of buildings in the regeneration area, though in accordance with a non-statutory masterplan (2020), ABP-307221-20 refers. I am aware the decision in relation to ABP-307221-20 is currently under judicial review. Setting the judicial review proceedings to one side, I note that the Board's Order in relation to the Bailey Gibson permission, under its reasons and considerations, lists the planning history of the site and within the area, including the non-statutory Framework and Master Plans for the site and wider Strategic Development and Regeneration Area Number 12 lands at this location, amongst other things. The current proposal is similar in height terms to recently permitted development and broadly meets with the planned objectives for the area and so section 37(2)(b)(iv) of the Act could be invoked in this instance.
- 11.3.14. Section 37(2)(b) of the 2000 Act sets out four criteria, to allow the Board to consider permitting a development that poses a material contravention of the operative plan other than in relation to the zoning of the land. Should the Board be minded to initiate the material contravention procedure, as it relates to Development

Plan policies pertaining to building height, I consider that the provisions of Section 37(2)(b)(i), (iii) and (iv) have been met, and in this regard I consider that the Board could grant permission for the proposal but a recent permission on the adjacent Bailey Gibson site should also be considered.

11.3.15. In relation to the Bailey Gibson site, I note that the Board's Order did not consider that the proposal was a material contravention of the development plan in relation to the number of taller buildings. One building marginally greater than 50m is permitted on the Bailey Gibson site and the Board did not consider it to be a material consideration. In terms of the subject application, two more tall buildings are now proposed, and this could exceed the two planned for in the SDRA. The applicant has not directly addressed and itemised this matter in their material contravention statement, and I acknowledge that the Bailey Gibson application is the subject of a judicial review.

11.3.16. The purpose of a material contravention statement is to highlight where the proposed development will materially contravene the development plan. This the applicant has done in relation to the height of the proposal but not directly in relation to the number of tall buildings allowed for the in the overall SDRA 12 lands. I have taken into account that only one building of just over 50 metres was permitted by the Board on the Bailey Gibson site. In my view, the issue of height is well raised and resolved by the applicant, but the matter of the quantum of taller buildings is relegated to discussions around planning precedent and the Bailey Gibson site, section 3.1.3 of the applicant's Material Contravention Statement refers. In terms of everything else submitted as part of the planning application, drawings and photomontage images that show multiple tall buildings is it is very clear to everyone that there could be many more than just the two taller buildings planned for in the overall SDRA lands.

11.3.17. On balance, the issue of height has been brought to the fore and this is reflected in the number of negative observations in relation to the overall planning application. The applicant has publicised the fact that the development would materially contravene a relevant objective of the development plan. In my view, the broad purpose of the material contravention statement has been fulfilled, it has informed and ignited local interest to the proposal both in terms of height and the number of taller buildings in general. I am therefore satisfied that permission could

be correctly permitted under section 37(2)(b) of the 2000 Act, as the principle of height has been addressed in the material contravention statement and fully informed all interested observers.

11.4. **Building Height**

Building Height Planning Context

- 11.4.1. The proposed development before the Board comprises a high-density residential build to rent apartment scheme that includes a shared accommodation component and some commercial/community space. The building heights of the proposed scheme range from 2 to 19 storeys in four blocks (PW1, PW2, PW4 and PW5), the maximum height achieved above existing ground level is 62.9 metres (inclusive of lift overrun). The secondary projection of PW2 rises to 16 storeys and 52.6 metres in overall height. The detailed parameters of the overall scheme are contained in section 3 of my report. For the sake of clarity, and in relation to my assessment of building height I reference two section 28 guidance documents. Firstly, the Sustainable Urban Housing: Design Standards for New Apartments 2018 that refers to communal amenity space and building height. But, specifically, the Urban Development and Building Heights 2018, this document provides advice in relation to making planning decisions around appropriate building heights and aims to balance long-term and strategic development with the highest standards of urban design, architectural quality and place-making outcomes. The submissions made by observers and the accompanying reports and studies submitted by the applicant are extremely useful, however, I refer in the first instance to the architectural drawings to establish the height characteristics of the development and how it relates to the receiving environment.
- 11.4.2. From a planning perspective it is important to highlight what national policy has in store regarding building height and how it can achieve greater residential density and better use of serviced urban land. The key national planning document in this respect is Project Ireland 2040 - National Planning Framework, in which National Policy Objectives (NPOs) are set out. Of note is the assumption that general restrictions on building height are not always applicable in urban areas and should be replaced by performance-based criteria appropriate to general location, e.g. city/town centre, public transport hub, inner suburban and public transport corridors.

The most relevant NPOs for this proposal are NPO 13 that relates to targeted growth as a result of alternative solutions that ensure the environment is suitably protected. NPO 13 specifically relates to increased residential density, regeneration, and increased building heights. These NPOs are thus translated into actual guidance documents and in particular section 28 guidance that has a very high standing of importance. Most notable in the context of this application are the Urban Development and Building Heights (2018) guidelines that specifically deal with building height and contain Specific Planning Policy Requirements (SPPRs) and these must be complied with. Crucially, where SPPRs of guidelines differ from the provisions of the development plan of a planning authority, then the SPPRs shall, to the extent that they so differ, apply instead of the provisions of the development plan.

11.4.3. Nearly all observers have referred to the City Development Plan and the SDRA Development Framework for St Teresa's Gardens and Environs 2017 as the leading planning policy blueprint for the area. Many observers note the existence of the Building Height guidelines and challenge the performance criteria applied by the applicant to rationalise the building heights selected. In addition, there may have been some confusion about the use of 'above datum' heights and actual above ground level heights used by the applicant, there is only one building permitted on the Bailey Gibson site above 50 metres. SPPR1 is the relevant policy requirement to comply with in terms of planning policy supporting increased height and density and not to provide for blanket limitations on height. To this end the planning authority have prepared a new and updated masterplan to take account of a revised building height guideline environment. Many observers and elected representatives question its validity to guide development in the area and bluntly see the 2020 Masterplan for the Player Wills, DCC and Bailey Gibson Lands as a charter for much taller buildings than democratically planned for. In this respect, I note that the City Development Plan in relation to Development Principles for Strategic Development and Regeneration Areas (section 15.1 of the development plan) states that structures for community/stakeholder consultation within the SDRAs will follow the procedures set out in Chapter 13 (monitoring, implementation and development management) of the development plan. I think that this is perhaps where many observers feel disengaged with how the vision for this area has evolved, especially when their involvement was thought to be implicit before new plans for the area were published. I note that the

2017 Framework Plan is available to view on the Council website, the 2020 Masterplan is not, but is available on the applicant's SHD webpage. I am of the view that the only statutory plan in operation for this site is the City Development Plan and the guiding principles of SDRA 12 contained therein. I have fully considered all of the observations in relation to the application in hand and conclude that for this planning application the operative plan is the City Development Plan.

- 11.4.4. Perceptions of the new local planning policy environment for the area aside, I acknowledge that the planning authority have led the way in considering greater height on this strategic development and regeneration area. They have prepared a plan that translates section 28 planning guidance into a masterplan that increases and consolidates building height at the centre of the overall plan lands. The planning authority have carried out an urban design and planning exercise that has resulted in the 2020 Masterplan and the Board have had regard to this plan and considered it as part of their deliberations on adjacent lands (Bailey Gibson site).
- 11.4.5. In the first instance and in relation to building height, the relevant statutory plan is the Dublin City Plan and specifically SDRA 12 that provides guiding principles to follow, such as potential for one or two mid-rise buildings (up to 50 metres). These mid-rise buildings were to be the sum total of tall buildings for the entire SDRA, that includes DCC lands, Bailey Gibson site and the Player Wills site. In my mind SDRA 12 has correctly identified that these lands could accommodate taller buildings than those already around here. SDRA 12 was augmented by the non-statutory 2017 Framework plan and this document gave shape to how the entire area is laid out and where mid-rise buildings should be located, i.e. at the centre overlooking a playing field. The 2017 Framework changes nothing that was not already set out in the guiding principles of SDRA 12 and so in itself complies with the City Development Plan. This non-statutory framework plan has been re-worked to form the 2020 Masterplan that provides for seven distinct blocks of 15 to 22 storeys, with a 15 and a 19 storey building located on the Player Wills site. The progression of framework and masterplan documents has been to visualise how the site would shape up, in terms of how many and how tall buildings would be.
- 11.4.6. I acknowledge that observers are of the opinion that the planning authority have already met the requirements of SPPR1 and identified through their statutory plan where increased building height would be actively pursued. In the first place within

SDRA 12 and illustrated by the non-statutory 2017 Framework. This was further re-worked and amplified by the non-statutory 2020 Masterplan. Notwithstanding these facts, it is my view that the planning policy context devised by the planning authority is clear, this is a location where taller buildings can and should be accommodated.

Building Height and the 2018 Height Guidelines

- 11.4.7. Section 3.0 of the Building Height Guidelines sets out what to assess in relation to Building Height and the Development Management process. The applicant states that the 2020 Masterplan guides development in the area and was in turn written in the context of the height guidelines. I however now carry out an assessment of building height as required by SPPR3(A) in the context of section 3.2 Development Management Criteria, because I take the view that the heights proposed materially contravene the statutory plan for the area.
- 11.4.8. The applicant makes the case that the site is centrally located and highly accessible, thus in accordance with SPPR3 as a site suitable for higher densities and taller buildings. Likewise, the proposed development will meet the NPOs of the National Planning Framework (NPF), notably NPO3 (a and b). Lastly, the applicant sees a lack of alignment between the statutory plan, the NPF and regional policies. Many observers would agree with this approach but not with the density and scale proposed. I am satisfied that this is a site where a presumption in favour of buildings of increased height could be considered according to the requirements of national, regional and local policy shifts.

At the scale of the relevant city/town

- 11.4.9. Public transport – the applicant states that site is well served by high capacity and high frequency public transport services (LUAS, Cork Street QBC and Dublin Bus) in close proximity to the city centre and major sources of employment. Many observers disagree and criticise bus services along the South Circular Road, traffic congestion that will result from the development and the remote location of the site from employment and other services. I am entirely satisfied that this site is extremely well located to public transport services of a high quality. Cork Street QBC is located 350 metres to the west, Fatima Luas stop is 900 metres to the north west and Harcourt Street Luas stop 1.7 kilometres to the east. There are also adequate pedestrian facilities in the area and good cycle infrastructure along the Grand Canal 200 metres

to the south. All in all I agree, I find that the site is extremely well connected to public transport and other sustainable forms of transport. I am satisfied that this is a good location for taller buildings and higher residential densities and this has been recognised since the adoption of the 2016 Development Plan and SDRA 12.

11.4.10. Site integration and Architectural Sensitivity – the applicant has submitted a large number of documents to supplement their view that this is the best place for the scheme height as proposed, including an Architectural Design Statement, a Landscape Design Statement, a Landscape and Visual Impact Assessment (EIAR, Volume II) and Cultural Heritage: Built Heritage Assessment (EIAR, Volume II). The architectural sensitivity of the area is highlighted as per the City Development Plan, Donore Avenue, St. Catherine’s Avenue and South Circular Road (SCR) zoned Z2, Residential Neighbourhoods (Conservation Areas). In essence, the applicant explains that increased building height is concentrated toward the centre of the site and away from the site’s boundaries where the proposed building heights taper down to meet adjacent property. The applicant goes on to explain that the massing of the buildings has been modelled to avoid an overbearing presence on adjoining streets and neighbourhoods and to protect the integrity of existing views and vistas, whilst ensuring a positive addition to the Dublin skyline. In terms of architectural heritage, an assessment of the proposed development on Built Heritage including Protected Structures is included in Chapter 14 of the EIAR that concludes impacts on existing built heritage including Protected Structures is not significant. The planning authority agree with this area wide approach, but this is a view not entirely supported by the Council’s Architectural Conservation Officer or the DAU. Nearly all observers disagree with the applicant’s viewpoint and see that the proposed taller buildings are entirely inappropriate and will impact negatively on the immediate area and the architectural character of the wider area.

11.4.11. With reference to the wider city area both the City’s Conservation Officer and the Development Applications Unit (DAU); anticipate profound impacts from the height, scale and massing of the proposed development. In the immediate environs of the site, both conservation specialists also see impacts to nearby protected structures, historic residential terraces and the character of the historic South Circular Road. In particular the DAU urges a rethink of the entire design approach to the site in terms of plan arrangement, scale, density and height in order to avoid long

term detrimental impacts to the setting of the extant built heritage of the area and historic city's skyline.

- 11.4.12. The applicant has carried out relevant studies and visual assessments to articulate how their scheme will integrate with the area and its architectural sensitivities. The planning authority are supportive of the proposal as it stands with reference to height. Observers, the City's Conservation Officer and the DAU disagree with the height, scale and massing proposed for this site and its impact on the wider cityscape. The detrimental impact upon the historical/architectural sensitivities of the wider area are also highlighted.
- 11.4.13. In terms of the impacts that will result from this development, I can see no specific negative impacts to key historical quarters of the wider city. The site, given the maximum 19 storey height will be visible from further afield, but key views from notable city centre locations (Trinity College, Dublin Castle, Christchurch and St Patrick's Cathedrals) unsurprisingly will not be impacted upon. The site is not located within an Architectural Conservation Area (ACA) and there are no protected structures on the site. The more immediate area of course contains historical and domestic scale residential development and protected structures such as churches. I acknowledge the 2020 Masterplan and the preparation by the applicant of numerous photomontage images, that all clearly detail what impact the proposed development (of the site and overall plan lands) will have. Undoubtedly, there will be a visual impact on the skyline and it is the nature of impact, its successful integration and enhancement with the public realm that stands to be judged. In this regard I note the findings of the EIAR in relation to landscape and visual character, where it is concluded that visual impacts will be low to neutral with many positive impacts too when combined with what is to come in the 2020 Masterplan, I tend to agree. The taller elements of the proposed scheme will break the skyline, that is not disputed, but when combined with the quantum of taller buildings planned for, the visual effect will be positive.
- 11.4.14. The subject application cannot be seen alone, it forms part of an area wide taller building strategy pursued by the planning authority, so the applicant has prepared drawings and photomontage images that show the proposed development together with permitted and planned development. The impact of which will be an agglomeration of height at the centre of the SDRA lands. In this respect, I note the

recent Board permission at the Bailey Gibson site. Many observers wonder whether it is right or wrong to focus the number and height of tall buildings on SDRA 12. I refer back to the only statutory plan for the area and SDRA 12 that identifies two buildings up to 50 metres could be accommodated within the overall plan lands. Permission has already been granted for two mid-rise buildings within the SDRA lands and they are to be found on the Bailey Gibson site. The Board concluded that this was not a material contravention of the plan in relation to the number of taller buildings. In terms of the statutory plan for the area and a recent permission, the concept of taller buildings at this location has been considered acceptable.

11.4.15. I now assess how successfully the subject proposal integrates into or enhances the character and public realm of the area, having regard to topography, cultural context, setting of key landmarks and protection of key views. Firstly, the fringes of the site successfully step down in height to meet existing two storey residential development. Additions to the former factory, build on existing height and are ramped up towards the centre, these additions are acceptable and well designed. The topography of the site is flat so there is no complicated interplay with levels to deal with. The cultural context of the site is difficult to define, but the Players Wills factory building is to be retained, enhanced and opened up for the local community. The proposed development will not impact upon any key landmarks and there are no key views to protect. At the scale of the city, the proposed development enhances the character of the area and chooses to locate taller buildings away from the site edge. Arguably the sharp interface of this development is at the edge and the heights proposed are only up to four storeys and six at the former factory building, this is acceptable. The taller elements away from the edge, up to 16 and 19 storeys draw the eye and this view will not be missed on the approaches to the site but I see it as a positive visual impact and one that confirms the objectives of SDRA 12 that specifically aspire to the creation of vibrant mixed-use urban quarter.

11.4.16. Positive Contribution, Placemaking and Adjoining Development – the applicant states that the layout of the site, public open spaces and ground floor uses encourage and support the creation of place. Tapering down of heights at the edge of the site also respects neighbouring development and limits impacts. The applicant's Daylight, Sunlight and Overshadowing Report shows that there is limited overshadowing of adjacent property, but not to a detrimental impact. Observers are

concerned that the applicant's studies and assessments downplay the true impact, as they see it, to their properties and the surrounding area. However, some observers do see the benefit of opening up the site and creating a new urban quarter but are critical of the limited scale of open spaces and the strain that will be placed upon local infrastructure because of the population envisaged.

11.4.17. From an urban design and layout perspective, I am satisfied that the proposed scheme responds well to the surrounding street network. This large site is part of a wider strategic area that will provide through connections and a new street layout with active frontages and new public parks. I find that the layout proposed will provide a positive contribution to place-making, incorporating new streets and public spaces. Some observers criticise the 75 metre long, mostly residential building frontage of block PW2, but I am not so concerned. Visual relief to block PW2 will be provided by a significant public open space, possible school extension beyond and the limited height of block PW4. I am not so concerned that the heights proposed will necessarily impact the comfort and usability of new streets and this is borne out by the Pedestrian Comfort Computational Fluid Dynamics (CFD) Report submitted by the applicant and summarised in section 4.9.2.4 of the EIAR.

11.4.18. This is a large urban redevelopment site, the proposed development will make a positive contribution to place-making, will incorporate new streets and public spaces, the use of greater mass and height will achieve greater densities with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape. The proposed development of two towers atop block PW2 will be noticeable and create a visual impact for the wider area. However, because of their location back and within the overall site the proposed heights are acceptable and result in an overall positive visual impact.

At the scale of district/ neighbourhood/ street

11.4.19. Response and Contribution – the applicant explains that the development responds to neighbouring development by stepping down in height and the selection of various brick finishes contributes to the character of the Dublin 8 area. In addition, the creation of new streets, framed by buildings will add to the area and creates its own character defined by height at the centre of the site. Property owners at the interface of the development and their homes, strongly disagree with the applicant's

approach to responding and contributing at the local scale. I address these particular concerns within the 'residential amenity' section of my report, to be found at section 11.5.

11.4.20. I find that the overall approach to the site surroundings is positive from a layout point of view. The arrangement of blocks is logical, the creation of connections/new streets and public open spaces is sequential and inviting. When matched to the heights proposed, particularly at the centre of the site, the development will certainly contribute to the urban neighbourhood and streetscape. Whether this contribution is positive or negative depends upon your viewpoint. I acknowledge that many observers disagree and see no positive contribution to their neighbourhood as it is now. But the proposed development will bring about a massive change for the good in terms of overall planning gains and that the focus of height within the overall site seeks to preserve amenity and minimise visual impact. My own view is that at first, the emergence of such height will be an unexpected feature on the cityscape given the context of the site, but that over time the visual impact will wane. In addition, the emergence of height within the SDRA lands is logical in terms of the announcement of a new urban quarter of the city. I am satisfied that site meets the national prerogative to increase density through height and this is echoed by the fact that these overall lands have always been earmarked for taller buildings, SDRA 12 of the city development plan refers.

11.4.21. Blocks and Materials - The applicant has articulated the blocks and tower elements with an architectural treatment to mask bulk and massing, this seems to work. The applicant sets out the range of materials and finishes that have been selected to the site and its surroundings. Human scale and active street frontages are seen as positive and the creation of good public realm, street trees and street furniture are promoted in the design rationale. I agree that the layout does not promote slab blocks and uninterrupted street walls. Block PW2 exhibits a long eastern elevation. But this is broken up across the street by a public park. The palette of materials selected is acceptable and responds well to the wider area. Hence the proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks and the materials and finishes are high quality and have been well considered. The proposal will create new public spaces and provide key thoroughfares by creating an interconnecting network of streets.

- 11.4.22. Public Spaces and Water – the applicant broadly points at compliance with the SDRA and the masterplan for the area. The submission of a Site Flood Risk Assessment is noted. The site is not located adjacent or close to a significant water body that would assist in the shaping of the site layout, I have no comments to add here.
- 11.4.23. Legibility - Through the provision of two tower elements the proposal will certainly make a major contribution to the improvement of legibility through the site and the wider urban area. Generally speaking, in an urban context, a concentration of taller buildings signifies a destination or intensity of use, either civic or commercial. This proposal will meet the desire of SDRA 12 to create a vibrant mixed-use urban quarter with a community hub and sporting facilities open to the wider community. I am certain that this residential, commercial and community focused place deserves such a landmark feature as this. I am satisfied that the site layout adds positively to the creation of a new urban quarter and permeability through the site is logical. The hierarchical street layout is helpful and as a pedestrian the sequence of spaces and building frontages is clear and legible.
- 11.4.24. Mix of uses and building/dwelling typologies – the applicant has prepared a Unit Mix Justification Report and Social Infrastructure Audit to rationalise the proposed mix of community and commercial space as well as the mix of single occupancy shared accommodation and studio/one/two and three bedroom apartment units. As the applicant sees it the mix of uses and dwellings on offer will lead to a vibrant and sustainable urban community. Many observers suggest that the provision of shared accommodation and built to rent apartments will lead to an unstable element in the settled community currently established. They see no value in the contribution that new occupants may make to the local area and are generally dissatisfied with the housing mix and other uses proposed.
- 11.4.25. I am not concerned at the building typologies proposed, apartment units are wholly acceptable at this outer city centre location. I also have no great concern about the provision of shared accommodation and build to rent apartments. This location is well served with existing facilities and public transport, employment centres are located nearby. The contribution of future occupants cannot be quantified but it is not for me to devalue what new residents will bring in terms of diversity and difference. The form of tenure proposed is not unusual and the

residential availability on offer for the area will be increased by this development. I have no further comments to make in relation to the general type and mix of uses proposed, it is in my view acceptable.

At the scale of the site / building

11.4.26. Daylight, Ventilation, Views and Overshadowing – the applicant outlines the various studies prepared to set out the rationalise for the layout and heights proposed. No issues are seen as producing any negative impacts from the buildings proposed. Some observers raise specific issues in relation to sunlight and daylight penetration to some units and amenity areas within the scheme. The planning authority are supportive of the overall approach and see no areas for improvement.

11.4.27. I assess the overall residential amenities associated with the proposed scheme in the 'residential amenities' section of my report. In summary, initial concerns about some build to rent apartments, particularly at lower levels and at the inner corner points within block PW2 will provide sub-optimal living accommodation are counterbalanced by the provision of large units and good communal amenities overall. Affected apartments provide generous overall floor areas, even though daylight and sunlight provision is just below an acceptable level, it is justifiable in this urban setting. As for the shared accommodation component, where standards are reduced by the Apartment Guidelines, the majority of units are broadly acceptable, however some units at pinch points are less open to good levels of natural light. At the fringes of the site, where blocks PW4 and PW5 are located close to existing homes, problems of overshadowing and loss of light are mitigated by reduced height and blank elevations.

11.4.28. Concerns about adverse impacts from overshadowing, loss of light, provision of adequate levels of daylight and sunlight are covered in greater detail under the 'residential amenities' section of my report.

11.4.29. Site Layout Planning for Daylight and Sunlight (2008) and Appropriate Design Response – the applicant has prepared a Daylight, Sunlight and Overshadowing Study. The applicant sees improvements made by the current proposal over the 2017 framework plan for the area. The applicant states that the majority of the values just outside the recommendations still achieve high values between 24% and 26% and therefore good levels of light would still be received within the spaces beyond.

With reference to amenity areas, all these spaces receive at least 2 hours sunlight over half their areas on the 21 March. The public parks proposed receive in excess of the BRE requirements. At least 92% of rooms in the former factory building have an Average Daylight Factors (ADF) above the recommended values. Overall, the applicant is satisfied that their design response best meets the urban regeneration, effective urban design and streetscape solution for the site. Alternative and compensatory measures such as the residential amenities on offer and provision of private amenity space are outlined. The planning authority broadly support this position on daylight/sunlight factors. Some observers disagree, particularly with respect to their own homes.

- 11.4.30. I find that the applicant has exercised an appropriate and reasonable approach to quantitative performance and daylight provision. The detail contained in the studies submitted are adequate to allow my assessment and determine if a balance has been met between individual residential amenity and meeting wider planning objectives. On the whole, I am satisfied that the site layout and positioning of blocks is acceptable from a daylight perspective, certainly the redevelopment of this site will meet the stated objectives of the Development Plan.

Conclusion on Building Height

- 11.4.31. I have assessed the proposed development against the criteria set out in the Building Height Guidelines under section 3.0 *Building Height and the Development Management process*. I find that the proposed development meets the requirements for taller buildings. The site is well located, and close to high quality public transport corridors, it is close to employment hubs, such as the Coombe Hospital, St James's Hospital and Griffith College. The city centre and its amenities and employment opportunities are all close at hand. The density of development proposed is not excessive and can be accommodated here. At ground level, the arrangement of new streets, public open spaces, new community and commercial uses are all well set out and logically considered.
- 11.4.32. The emergence of taller buildings at this location will be a new departure for the prevailing low-rise character of development in the vicinity. However, it should come as no surprise as taller buildings were always envisaged at this general location, as originally articulated by SDRA 12. Matters have moved along since the

adoption of the city development and SDRA 12 in 2016 and the better and more efficient use of zoned and serviced land has come to the fore and is strongly supported by national policy and planning guidelines. I have applied the criteria as set out in the 2018 Height Guidelines and find that the proposed development has considered all of these elements fairly and to an acceptable degree of compliance. The visual character of the area will change if permission is granted, but I see this change as a positive one that reinforces the principle of delivering more compact urban growth and logical expansion of the city upwards.

11.5. Residential Amenity

Proposed Residential Standards

11.5.1. The proposed development comprises a combination of build to rent apartments and shared accommodation units and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas associated with proposed accommodation. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. I note that the Apartment Guidelines have been updated since the 23 December 2020 by SPPR 9 with respect to a presumption against shared accommodation/co-living development unless the proposed development is either:-

(i) required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process;

or,

(ii) on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála has been made.

As the application was lodged prior to 23 December 2020, the Board can determine the development on its merits, and having regard to the Guidelines applicable prior to 23 December 2020 (i.e. 2018 Guidelines) and site-specific planning considerations. I note that the 2020 Guidelines are the statutory guidelines in force now. However, it is appropriate in the circumstances to use the 2018 guidelines as a tool to assess the proposal on its own merits even though they are no longer the

statutory guidelines currently in force. I note that many observers are disappointed that the applicant chose to lodge their application before the coming into force of SPPR 9, however, I am bound to assess the current proposal in the context of the 2018 guidelines.

11.5.2. The apartments are arranged in 4 distinct blocks as follows:

- PW1 comprises all of the shared accommodation component of the scheme, 240 single occupancy units arranged as 2 rooms of 30 sq.m, 49 rooms of 25 sq.m; 14 rooms of 23 sq.m, 58 rooms of 22.5 sq.m, 8 rooms of 20 sq.m, 104 rooms of 19 sq.m and 5 disabled access (Part M) rooms (three 32 sq.m and two. 26 sq.m); and 47 build to rent units arranged as 12 studio apartments; 23 one bed apartments, 8 two bed apartments: and 4 three bed apartments;
- PW2 houses 415 units comprising 16 studio units; 268 one bed apartments, 93 two bed apartments and 38 three bed apartments.
- PW4 houses 9 units comprising 2 two bed apartments and 7 three bed apartments.
- PW5 houses 21 units comprising 12 studio units; 1 one bed apartments, 5 two bed apartments and 3 three bed apartments.

Each block accommodates residential support facilities and resident services and amenities to a greater or lesser degree.

Shared Accommodation

11.5.3. I have already outlined how I am satisfied that shared accommodation is appropriate for this location, section 11.2 above refers. The following section of my report sets out how the proposed shared accommodation component of the proposed scheme stands up to the 2018 Apartment Guidelines and result in a suitable standard of residential amenity for future occupants. The applicant has submitted a Housing Quality Assessment (HQA), a Design Statement for PW1 and a Shared Living Management Plan to illustrate and explain how the development meets the requirements of the 2018 Apartment Guidelines and what levels of residential amenities future occupants can expect.

11.5.4. The 2018 Apartment Guidelines set out standards and requirements in relation to the shared accommodation sector, this is professionally managed rental

accommodation, where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities. The guidelines state that shared accommodation can comprise 2-6 bedrooms, of single and/or double occupancy with a common shared area within the residential unit for living and kitchen facilities. In addition, the guidelines states that innovative formats may also be proposed to provide shared accommodation within protected structures in order to ensure their long term rehabilitation and to address sensitive architectural constraints of the subject building. In this instance, the applicant has proposed single occupancy rooms, arranged around shared amenities within and in addition to the fabric of an historically important building.

- 11.5.5. SPPR 7 and 9 governs shared accommodation proposals. Firstly, in relation to SPPR 7(a), the applicant has publicised the intention to development the site for build to rent and shared accommodation uses. In relation to SPPR 7(b), shared accommodation must also be provided with the residential support facilities, services and amenities required for build to rent accommodation. The applicant has proposed a suite of residential support facilities, services and amenities and I assess these first.

Resident Support Facilities

- 11.5.6. The applicant has proposed a number of resident support facilities and they include laundry, welfare services and bin storage, they amount to 108 sqm or 0.45 sqm per unit. These facilities are located on each floor (first to fourth floor inclusive) and are located at the north western corner of block PW1. I am satisfied that these essential services are well located and accessible to occupants of each floor. I note that block PW1 includes 47 build to rent units, however, these are self-contained units with all the usual washing facilities included, I see no reason to consider that any conflicts would arise. In addition, there are lobby areas, post/parcel rooms, reception and lobby areas, all provided at the ground floor.

Resident Services and Amenities

- 11.5.7. The applicant has provided a single occupancy room that incorporates a living area with kitchenette that comprises a sink, microwave, fridge and storage. In addition, communal kitchen and dining areas have been provided on each floor. The 2018 Apartment Guidelines require that in bedroom clusters of 1-3 8 sqm per person and

bedrooms 4-6 an additional 4 sqm of common living and kitchen facilities should be provided, table 5b of the 2018 Guidelines refers. The applicant explains that given the fabric of the factory building that is to be retained, a cluster format would not be achievable, I agree. Instead, and in order to quantify the requirements of table 5b, the applicant has made a calculation based on each corridor representing a cluster and on this basis 8 sq.m is applied to the first 3 rooms on each floor and 4 sqm to all other rooms on the floor. This calculation is confined to kitchen and dining areas and in total, 1,036 sqm is provided and exceeds the minimum standard calculated at 1,008 sqm. The applicant points out that this calculation applies only to kitchen/dining spaces, a number of other services and amenities are provided in block PW1. Based upon the calculations provided by the applicant the amount of communal kitchen and dining areas would amount to 4.3 sqm per unit.

11.5.8. I note that the 2018 Apartment Guidelines allow for innovative formats for shared accommodation within protected structures in order to ensure their long term rehabilitation and to address sensitive architectural constraints of the subject building. The Player Wills factory is not a protected structure but has architectural and historical merit and as such its rehabilitation and re-use is key objective of SDRA 12. As of the 31 March 2021, I note that the Former Player Wills Factory has been proposed as an addition to the Council's Record of Protected Structures and that a public notice was published pursuant to sections 54 and 55 of the 2000 Act (as amended). I am satisfied that the format of shared accommodation proposed within and in addition to the former factory building is appropriate and the applicant's methodology on calculating requirements under table 5b of the 2018 Guidelines is acceptable. I note that each single occupancy room has its own cooking area (though no hotplate), the floor area of dedicated kitchen/dining space exceeds what would be required and the sheer number of other services and amenities on offer, I find that the shared accommodation component of the scheme in relation to table 5b is acceptable.

11.5.9. In addition to what may be considered essential services such as kitchen/dining rooms that I have already dealt with, the applicant has proposed kitchen dining party rooms, terrace lounge, lounges, games room and external terrace that all amount to 727 sqm or 3 sqm per shared accommodation resident.

- 11.5.10. Additional common amenities and facilities are provided in block PW1 and PW2 are to be shared by all residents and include party room/kitchen, tv room, games room, library, meeting room, business centre, access/circulation (not corridors), gym, amenity lounge and co-working area, this amounts to 1,813 sqm or 1.1 sqm for all 1,639 bed spaces across all units.
- 11.5.11. All in all the applicant states that 7.75 sqm of support facilities, amenities and services are dedicated to the shared accommodation component of the overall scheme. In addition, it is stated that when all other amenities across the site that are shared with all occupants, then each resident might expect up to 9.65 sqm. of common amenities, facilities and services.
- 11.5.12. I am satisfied that either 7.75 sqm dedicated shared accommodation space or 9.65 sqm per resident of wider amenities is acceptable quantum to ensure a good level of amenities and services. In addition, given the special distribution of such services and amenities, mostly in PW1, I am satisfied that the shared accommodation of the scheme is well served. The distribution of main kitchen and satellite kitchens is accessible and appropriate. The grouping of more sociable areas such as lounges and terraces is logical. Overall, I am satisfied that the quantum, distribution and format of resident support facilities, services and amenities are acceptable.

SPPR 9

- 11.5.13. SPPR 9 sets out standards in relation to shared accommodation. Firstly, there are no restrictions on dwelling mix. Secondly, floor areas must comply with table 5a, as follows: minimum bedroom size including an en-suite bathroom - Single 12 m² and Double/twin 18 m². The applicant states that the 240 rooms range from 19 sqm - 32 sqm and so all rooms significantly exceed the minimum standard of 12 sqm for single occupancy. 104 rooms are 19 sqm (type C units), there are three Part M units that amount to 32 sqm, a sizable proportion of units are between 22.5 sqm and 25 sqm (Types A and B, 107 units). I am satisfied that the floor areas provided in the shared accommodation units are all in excess of the minimum standards required and that more than half of units are over 22.5 sqm.
- 11.5.14. Storage areas are included within each unit, more so in those units within the former factory building as ceiling heights approach almost 4 metres. Bicycle parking

is provided at basement level in PW2. The applicant also states that 81 car parking spaces in the basement of PW2 can be converted to storage areas for all residents (1,293 sqm). The 2018 Guidelines state that there can be flexibility to the standard of 3 sqm of storage for a studio type unit, in the case of shared accommodation. Such a requirement would amount to 204 units multiplied by 3 sqm, 720 sqm in total. I am satisfied that adequate amounts of storage are provided within each unit for day to day belongings and that part of other space elsewhere on the site could be designated for use by shared accommodation residents only for the storage of more seasonal items.

11.5.15. Finally, in relation to car parking, I note that none is provided in block PW1. There are numerous spaces at street level. Block PW2 has provision for 240 car parking spaces and the applicant accepts that 81 of these spaces could be changed over to storage, the planning authority agree with this approach. The Share Living Operational Plan outlines how residents will access and leave the facility, noting set down areas and the availability of car sharing and bicycle parking. I also note that the applicant has prepared a Mobility Management Plan that expressly states that no car parking has been allocated to the shared living accommodation. As none of the spaces are to be dedicated to the shared accommodation housing in block PW1, I am satisfied that the requirement to provide minimal car parking provision is met.

11.5.16. In terms of SPPR 9, I am satisfied that items (i) to (iv) have been met by the applicant and that an acceptable standard of shared living accommodation in accordance with the 2018 Apartment Guidelines has been proposed.

11.5.17. To conclude, the applicant has proposed 240 single occupancy shared accommodation units within and in addition to the fabric of a former factory building of notable historical and architectural character. Each single occupancy room is in excess of the minimum standards for floor areas required by table 5a of the 2018 Guidelines. The minimum common living and kitchen facilities floor areas outlined in table 5b have been met and supplemented by additional services and amenities. From a qualitative perspective, the arrangement and clustering of facilities and services is logical and acceptable. Nearly all units have an east or west orientation, a very small proportion face north and some units even have a dual aspect. According to the applicant's Daylight, Sunlight and Overshadowing Study, private living areas were tested for daylight penetration for level 1 units, all rooms tested score well. The

centralised spine corridor is quite a length, but I accept the applicant's contention that in order to provide good levels of accommodation within the fabric of the former factory building, it was necessary. The corridor is lit at its northern end and widens out at the thresholds to shared kitchen/dining and lobby areas. I am satisfied that the principle to reuse the former factory building for shared accommodation units and the manner of their design is acceptable. Given the high quality of design and having regard to the locational advantages of the site, the shared living component of the proposed scheme is acceptable.

Build to rent (BTR)

11.5.18. SPPR 7 and 8 governs BTR proposals. Firstly, in relation to SPPR 7(a), the applicant has publicised the intention to develop the site for build to rent and shared accommodation uses. SPPR 7(a) outlines that there is a need to advertise in the public notices that accompany an application that BTR is proposed, this the applicant has done. I note that a draft covenant or legal agreement has not been submitted, but an appropriate condition can be attached in the event of a grant of permission. In relation to SPPR 7(b), BTR development must also be provided with residential support facilities, services and amenities. The applicant has proposed a suite of residential support facilities, services and amenities and I assess these first.

11.5.19. I note that the BTR component of the 2018 guidelines does not change in the 2020 guidelines. The 2018 guidelines do not quantify the amount of residential support facilities, services and amenities that should be allocated to BTR. However, a list of what could be provided is set out under two headings in SPPR 7 and comprise:

- (i) *Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.*
- (ii) *Resident Services and Amenities – comprising of facilities for 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, etc.*

11.5.20. The applicant has concentrated an array of common amenities and facilities in the former factory building, block PW1 (1,303 sqm mostly at levels 1 and 2) and the remainder are to be found within block PW2 amounting to 510 sqm. At ground floor level in block PW2 is an amenity room, post room, co-working room, lobbies, roof terrace at level 2, large roof terrace on level 6, small roof terrace on level 15 and 16 and an amenity room and small roof terrace on level 17. In addition, there are bike storage facilities, refuse storage and communal open spaces. I acknowledge the rationale to concentrate resident facilities and amenities in PW1 as this will enhance the accommodation for the shared living component of the scheme. There are no real facilities incorporated into blocks PW4 and PW5, but this is to be expected they are small blocks. The distribution of amenities throughout PW2 is broadly acceptable and the concentration of amenities in the former factory building (PW1) makes sense as it significantly contributes to the creation of a shared environment where individual renters become more integrated and develop a sense of belonging with their neighbours in the scheme. I consider the level of resident's amenities for the BTR component to be acceptable.

11.5.21. The following assessment considers the quality of the proposed BTR element of the overall scheme with regard to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018. The applicant has proposed 492 BTR units in blocks PW1 (47 units), PW2 (415 units), PW4 (9 units) and PW5 (21 units), the unit mix is as follows:

Unit Type	Number of units	Percentage mix
Studio	40	8
One Bed	292	59
Two Bed – 3 person	5	1
Two Bed – 4 person	100	20
Three Bed – 5 person	4	1
Three Bed	41	8
Two Bed Duplex	3	0.5
Two Bed Duplex	7	1.5

Total	492	100
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11.5.22. The mix is considered satisfactory in the context of SPPR 8 of the 2018 apartment guidelines which indicates that for BTR developments there is no restrictions on dwelling mix. The combination of units and the proposed housing mix is, therefore, acceptable in my view.

Apartment Design and Layout

11.5.23. The 2018 Apartment Guidelines set out technical design standards for new apartments. SPPR 8 of the guidelines allows for a relaxation of some standards for Built to Rent schemes. Flexibility can apply in respect of storage and amenity space on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. There is an obligation on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity. Furthermore, the requirement to exceed the minimum floor area standards by 10% and the requirement for a maximum of 12 apartments per floor can be relaxed in BTR schemes.

11.5.24. The submitted Housing Quality Assessment indicates that floor areas for all apartment units meet or exceed the minimum specified in SPPR 3 of the apartment guidelines.

11.5.25. Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three-person apartments. The submitted documentation includes the number of persons per unit and indicates that only 1% of the two bed units cater for three persons, the remainder accommodate four persons.

11.5.26. SPPR 4 requires a minimum of 33% dual aspect units in more central and accessible urban locations and a minimum of 50% in suburban or intermediate locations. The subject site is in a more central and accessible location. A total of 41% of the proposed apartments are dual aspect, well in excess of this requirement.

11.5.27. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is exceeded in all case and therefore complied with.

11.5.28. SPPR 6 specifies a maximum of 12 apartments per floor per core. While SPPR 8 allows for a relaxation in relation to this standard for BTR schemes, the requirements of SPPR 6 are met primarily within blocks PW1 and PW2.

11.5.29. Appendix 1 of the Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The submitted schedule of areas indicates that nearly all apartments meet or exceed the minimum storage area, floor area and aggregate floor area standards. Some studio units are marginally below the 30 living/dining/kitchen/bedroom but meet or exceed the overall minimum floor area requirement. Likewise, a small number of three bed apartments are a fraction below the 34 sqm aggregate floor area for living/dining/kitchen areas, but exceed the overall minimum floor area. Overall, all units provide adequate storage and private amenity space, I am satisfied that these minor infractions are of no consequence and no adjustment by condition would be warranted.

Communal Open Space and Private Amenity Space

11.5.30. The applicant states that the provision of communal open space exceeds the minimum communal open space amenity for all blocks PW1, PW2, PW4 and PW5. In the case of PW4 & 5, this amenity area is provided at courtyard level, while in Block PW2 the area is provided for at courtyard and roof terrace level. In PW1 a roof terrace is provided. The total amount of communal open space (including roof terraces but excluding dedicated space for shared accommodation) amounts to 3,321 sqm, and the minimum requirement would be 2,855 sqm.

Unit type and number	Minimum floor areas for communal amenity space (private amenity space)	Requirement
Studio – 40 units	4 sqm	160 sqm
1 bed – 292 units	5 sqm	1,460 sqm
2 bed (3 pers) – 5 units	6 sqm	60 sqm
2 bed (4 pers) – 110 units	7 sqm	770 sqm

3 bed – 45 units	9 sqm	405 sqm
Total – 492 units		2,855 sqm

11.5.31. The scheme generates a requirement for a total 2,855 sqm of private open space based on the minimum requirements detailed in Appendix 1 of the Guidelines. Nearly all apartment units are provided with private amenity space in the form of balconies or ground floor terraces. All of these private amenity spaces are in excess of the minimum standards required. Four one bed units in PW1 offer no private amenity space, but at over 54 sqm are significantly larger than the minimum apartment floor area of 43 sqm. I am satisfied that both the private and communal amenity requirements have been met in the BTR component of the scheme.

Daylight and Sunlight

11.5.32. The provision of reasonable levels of natural light in new apartment developments is an important planning consideration as it contributes to the liveability and amenity enjoyed by residents. In assessing development proposals, planning authorities must however weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development.

11.5.33. Section 6.6 of the 2018 Apartment Guidelines states that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide *'Site Layout Planning for Daylight and Sunlight' (2nd edition)* or *BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'* when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. I note that BS EN 17037:2018 'Daylight in buildings' has replaced the 2008 BRE guidance documents, however, as the Irish 2018 Apartment Guidelines refer only to the 2008 BRE documents, it is that which I have had regard to in my assessment concerning daylight/sunlight. I also note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in

accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development.

11.5.34. Some observers have raised concerns about the impacts of the development on their own property and I deal with this later in my report. Other observers have criticised the assessment made by the applicant within the scheme. The planning authority are not so concerned and accept that BRE standards have been exceeded for the scheme.

11.5.35. The applicant has prepared a Daylight, Sunlight and Overshadowing Study that takes account of impacts within and outside of the subject site. The applicant's report has been prepared in accordance with the relevant guidance. The analysis performed considered the following:

- Shadow Analysis - a visual representation analysing any potential changes that may arise from the proposed development to neighbouring existing developments.
- Daylight Analysis of Existing Buildings - via consideration of Vertical Sky Component (VSC).
- Sunlight to Existing and Proposed Amenity Spaces – via sunlight hour's analysis on the 21st of March.
- Average Daylight Factors – via average daylight factor calculations carried for floor plans across the site of the proposed development.

The analysis was completed using IES VE software and the assessment based on recommendations given in BRE – Site Layout Planning for Daylight and Sunlight guide to good practice (second edition). In the context of the residential amenity for future residents, my assessment in this section of my report will be confined to site wide aspects only.

11.5.36. Proposed public parks – BRE guidelines state that an amenity area should receive at least 2 hours of sunlight on 21st March. The applicant states that results highlight that the Players Park and St Catherine's Park public amenity spaces are exceeding the BRE recommendations and will be quality spaces in terms of sunlight received. Both these public open spaces are large in extent and I would expect these spaces to score well in terms of sunlight provision.

11.5.37. Communal/Private Amenity Areas – these areas include roof terrace areas and uncovered inner/ground level courtyards. As to be expected nearly all roof terrace areas receive greater than two hours of sunlight on the specified date. Inner courtyards are less successful but still receive more than two hours sunlight over half of their areas. I note that courtyard 1 at the centre of PW2 receives the requisite sunlight over 52% of its site area and roof terrace 2 scores daylight across just 39% of its area. I am not greatly concerned by these failures or close failures due to the urban setting of the site and the provision of very good public spaces elsewhere on site.

11.5.38. BTR units - To assess average daylight factors (ADF) the applicant has selected the 'worst case' scenarios and I accept this approach as the most appropriate when it is generally accepted that unobstructed and well orientated openings will always score above the minimum. I note that some observers have highlighted the use of BRE recommended values of 1.5% for living rooms and 1.0% for bedrooms, however, I am satisfied that the appropriate reference and metrics have been used. The planning authority accept the applicant's sunlight/daylight findings. The applicant has tested BTR units in all proposed blocks, including living and bedrooms amounting to 178 individual points of reference at various 'worst case' scenario locations across mainly lower levels of the development. I note that not all 'worst case' scenario locations are selected, for example I would consider most units within the inner courtyard of level 00 of PW2 to be included, they are not. I also note there are some living and bedroom results that are below BRE recommendations along levels 01, 03 and 05 of PW2, logically the situation improves at upper floors. Again, ground floor levels of PW4 and PW5 are not surveyed, but overall results are good in these units.

11.5.39. In overall terms, the applicant states that 92% of the proposed rooms tested achieve Average Daylight Factors (ADF) above the BRE guidelines. The applicant also states that since these rooms can be viewed as 'worst case' locations, it can be expected that the results from the development as a whole would increase above 92%. Bearing in mind section 6.7 of the 2018 Apartment Guidelines that states where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should

apply their discretion in accepting taking account of its assessment of specific. This may arise due to a design constraints associated with the site or location and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution. This is such a case, the overwhelming achievement on this site is to increase residential density in tandem with high quality public realm and open spaces, this the applicant has done. In terms of those units that do not reach BRE minima, I note that apartment sizes are generous and window dimensions are above average, access to broader communal amenities are also close at hand. I have taken these factors into account and as with many urban context sites where an almost enclosed perimeter block is proposed together with constraints regarding neighbouring development, some units may be below guideline standard. However, in broad terms I am satisfied that residential amenity targets are met in this development and in accordance with 2018 Apartment Guidelines.

Residential Amenity – Neighbouring Homes

11.5.40. The Player Wills factory site is a large urban infill site that forms part of a wider framework/masterplan plan area. The immediate neighbourhood is characterised by low scale and low-density traditional housing stock, most of an attractive architectural character. There has been a recent planning application on the adjacent Bailey Gibson site, and this attracted a large number of concerned commentary from local residents. Likewise, in this current application, a large volume of observers from near and far afield have raised concerns about visual and residential amenity. Specifically, local residents at the interface of this former factory site have raised a number of issues that relate to overshadowing, overlooking and overbearing appearance. Some observers on the margins of the site are critical at the level of detail in drawings in order to determine things like finished floor levels and so on. However, I am satisfied with the level of detail submitted, combined with my observations from the site visit, an appropriate understanding of the site context and proposed development can be gleaned. The planning authority have singled out blocks PW4 and PW5 for close examination in relation to impacts on neighbouring residences but see no particular issue that requires change.

11.5.41. As I see it there are a number of locations where the impact of this development could be reasonably felt by neighbouring residents and these locations are not just at the site boundary. I note the findings of the EIAR in relation to human health and specifically sunlight/daylight standards. For the purposes of this assessment on residential amenity, I consider that the areas where direct concerns should be addressed are:

- Property along the South Circular Road and Southfield
- St Catherine's Avenue
- Donore Avenue
- Bailey Gibson Site

To a lesser extent, areas east and north of the site, such as Sandford Avenue and Merton Avenue will be addressed, mostly in the context of overshadowing if it is relevant.

11.5.42. Property along the South Circular Road (SCR) and Southfield – there are two groupings of residential property either side of the former factory building along the northern side of the South Circular Road that have highlighted issues that could cause negative impacts. These issues range from the heights proposed on top of the former factory building, the provision of roof terraces, the proximity and scale of block PW5 and the overbearing appearance of the tower elements of block PW2.

11.5.43. Firstly, in relation to overlooking and loss of privacy. The factory building already has large windows on its east and west elevations across ground, first and second floors. On the eastern elevation and set back from the SCR is a third floor addition again with large windows facing east. Though the factory building has not been in use for some time, it could theoretically operate once again for employment purposes and these windows would serve workers. The applicant has proposed a staggered third and fourth floor to take the place of the existing third floor factory extension together with a much taller tower element at the rear of the factory building up to an eighth floor terrace area. I note that window detailing to shared accommodation units is designed to restrict views from levels three and four, in addition all of these units are set back about four metres from the existing parapet wall of the factory building. Given the combination of height, setback and direction of

view I am satisfied that there will be no adverse impacts from overlooking of habitable rooms associated with homes along the South Circular Road (SCR) and Southfield.

11.5.44. Concerns have been raised about the proposed roof terrace atop the factory building along the SCR. I anticipate that management measures and an appropriately design screen balustrade can prevent any adverse impacts. Given the staggered nature of the additions to the former factory building and the northern orientation of the block, I am not concerned about any adverse impacts to property along the South Circular Road (SCR) and Southfield from overshadowing or loss of light. This is confirmed by the shadow analysis carried out by the applicant in the Daylight, Sunlight and Overshadowing Study submitted with the application. In terms of an overbearing appearance from new buildings constructed on the overall site, I anticipate that the outlook from rear gardens will change. However, the immediate impact from the former factory building is already felt in the area and the staggered and set back nature of the additions are sufficient to mitigate the perception of overbearing appearance. In the wider context, I would expect that overbearing impacts from the taller elements of PW1 and PW2 will not be experienced by existing residents and the separation distance of more than 40 metres or architectural treatments to convey a more slender appearance will be sufficient to dispel that particular qualitative impact. In any case given the degree of separation distance from the taller elements of the scheme, I anticipate that initial overbearing impacts will fade in time.

11.5.45. Block PW5, is a two and three storey building with a main orientation across an inner street of the scheme and a brick/green wall screen gallery along its eastern elevation at first and second floor. I note that there is a significant separation distance between PW5 and the two storey returns of property along the SCR. Given the design, limited scale, massing and height of PW5, I do not anticipate any impacts upon residential amenity to residents east along the SCR.

11.5.46. St Catherine's Avenue – the concerns expressed by residents along this quiet cul-de-sac are twofold, direct residential amenity impacts to property and the nuisance that might result from passers-by. In addition, questions have been raised in relation to the property boundaries at the termination of the Avenue and a front garden. There are two properties that directly abut the subject site and they are 8

and 16 St Catherine's Avenue. They are both nineteenth century two storey, terraced red brick properties with long rear gardens. Blocks PW4 and PW5 are located along the boundary with these properties and apartment units will abut the boundary.

Firstly, in relation to block PW5 and number 16, the main portion and three storey element is set back from the shared boundary around a central communal courtyard. The blank gable of number 16 will face across to the 3 storey blank gable of unit type 2C which sits on the boundary between properties. No windows from any element of PW5 will directly face into windows associated with number 16. Clearly, the aspect from the rear garden of number 16 will change, but I do not anticipate any drastic changes to overshadowing, given that an existing two/three storey office block due for demolition more or less sits on the planned location of block PW5. Secondly, in relation to block PW4 and number 8, similar circumstances pertain, insofar as the main block of PW4 is three storey and is located close to the boundary with number 8. Most of the upstanding walls of block PW4 align with number 8, presenting blank gables to each other. No windows from this main portion of PW4 create overlooking of habitable room issues. The satellite portion of PW4 attached to the crèche facility has back-painted glass windows at first floor level, these would ordinarily provide light to landings and would be better specified as obscured glazing. The first-floor window of the children 4-5 years room of the crèche that faces south is more than 35 metres from rear elevations of number 8 and other property along St Catherine's Avenue and screens are proposed to the first floor terrace, detailed specifications of these should be required by condition. The satellite portion of PW4 (units 008 and 009) will more or less follow the footprint of a double bay single storey warehouse building due for removal, so I do not anticipate any major difference to west light reaching the rear garden of number 8. This is borne out by the shadow analysis submitted by the applicant, for point of reference I have used the March 21st at 1600 diagram (diagram 5.1.1) for comparison.

11.5.47. I find that the height, arrangement, position and design of blocks PW4 and PW5 have been set out to continue the nineteenth century block that might have developed if the factory building did not exist. Hence, issues such as overlooking, overshadowing and overbearing impact have been limited to acceptable levels. For the most part blocks PW4 and PW5 take the place of three and two storey buildings that are planned for demolition. Other than minor adjustments to glazing,

specifications regarding roof terrace screening and technical details regarding construction and boundary treatments, I see no other reasons to make major changes to blocks PW4 and PW5. As with the residences along the SCR, the impact from overbearing appearance from the taller elements of blocks PW1 and PW2 will be experienced from a visual impact perspective. But given the separation distances involved (80-100 metres) I cannot see how there can be any overlooking of habitable room issues and any perception of overbearing appearance will be minor in this urban context where taller buildings have always been planned for, SDRA 12 refers.

11.5.48. The last issue highlighted by residents of St Catherine's Avenue is that of anti-social behaviour likely to result from passers-by as they use the eastern entrance to the scheme. It is likely that passing pedestrians and cyclists will increase along St Catherine's avenue, should the eastern entrance be opened up as planned. However, I am satisfied that a suitable residents management plan can address issues of access, an appropriate condition can deal with this. More problematic from a legal point of view is the pattern of ownership between St Catherine's Avenue and the site, the occupier/owner of number 8 has highlighted this as an issue. This matter is dealt with under section 11.11 of my report.

Donore Avenue

11.5.49. Houses are arranged along the northern part of Donore Avenue and are located quite a distance from the proposed development. However, observers are concerned that as well as overlooking there will be overshadowing impacts from the taller elements of the scheme. Firstly, as I have pointed out above, there are considerable separation distances between elements of the scheme, particularly blocks PW1 and PW2 (over 90 metres) so that there will not be direct overlooking of habitable rooms to an unacceptable level. Separation distances also play a part in limiting overshadowing, particularly the eight storey northern portion of block PW2 that is approximately 90 metres away from the nearest residence on Donore Avenue. However, there are taller elements to block PW2, such as the 16 storey north tower and 19 storey south tower. In terms of overshadowing, I reference the applicant's Plan View drawing 5.1.1 that shows no impacts to any property along Donore Avenue, I agree with this analysis and expect no perceptible impacts from overshadowing.

Bailey Gibson Site

11.5.50. I have briefly included the Bailey Gibson site in the interests of completeness. However, given the separation distances involved and the provision of a very large public park between sites, I anticipate no adverse impacts from issues such as overlooking, overshadowing or overbearing appearance.

Sunlight and Daylight Impacts to Existing Residences

11.5.51. The applicant has carried a daylight and sunlight analysis of existing buildings in the vicinity of the site and identified potential sensitive receptors, sections 6 and 7 of the Daylight, Sunlight and Overshadowing Study refer. Note that I have already accepted the use of BRE standards as required by the 2018 Apartment Guidelines, section 11.4 of my report above refers. I note the findings of the applicant's report that there will be a minor adverse impact as a result of the proposed development. According to the applicant's analysis nearly all residential units (and public buildings) and gardens achieve the required daylight and sunlight guidelines. Of particular note are those residential properties at Southfield, a small cul-de-sac to the west of the site adjacent to the existing factory building. The northern elevations of these properties would experience a loss of light marginally outside the requirements of the guidelines but that these residences would still receive adequate levels of daylight. One garden associated with number 6 Southfield would not continue with similar levels of direct sunlight, but the applicant notes that trees and vegetation were not taken into account in this analysis. In order to achieve the wider planning objectives for the area and to secure comprehensive urban regeneration I find these minor 'less than recommended values' to be regrettable but acceptable.

Residential Amenity Conclusion

11.5.52. I consider that the design and layout of the shared accommodation and BTR units proposed by the applicant will result in an acceptable level of residential amenity for future residents. The failure of a minority of BTR units to not surpass the recommended BRE guidelines is regrettable but acceptable in the face of achieving urban regeneration objectives for the area. As the 2018 Apartment Guidelines point out, this is acceptable if compensatory measures are in place. This the applicant has done by providing a high quality public realm and large parks, resident's amenities and generous unit sizes. Residential amenity impacts to existing residents will not

result from undue overlooking or overshadowing. Many observers have conflated height with a negative visual impact and I address this as part of the EIA and other sections in this report.

11.6. Density, Layout and Public Open Space

Density

- 11.6.1. The proposed development seeks to meet with the NPF, the RSES and other policies and guidance in terms of increased densities. I note that the proposal at 239 units per hectare is significantly greater than the prevailing residential density in the immediate vicinity and more than double the density proposed in the Development Framework Plan for SDRA 12. I note that Table E of the Core Strategy of the City Development Plan indicates that SDRA 12 in its entirety has the capacity to accommodate between 800-1000 residential units.
- 11.6.2. A large proportion of observers have raised concerns regarding the density of the site and suggest that the proposal results in overdevelopment of the site. Dublin has historically been developed at very low densities and is heavily characterised by own door living accommodation. It is generally accepted that for appropriate growth levels to be achieved in the city, it will be necessary for apartment development to deliver higher densities alongside these existing streets characterised by lower density housing. It is also important to consider planning policy at national, regional and local level, which encourages higher densities in appropriate locations. Some observers accept that residential density should increase but not to the scale planned for the Player Wills site or adjacent Bailey Gibson site. The planning authority support the principle of increased residential densities and see no direct conflict in terms of the development plan core strategy.
- 11.6.3. In terms of residential density, Project Ireland 2040: National Planning Framework (NPF) promotes the principle of 'compact growth'. Of relevance, objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development encouraging increased densities in settlements where appropriate. Section 28 guidance, including the Building Heights Guidelines, the Sustainable Residential Development Guidelines and the 2018 Apartment Guidelines, assist in determining those locations most appropriate for increased densities. The Apartment Guidelines define the types of location in cities and towns

that may be suitable for increased densities, with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.

11.6.4. The proposed density is 239 units per hectare. The application site is located on the South Circular Road and Donor Avenue and a short walk (less than 5 minutes) to bus stops providing access to high frequency bus services, Luas services are also close at hand. This satisfies one of the locational descriptions set out in the Apartment Guidelines for Central and / or Accessible Urban Locations. The Apartment Guidelines also describe locations that are a 15 minute walk from principle city centres or significant employment locations, such as hospitals, as being within the description of Central and / or Accessible Urban Locations. The site is almost next door to the Coombe Hospital and not far from St James's Hospital, both within a 15 minute walk. As a result, I consider the site to be a Central and / or Accessible Urban Location as defined in the 2018 Apartment Guidelines. In addition, I note that the site is within a 30 minute walk of the City Centre. Therefore, the site demonstrates good accessibility to a range of public transport forms. While concerns have also been expressed regarding the capacity of existing public transport, no concerns have been raised by the Planning Authority in this regard, and Transport for Ireland have made no comments. I note that the National Transport Authority (NTA) have concerns about the wider considerations of diversity of tenure and the creation of sustainable communities but have not objected to the application entirely or raised capacity concerns.

11.6.5. The 2018 Apartment Guidelines suggest that Central and / or Accessible Urban Locations are suitable for small- to large-scale and high density development, with a clear stipulation in the guidelines that acceptable density levels should be informed by a local assessment and other relevant planning factors. While the density in itself may be acceptable for this accessible site, I acknowledge the concerns expressed by observers about height and density. As I have already explained SDRA 12 earmarks height and density for these overall lands, a framework and masterplan followed and expanded upon the principle of height and density here. This application meets the parameters of population growth and density set out by Variation 7 of the Dublin City Development Plan (adopted March 2020), that aligns

national, regional and local policy objectives. The residential density range proposed by the applicant is therefore acceptable.

Layout

- 11.6.6. In line with the guiding principles of SDRA 12 and its accompanying framework/masterplans, the proposed development is laid out around a logical street hierarchy with through connections. Most observers are happy to see such a large and vacant site being brought into use with new streets and connections. The planning authority are satisfied with the layout proposed.
- 11.6.7. The proposed development will open up a large former industrial site with a network of new public streets and open spaces. There will be a variety of uses at ground floor and all streets will have very high levels of passive supervision and consequently will be safe. Onward connections from the site will further open up lands not previously open to public access via even more streets and open spaces (Bailey Gibson Site and DCC lands). The proposed development will go a long way to achieving the aims sought by SDRA 12. Not all observers agree and there is unease that the planned pedestrian connection between the site and St Catherine's Avenue will result in anti-social behaviour. This is not an unusual perception to have with a street that has largely existed in the past as a cul-de-sac. However, I note that this was once a significant access point to the Player Wills factory, though probably not used of late. I am satisfied that the provision of controlled pedestrian and cycle access to the SDRA lands has been well flagged since the adoption of the city development plan and refined by the *Routes Streets Hierarchy/Permeability/Connectivity drawing* of the 2017 Framework and page 77 of the 2020 Masterplan. In addition, I am satisfied that any activities or events planned for amenities that reside in PW1 (the former factory building) can be properly managed and controlled, a suitable condition to enhance the submitted management plan can deal with this.
- 11.6.8. I am satisfied that the combination of a well-connected street network and new public open spaces will contribute significantly to the quality of the fine grained historical character of the existing neighbourhood. The proposed layout is logical, well-conceived and executed, I recommend no changes. SDRA 12, the 2017 Framework and 2020 Masterplan all point towards a new neighbourhood quarter that is well connected and accessible, this has been achieved in the subject proposal.

Public Open Space

- 11.6.9. The proposed development includes for a provision of public open space. The planning authority notes that SDRA 12 requires the provision of a minimum of 20% public open space. The lands consist of 3.06 hectares part of which is in Dublin City Council ownership for development as a public park. In total three public parks are proposed, Player Park, 0.4 hectares; St. Catherine's Park, designed as a playground, is adjacent to the existing national school, to the north east of the site, 0.135 hectares and an area (approx. 0.155 hectares) adjacent to the school is reserved for the future expansion of the school, is proposed as a temporary park until required by the school. The planning authority agree that the SDRA requirement of 20% is met within the application area with 6,320 sqm proposed on the site. The applicant has prepared a landscape masterplan for the site, in addition to public open space it includes the provision of communal open spaces at the heart of each block.
- 11.6.10. Some observers are critical of the public open space provision in a number of respects that include, a lack of sufficient sunlight/daylight, that provision of Player Park should have formed part of the Bailey Gibson application and that public access to the central courtyard of PW1 should be open at all times.
- 11.6.11. At a site wide context, I am satisfied that the position and scale of public open spaces are adequate and meet the guiding principles of the SDRA, the planning authority agree. In environmental impact terms, the applicant has prepared a Daylight, Sunlight and Overshadowing Study, section 7.4 of that report assesses the hours of sunlight received by these spaces. The results highlight that the Players Park and St Catherine's Park public open spaces exceed the BRE recommendations. I am satisfied that these two public parks will be satisfactorily lit and hence result in good quality spaces. In addition, the applicant has prepared a Pedestrian Comfort CFD (Computational Fluid Dynamics) Analysis, that looks at levels of pedestrian comfort throughout the overall scheme in terms of wind and includes all of the 2020 Masterplan quantum of development. The public open spaces perform well in terms of sitting comfort and understandably streets at the interface with blocks less so, but are still acceptable from a walking perspective.

11.6.12. With respect to the relationship between the subject site and the Bailey Gibson site, I see no insurmountable complications. A decision can be made on the subject application and I suggest that the main 'Players Park' should form part of the initial phases of development and that no units should be occupied until the completion of the main public parks. What happens on the Bailey Gibson site has no part to play in this current application that, after all, provides key public open space, reliant on no other sites. Finally, in relation to public access to the partially covered courtyard within the former factory building, I am satisfied that controlled and managed access to this space is satisfactory and can be dealt with by condition. The area at the heart of PW1 is an intimate space and not really suited to the types of uses provided at more amenable spaces situated in the overall scheme. In my view it is entirely appropriate that it take on a semi-private character and not be included in the overall public open space calculation for the site, which it hasn't been.

11.6.13. In terms of density, layout and public open space, I am satisfied that all these elements of the scheme combine to create an acceptable development in line with national and local planning policy. The overall block layout and form are acceptable and lead to the provision of interesting and interconnected spaces.

11.7. **Architectural and Natural Heritage**

Architectural Heritage

11.7.1. The subject site incorporates the former Player Wills factory and other factory buildings. The applicant highlights that the main factory building is not a protected structure but is included on the National Inventory of Architectural Heritage, rated for regional significance. As of the 31 March 2021, I note that the Former Player Wills Factory has been proposed as an addition to the Council's Record of Protected Structures and that a public notice was published pursuant to sections 54 and 55 of the 2000 Act (as amended). It has an imposing presence on South Circular Road and is one of few surviving Art Deco industrial buildings in Dublin. As explained by the applicant, its retention is proposed as a link to the site's history and to maintain the positive contribution it makes to the urban landscape character of South Circular Road. Many observers are pleased that the old factory building is to be retained and reused but are disappointed at the extent of the additions to the main building and the surrounding development proposed. The DAU raises concerns regarding the

scale of the development and the impact that it will have on the adjoining protected structures, historic residential terraces, the character of the historic South Circular Road and historic settlements such as Dolphin's Barn and the historic arteries to the city. In terms of the former factory building, the DAU suggest that the additions to the building should be reconsidered and that more should be done to retain the surviving fabric. The planning authority are satisfied that the right approach has been taken to address architectural heritage on site and in the vicinity. However, I note that the Council's Conservation Officer disagrees and has reservations about the overall proposed development and its contribution to the architectural heritage of the area.

11.7.2. The applicant has prepared a Design Proposal Block PW1 that specifically addresses the former factory building, it states the vision for the Player Wills Factory is to restore and transform the existing unused building, making it the cultural and entertainment hub of the new community. The alterations and interventions celebrate its industrial heritage and ensure its use into the future. The Design Proposal includes an introduction to the Player Wills Factory, internal photographs, architectural salvage, the overall site wide design concept, interventions and alterations, demolition drawings and proposed uses. In addition, the topic of architectural heritage has been addressed in the EIAR submitted with the application. Detailed design drawings at an appropriate scale have been prepared and a Structural Assessment Report assesses the structural integrity of the former factory building. The Structural Assessment Report takes the approach of assessing whether the former factory building can support the additions proposed, it can with interventions from level 2 up, but does not consider the conservation and architectural merits of the building. I am satisfied that the applicant has submitted a sufficient and adequately detailed amount of information to assess the architectural heritage impacts of the overall development.

11.7.3. Firstly, the Player Wills factory building is not a protected structure, though a public notice to initiate the process has begun as of the 31 March 2021. Many observers and some elected representatives point out that it should be and explain that the process to initiate the placement of the building on to the RPS has almost begun. As I understand it, the former factory building is not a protected structure and it is not the subject of any formal procedures. There are, however, numerous policies and objectives in the current Development Plan concerning built heritage and section

16.10.17 *Retention and Reuse of Older Buildings of Significance which are not Protected*, has particular relevance.

- 11.7.4. The Wider Area - There is a definite architectural heritage character to the surrounding area, and this is defined by domestic scale two storey red brick terraced housing, a church and a school, a Rectory and a Presbytery, with many buildings listed on the NIAH. In the immediate vicinity there is only one building listed on the Development Plan RPS and that is St. Catherine's and St. James's Church of Ireland, reference number 2326. This mostly red brick church is located to the east of the site at the junction of St Catherine's Avenue and Donore Avenue. In my view the area has a definite historic character of merit at the centre of which is located the regeneration lands of SDRA 12, where taller buildings within the lands have been accepted in principle. In terms of architectural heritage, no single protected structure in the area will be directly impacted upon by the development as proposed. Neither the setting nor context of any other protected structure in the cityscape will necessarily be affected by the development if it were carried out. However, the emergence of such tall buildings against the backdrop of two storey terraced houses and the pre-eminence of the South Circular Road will be changed to a significant but positive degree. This change can be seen in the Photomontage Images prepared by the applicant and in various cross sections.
- 11.7.5. The function of the SDRA lands as an area for mixed use regeneration with the potential for two mid-rise buildings is established and uncontested, the redevelopment of the subject site and neighbouring lands will achieve considerable uplift in the area. A recent masterplan and planning permission also accelerate height and density in this area. I am satisfied that the prevailing massing and design of the blocks on the subject site is responsive to the historical context of the area and will merge into the background urban noise of the city. I note that the two towers of PW2 have design elements to project a more slender form, and this successfully disguises their relative widths. From an historical and architectural perspective, I find that the two tower elements of block PW2 will inevitably impact on the character of the area but that this impact is palatable in the interests of delivering compact growth in our urban centres.
- 11.7.6. The Player Wills Factory Building – the former factory building is widely accepted as an important building of architectural, historical and cultural merit in the area. Its rich

and highly detailed elevation to the SCR is a very important placemaking ingredient and the overall form and design of the building is a key asset for the site and the neighbourhood. This is an opinion held by observers, statutory consultees, the planning authority and the applicant. All are happy to see the building retained and reused. Divergence of views occurs when the proposed uses, interventions and additions are brought to bear. Firstly, in terms of the proposed uses, a combination of commercial, community, shared accommodation and build to rent apartments are proposed, I have no objection to the planned mix of uses. I am also satisfied with the intention of providing a link through the building under a renovated glazed roof. I note that observers and elected representatives call for this link to remain open at all times, however, that is simply not practical. I am satisfied that public access through the building should be permitted during daylight hours and this could be managed by way of condition if permitted.

- 11.7.7. I note that the DAU and many observers do not support the planned two storey addition at third and fourth floor or the eight storey block to the rear, I have no issue with this. In my view, the proposed set back detail and architectural design of the extensions will ensure that the principal façade of the factory building retains its prominence. The eight storey element to the rear of the factory building will not impact upon the streetscape, in my opinion and the elevation drawings demonstrate this.
- 11.7.8. Both the DAU and the City Council's Conservation Officer are concerned about the fabric of the former factory building. Issues are raised in relation to the extent of intervention and a hope that a greater proportion of the surviving historic fabric can be retained in-situ if additions are scaled back and redesigned. Some aspects of the applicant's approach to the former factory building are welcomed and these relate to the salvage and reuse of some fixtures and fittings. I also note that the EIAR addresses the architectural significance of the former factory building and its positive conclusions reached in relation to the design and extent of interventions proposed, section 14 of the EIAR refers.
- 11.7.9. The history of the Player Wills site and how it has developed over time is acknowledged. The regeneration of the site and wider area is also acknowledged as an imperative for achieving sustainable planning outcomes. It is inevitable that the area will change. Key to this change is the retention of elements that provide a link to

the past. The applicant has broadly achieved this by retaining, extending and repurposing the main factory building. In my view the key element to the Player Wills factory is its street elevation and presence, this will not change and in fact will be enhanced by the public realm improvements planned for along its base. The footprint of the main factory remains largely unaltered and the secondary elevations (east and west) up to three storeys will be retained and enhanced by the provision of two new public thoroughfares. The northern elevation of the factory building will change entirely with the removal of buildings to the rear and provision of an eight storey block and new street.

11.7.10. It is my view that the primary objective of retaining the factory and creating a sense of place is achieved along the SCR. This accords with the City Development Plan and 2018 Height Guidelines. The staggered and stepped nature of the two storey addition over level 02 is sensitively designed and will not be overly visible from the immediate environs of the SCR. These additions, however, will be noticeable from elsewhere. I find it logical that the removal of less architecturally important factory buildings to the rear should give way to a contemporary block that will address a new street. The modest height, eight storey, of this addition, will not in my view significantly detract from a new street or the wider area. The concerns raised by the DAU and City's Conservation can be addressed by condition with respect to fully recording the architectural and cultural heritage of the site and the reuse and incorporation of fixtures and fittings. The removal of the main staircase is regrettable as it would serve to significantly anchor the internal character of the factory building, I see no reason for its removal in the Structural Assessment Report submitted by the applicant.

11.7.11. To conclude, I am satisfied that the reuse and changes planned for the former Player Wills factory building are proportionate and appropriate, no significant changes recommended. As with the broader issue of height and urban design, I see some impacts to the historic setting and context of the immediate neighbourhood from the 16 and 19 storey towers proposed but these concerns are addressed and dispelled by the application of the development management criteria set out in the 2018 Height Guidelines.

Natural Heritage

11.7.12. The Player Wills site is a brownfield former factory site that comprises buildings and large areas of hardstanding. The EIAR states that the area is of no ecological value and there will be no significant impacts as a result of this loss. Bat roosts were not found on the site and no other evidence for notable fauna. I note that Inland Fisheries Ireland (IFI) state that the site is within the catchment of the Liffey System and is a regionally significant population for Atlantic Salmon, Brown Trout, Lamprey, Eel and other sensitive species, specific conditions and requirements are suggested to protect fisheries. I concur with the attachment of standard construction conditions in the event of grant of permission.

11.7.13. Observers question that Bats do exist on the site and some think that the provision of tall buildings will impact upon bird/fowl flight paths given the proximity of the Grand Canal. In addition, some observers are disappointed that a submerged watercourse has not been adequately taken into account in the scheme design. The planning authority have no significant concerns regarding the site ecology. The applicant carried out a Bat Survey and it is included within the appendices to the EIAR, three bat species were found to feed on the site; common and soprano pipistrelles, and Leisler's bats, but no evidence for bat roosts were found. The DAU note and accept the findings of the Bat Survey and recommend standard conditions, I agree. Bird/fowl flight paths were considered in the Appropriate Assessment Screening Report prepared by the applicant and no impact from the development was found to result. There is no watercourse on the site and new surface water infrastructure will be constructed and existing sewers either upgraded or re-positioned.

11.7.14. I am satisfied that the applicant has adequately addressed the natural heritage aspects of the proposal within the EIAR and the reports contained within its appendices. I note the preparation of an AA Screening Report and its findings. Issues to do with a former watercourse through the site has been adequately detailed and addressed in the Civil Engineering Infrastructure Report. I am satisfied that the removal of former brownfield lands, the provision of new public parks and the mitigation measures proposed by the EIAR will be positive addition to the natural heritage value of the site.

11.8. Traffic and Transport

- 11.8.1. The proposed development of shared accommodation and build to rent apartments, including some commercial and community uses will be located close to high quality public transport, employment and the full suite of urban facilities and services. The applicant has prepared a variety of documents to set out the rationale for the mix and intensity of development planned for, including: the Traffic and Transport chapter in the EIAR, Construction Traffic Management Plan, Mobility Management Plan, Road Safety Audit and numerous engineering and traffic drawings. I am satisfied that the topic of traffic and transportation has been adequately dealt with by the applicant. The planning authority have no issues to raise in relation to traffic and transport other than to recommend standard technical conditions.
- 11.8.2. Many observers link higher residential densities to an increase in traffic and congestion. Observers also see deficiencies in the local public transport services and a lack of high quality pedestrian and cyclist facilities in the area.
- 11.8.3. This is an outer city centre site, part of a large regeneration area that will create a new residential urban quarter, with new streets and public realm. The site is well served with public transport, bus services pass by along the SCR, Cork Street QBC is nearby and Luas services are not so far away. There are employment opportunities nearby and a raft of other community and commercial services all close at hand. I have no reservations about the capability of the area to absorb the density of development proposed. Given the central and accessible urban location, the nature of the development (shared accommodation and build to rent), I note that the 2018 Apartment Guidelines recommend a minimal or significantly reduced car parking to be provided subject to a high level of management. This is not so for the proposed development, where, according to the drawings submitted a total of 280 car parking spaces would be provided.
- 11.8.4. The Traffic and Transport Assessment and Mobility Management Plan provide different numbers for car parking spaces and state that the development provides 148 long term car parking spaces or 0.3 per unit, 34 additional spaces are located on the street. This total is slightly complicated by an additional 81 spaces beneath PW2 for some future development. Both the planning authority and the applicant agree that these spaces can be converted to storage, drawing PW2 PL1250 refers. I am satisfied that this is a reasonable approach and the amount of car parking for the

entire development should be limited to 199 spaces in total and subject to a Car Parking Management Plan.

- 11.8.5. I am satisfied that most journeys that originate from the site will be on foot or other sustainable modes of transport and that if traffic volumes increase to an intolerable level, it will not be because of this development alone. This is borne out by the findings and conclusions of the Traffic and Transport Assessment submitted by the applicant.

Construction Impacts

- 11.8.6. A large number of observations are concerned about the construction phase of the development and other ongoing construction projects in the wider area. I note and understand their concerns relating to the construction phase of the proposed development. However, it should be acknowledged that the rejuvenation of these lands has been earmarked for several years and redevelopment was always a likely outcome, bringing with it a number of years of related impacts for the established local community. In this regard I note that the applicant has prepared a number of documents and approaches to address such issues, including; construction management, waste management, traffic and transport assessment and quantifying the construction impacts and suggesting mitigation measures in the EIAR. In addition, I note the planning authority's requirements by way of recommended planning conditions as they relate to demolition, construction and noise.
- 11.8.7. It is my view that the development of these lands is integral to the rejuvenation of this wider area and has been planned for. The management of the construction phase needs to be agreed in conjunction with the requirements of the planning authority. I am satisfied that this can be done in a manner that will ultimately minimise community disruption in terms of controlling on-street parking, minimising structural damage to neighbouring properties, siting of plant, pollution, noise, dust and traffic. The proposed development does not warrant a refusal of permission based upon construction-related impacts, albeit they have significant potential for disturbance at local community level.

11.9. **Water Services**

- 11.9.1. Observers have raised some issues to do with water services. Specifically, that the existing infrastructure in the vicinity is old and not capable of accommodating the level of development proposed.
- 11.9.2. Water Supply and Waste Water - In terms of water services, Irish Water raise no particular issues, they confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. Specific requirements are raised in relation to wastewater and they include: the separation of storm and foul water connections, that surface and storm water should be discharged to the existing storm water network or associated alternatives to a combined drainage discharge and at connection application stage the applicant is required to provide additional evidence (by way of CCTV survey inclusive of dye testing and calculations) to prove that the current surface area contributing to the combined sewer in Donore Avenue is minimum 1,860 m² and when removed from the combined sewer the overall proposed discharge from the development and others will be less than the current discharge into the combined sewer. Finally, IW state that a Statement of Design Acceptance has been issued and relevant items to be contained in a condition are suggested. As there are no major issues of concern regarding the site and water services, I see no barrier to permission being granted subject to conditions regarding a connection agreement with Irish Water and agreement on wayleaves as necessary.
- 11.9.3. Flood Risk and Surface Water – The applicant has prepared a Site Flood Risk Assessment (FRA), that I have examined in detail and discuss within my EIA of the project. Some observers have concerns about flood risk because of submerged water course that traverse the site. The FRA concludes that there is a no risk of flooding affecting the site from fluvial sources, so it is possible to develop the site within Flood Zone C. Any flood events do not cause flooding of the proposed development, and the development does not affect the flood storage volume or increase flood risk elsewhere. I note standard and technical conditions are required by the planning authority with regard to surface water management and these can be dealt with by condition.
- 11.9.4. In terms of surface water management, the applicant states that all surface water run-off from roof areas and hardstanding areas will be collected in the site's drainage network. The Surface water system has been designed with the entire SDRA lands

in mind and includes sewer diversions, SuDS principles and upsized infrastructure to accommodate all development. The planning authority are generally satisfied with the overall surface water management strategy for the site and overall SDRA lands. Some survey work and technical requirements are requested and should be agreed prior to the commencement of development. These requirements can be met by the attachment of an appropriate condition in the event that permission is granted.

11.10. Planning Authority Recommendation

11.10.1. The planning authority have recommended that permission be granted for the scheme as proposed, subject to 27 conditions of a standard and technical nature. The planning authority state that the proposed development would not have a serious negative impact on the residential and visual amenities of the area. The proposal accords with the design principles outlined in SDRA 12 of the Dublin City Development Plan 2016-2022 in terms of the layout of the development, connectivity, permeability and the creation of a sense of place, and with the Z14 and Z1 zoning objectives of the site. The repurposing of the vacant factory building for a variety of uses does not materially compromise its NIAH rating and is welcome. The proposal also accords with the provisions of the National Planning Framework in relation to securing development of brownfield sites at sustainable densities. Furthermore it is considered that the proposal has demonstrated compliance with the Revised Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (December 2020) and The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018). The development is therefore considered acceptable.

11.10.2. I agree with many of the conclusions reached by the planning authority in relation to the proposed development. Permission should be granted generally in accordance with the conditions recommended by the planning authority and in addition to my own. On a technical point, the application should be considered in the context of the Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018) and the 2020 revision, section 11.5 refers.

11.11. Other Matters

11.11.1. Local engagement - I note the submissions received in relation to a lack of pre-application consultation with local residents and the SHD process. While I

acknowledge that this may have been beneficial to both sides, there is no requirement in the legislation for such consultation to take place. Consultation has been undertaken at application stage in compliance with SHD legislation.

- 11.11.2. Community/commercial Facilities - In terms of community and commercial facilities, I note the location of the site close to all the commercial facilities in the wider area, all within walking distance of the site. The proposed development will deliver retail, café, restaurant and community space. I am satisfied that there are sufficient community and commercial facilities in the vicinity to sustain the development and vice versa.
- 11.11.3. Archaeology – I note the submission made by the DAU and its comments in relation to mitigation measures outlined in the EIAR. If the Board are minded to grant permission, I would recommend that a condition is attached requiring standard archaeological monitoring during construction, taking into account the proximity to a Zone of Archaeological Interest. A suitable condition can address this matter.
- 11.11.4. Application Documentation – Some observers assert that insufficient drawings have been submitted to fully represent blocks PW04 and PW05. Observers state that the drawings that have been submitted are not sufficiently detailed, for example dimensions on plan are not shown and it is difficult to compare existing houses with proposed blocks. In relation to the retention of buildings such as the former factory, what is to be retained and what is to be added are not shown on drawings, making it impossible to differentiate between the two. Site sections are not detailed enough and do not show continuous development to any degree of detail. The complete extent of the basement beneath PW2 is not shown in section. I also note that the DAU are concerned at the level of detail concerning works to the main former factory building. However, I am satisfied that there is enough information to allow an adequate level of assessment of the proposed development. Detailed architectural drawings of all adjacent development are not absolutely necessary or required by regulation and combined with my site visit I am satisfied that I have enough information to consider all the relevant residential amenity impacts. Structural integrity of existing structures, structures to be retained and construction of new boundary treatments, footpaths and roads should all be carried out with the consent of each party and to an accepted technical standard, conditions can address these points. In this context the provisions of section 34(13) of the Act, refer.

- 11.11.5. Legal – Some observers raise concerns about legal title to some lands and party walls on the edge of the site. In addition, one observer notes that permission to cross land and access the site crosses a private garden. The application is accompanied by a number of letters of consent that appear to me to cover most eventualities in terms of carrying out works to enable the development. It should be noted that if granted such a permission is subject to the provisions of section 34(13) of the Act, the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission.
- 11.11.6. International Accords – Observers have concerns that the proposed development will not deliver sustainable communities and contravenes internal agreements such as Goal 11 of the UN Sustainable Development Goals and reduced carbon developments highlighted in the Paris Agreement, an international treaty on climate change. In terms of the statutory planning based obligations, I am satisfied that the EIAR has been compiled correctly and in accordance with requirements, the AA Screening Report adequately describes and assesses designated sites, the principle of the development accords with the development plan and finally the overall design of the scheme incorporates latest environmental best practice.
- 11.11.7. Part V – some observers are not satisfied that the proposed social/affordable housing will be located in a single block. The applicant states that it is proposed to deliver 49 Part V units i.e. 10% of the total, these will be located in the north western arm of block PW2 between ground and fourth floor. The mix is as follows: 10 x Studios, 15 x 1 Beds, 8 x 2 Beds and 16 x 3 Beds. The planning authority acknowledge that engagement continues, and Part V obligations are known by the applicant. I have no issue in this regard and I am satisfied that Dublin City Council have the practical experience in meeting their social/affordable housing requirements.

12.0 Environmental Impact Assessment

12.1. Environmental Impact Assessment Report

12.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The development provides for 732 residential units, a community hub, co-working space, café/restaurant and a crèche on a site area of 3.06 ha. The site is located within the area of Dublin City Council. A number of the topics and issues raised by observers that concern environmentally related matters have already been addressed in the planning assessment above, however, where relevant I have cross-referenced between sections to avoid unnecessary repetition.

12.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

i) Construction of more than 500 dwelling units

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

12.1.3. The current proposal is an urban development project that would be in the built-up area of a city 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 the submission of an environmental impact assessment report is mandatory because the scale of the proposed development exceeds 500 dwellings. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 16 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Table 1.1 and the introduction to each subsequent chapter describes the expertise of those involved in the preparation of the EIAR.

12.1.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural

heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

12.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I note that some observers have raised issues concerning the various findings and conclusions of the EIAR and that they are flawed, particularly with regard to the visual impacts, presence of bats, wind effects and impacts to human health. In addition, it is stated by observers that sufficient reasonable alternatives were not explored, specifically reduced height. However, for the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

12.2. Vulnerability of Project to Major Accidents and/or Disaster

12.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.

12.2.2. The EIAR addresses this issue under the relevant heading (Risk of Accidents/Major Disaster) within a number of chapters within of Volume I of the EIAR. I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 9: Water and Hydrology, Chapter 10

Biodiversity (Flora and Fauna) and Chapter 12 Air Quality and Climate of the EIAR address the issue of flooding. The site is not at risk of flooding because the proposed development will not have an impact on floodplain storage and conveyance. The likelihood of flooding is further minimised with adequate sizing of the on-site surface network and SuDS measures. Adequate attenuation and drainage have been provided for to account for increased rainfall in future years. The proposed development is primarily residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

12.3. Alternatives

12.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

12.3.2. Chapter 3 of volume I of the EIAR provides a description of the main alternatives (3 alternate layouts in total) studied by the applicant and the reasons for their choice. The permissible uses on the site are prescribed by its zoning under the development plan. The alternatives that were considered were therefore largely restricted to variations in height, layout and building design and processes. A number of observers disagree with this approach and felt that more alternatives that included less height should have been considered. The applicant included the height strategy contained in SDRA 12 (Scenario 1) and I satisfied that the alternative of building

heights compatible with that framework have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant was reasonable, and the requirements of the directive in this regard have been met.

12.4. Consultations

12.4.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

12.5. Likely Significant Direct and Indirect Effects

12.5.1. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

12.6. Population and human health

12.6.1. Population and Human Health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent economic and demographic trends are examined. The principal findings are that human population and job opportunities will increase as a result of the proposal. In terms of human health, the most likely impact will be the construction phase of the development and observers have concerns around construction phase traffic.

12.6.2. Other aspects of the development such as soil and land, water, air quality, noise/vibration, transportation and waste may lead to effects on the local population. In terms of noise/vibration, the occupation of the development would not give rise to any noise or vibration that would be likely to have a significant effect on human health or the population, as it would be a residential scheme that formed part of the

built-up area of the city. The impact of additional traffic on the noise levels and character of the surrounding road network would be insignificant having regard to the existing traffic levels on roads in the vicinity and the very marginal increase that would occur as a result of the proposed development. This is demonstrated by the Traffic and Transportation Assessment and Mobility Management Plan devised for the scheme.

- 12.6.3. Observers have raised issues with the removal of asbestos and the construction phase of the development and the existence of other permitted and ongoing projects in the area. There is the potential for air quality impacts to human health to occur during the removal of asbestos during the demolition phase. The applicant states that remedial and removal works will be conducted by a suitably qualified contractor with standard best practice mitigation measures in place to avoid release of asbestos to nearby sensitive receptors. The use of heavy vehicles and machinery during a prolonged construction period (38 months) and the potential for concurrent developments taking place in the area would have the potential to give rise to effects due to noise and vibration. However, given the phased duration of the works and the control of activity on site by the developer at that time, these can be avoided through the use of management measures as set out in the EIAR and in the draft construction management plan submitted with the application, and the imposition of limits by conditions on any grant of permission. Subject to these measures the main significant direct and indirect effects of the proposed development on the environment are addressed, it is concluded that the proposed development would not be likely to have significant adverse effects on human health.
- 12.6.4. Observers have raised issues about the lack of community facilities. However, the increased population, provision of new open spaces and the demand for such facilities may lead to a further increase in provision. This would further increase the positive effects of new facilities in the area for existing and new residents. In addition, new services give the potential for more people to come together, and this will further contribute to building the sense of place and community.
- 12.6.5. Some observers have raised concerns about the concentration and density of development and possibility of future public health pandemics, such as Covid-19. I am satisfied that the issue of Covid-19 has in so far as is practical has been

considered, and that the development by reason of its density does not exacerbate or contribute to the pandemic or its effects on the community.

12.6.6. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

12.7. Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

12.7.1. Chapter 10 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report was prepared as a standalone document. As assessed in section 12 of my report, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

12.7.2. A desk study was undertaken and included review of available ecological data. Ecological surveys were undertaken at the site, including habitat, invasive species, mammal and daytime bat surveys, on 5th and 21st May 2019, and on 11th February 2020, 4th March and 16th July 2020. In addition, dusk and dawn bat surveys were carried out at the site on 19th/20th August 2019 and on 3rd/4th September 2020 by specialist bat ecologist Mr Brian Keeley. Birds present on the site were recorded during each visit and an assessment of habitat suitability for species with links to European sites was made, to appraise the potential for ex-situ effects on European sites. A final site survey was carried out on 29th September 2020.

12.7.3. The Player Wills site is almost entirely occupied by buildings and artificial surfaces. With the exception of small patches of ruderal plants, some isolated pockets of scrub and small trees and an area of bramble scrub and trees along the northern boundary (adjoining St. Theresa's Church), there are no vegetated habitats of any description on the site. Although there are numerous buildings on the site, including the old Players factory itself, the bat surveys undertaken recorded no evidence of any use of the site by roosting bats. Similarly, there is no evidence of nesting birds with the

exception of feral pigeons on the site. No evidence of nesting swifts, swallows or house martins was recorded anywhere within the site.

- 12.7.4. Some local observers raise ecological matters to some degree but specifically the National Parks and Wildlife Service (NPWS) raise no major issues other than to ensure all mitigation measures mentioned, especially with regard to bats, should be implemented in full, I agree.
- 12.7.5. Section 10.9 of the EIAR describes measures to minimise the impact of the development on habitats and biodiversity that includes the preparation of a Construction Management Plan, for the construction phase of development. The proposed development would introduce areas of new planting, and the landscaping and planting proposals submitted with the proposed application are satisfactory in that context. Having regard to the foregoing, including the concerns raised by the NPWS, it is not likely that the proposed development would have significant effects on biodiversity. I have considered all of the written submissions made in relation to biodiversity. I am generally satisfied with regards the level of information before me in relation to biodiversity.
- 12.7.6. Given that the present condition of the site, devoid of any great concentrations of flora or fauna, I am satisfied that the development of the site and planned amenity planting provides greater benefits in terms of human health. I draw the Boards attention to the AA section of my report (section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

12.8. **Land, Soil and Geology**

- 12.8.1. Chapter 8 of the EIAR deals with land, soil and geology and includes the findings of initial site investigations confined to the external parts of the site and comprised two trial pits, twelve boreholes, ground gas and groundwater monitoring in four of the boreholes which were converted to groundwater and ground gas monitoring wells. Environmental and waste classification testing was also completed on twenty-six soil samples collected from the boreholes. Additional investigations in 2019, comprised the opening of fourteen trial pits including areas externally and within the buildings, the opening of four additional boreholes which were converted to groundwater

monitoring and ground gas monitoring wells and the collection of thirty soil samples for environmental and waste classification testing.

- 12.8.2. The 2018 and 2019 site investigations established that the open paved areas are underlain by Made Ground comprising dark brown gravelly clay with occasional red brick fragments, ranging in thickness from c. 0.9 -1.8m. The underlying Natural Ground comprises greyish brown silty gravelly CLAY with black angular limestone gravel. The subsoils range in thickness from 5-6.5m below ground level (bgl) and are thicker in the east of the site. The soils are generally uncontaminated.
- 12.8.3. The proposed development would result in the loss of just over 3.06 Hectares of urban brownfield land, zoned for residential and amenity purposes. Given the character and extent of such land that would remain available in the overall region, this is not considered to be a significant effect. The proposed development would not require substantial changes in the levels of site as the gradient across the site is not perceptible. Excavation of existing fill, topsoil, subsoil and bedrock will be required for some site levelling and for the installation of drainage and services (wastewater, water supply, electricity, etc.) infrastructure. All excess material will be used for reinstatement and landscaping works around the site during and at the end of the construction phase. Storage and handling of hydrocarbons/chemicals will be carried out using best practice methods which will break potential pathways to ground. Measures to prevent subsoil erosion during excavation and reinstatement will be undertaken to prevent water quality impacts. It is therefore unlikely that the proposed development would have significant effects with respect to soil and land.
- 12.8.4. I have considered all of the written submissions made in relation to geology and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

12.9. **Water**

- 12.9.1. Chapter 9 of the EIAR deals with Water and Hydrology. The site is completely paved with bitumen or concrete paving and buildings. Rainfall run off discharges to the combined storm sewers and foul sewers on both South Circular Road and Rehoboth

Place. In the greenfield area to the west of Player Wills site, rainfall recharge percolates to ground through the soils. There are no streams or rivers on or adjacent to the site.

Surface Water and Flood Risk Assessment

- 12.9.2. Surface water from the development will be drained by gravity pipes connecting into the existing municipal drainage system, at the stormwater culvert in Donore Avenue close to the junction with Sandford Avenue. Peak outflow rates from the Bailey Gibson development will be combined with the outflow from the Player Wills site on an interim basis, have been incorporated into the Micro drainage calculations for the Player Wills drainage network to facilitate pipe sizing for the final outfall drain from the point of connection of the stormwater drainage from each separate development, to the discharge location at Donore Avenue. This drainage arrangement is illustrated in the 2020 Masterplan that accompanies the application. A SuDS strategy has been planned for the entire site, see figure 10 of the EIAR NTS. It is proposed to provide sustainable urban drainage solutions to the surface water drainage for the site in the form of green roofs, bioretention and underground attenuation tanks, to discharge surface water generated by the development at greenfield run off rates to existing infrastructure.
- 12.9.3. The site is located on lands identified as flood zone C. A site specific Flood Risk Assessment (FRA) for the development has been completed and is included with the Engineering Infrastructure Report). The flood risk assessment has been carried out in accordance with the OPW publication “The Planning System and Flood Risk Assessment Guidelines for Planning Authorities”. The report concluded that there is no risk of flooding affecting the site from fluvial sources, so it is possible to develop the site within Flood Zone C. Further, the development does not affect the flood storage volume or increase flood risk elsewhere. The calculations set out in the Engineering Infrastructure Report incorporate a 20% increase in storage volume to allow for climate change.
- 12.9.4. The FRA assesses in detail the site setting and its potential flood risk and concludes that there is no flood risk on the site. The planning authority state that the FRA should reference the “Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment”. I note that Chapter 12 of the EIAR assesses climate change and

states that increased or altered rainfall leading to increased flooding risk can result. A site-specific Flood Risk Assessment was undertaken and measures have been incorporated into the design of the proposed development to account for potential flooding impacts as a result of climate change. In my view a revised SFRA is not warranted however, revised surface water calculations can inform surface water management measures as required.

- 12.9.5. A potential for an effect to arise during the construction of the proposed development from the emission of sediments or hydrocarbons to surface water is described in section 7.8.1.3 of the EIAR. The potential for such effects arises in projects that involve building on urban infill sites. It is therefore commonplace. There are standard measures that are used to avoid such effects which are described in section 9.12 of the EIAR. The efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water.

Foul drainage

- 12.9.6. The new foul drainage system for the development will connect to the existing 300mm combined sewer in Donore Avenue at the north-east corner of the Player Wills site. In relation to the comments made by Inland Fisheries Ireland (IFI) and concerns about capacity constraints at the Irish Water Wastewater Treatment Plant (WwTP) at Ringsend and water quality in Dublin Bay. I note that the section 10.8.2 of the EIAR states that foul wastewater discharge from the proposed development will be treated at the Irish Water Wastewater Treatment Plant (WwTP) at Ringsend prior to discharge to Dublin Bay. The Ringsend WwTP operates under licence from the EPA and received planning permission in 2019 for upgrade works. This will increase the plant capacity from 1.65m PE (population equivalent) to 2.4m PE. At less than 0.1% of the capacity of Ringsend WwTP, the peak discharge from the proposed development is stated as not significant in the context of the existing capacity available at Ringsend. The EIAR states, though the WwTP is currently over-capacity, recent water quality assessment undertaken in Dublin Bay confirms that Dublin Bay is classified as “unpolluted”, there is no evidence that operations from the over capacity of the WwTP is affecting the conservation objectives of the European sites in Dublin Bay.

12.9.7. Irish Water have confirmed the feasibility of such a proposal. The proposed effluent generated by the scheme combined with the separation and attenuation of storm flows is predicted to have a minimal impact on the receiving drainage infrastructure.

Water Supply

12.9.8. A new 200mm diameter looped watermain is proposed to service the Player Wills development with a connection to the 18-inch cast iron watermain in the South Circular Road. The water supply for the proposed development would be from a new connection from the public network which Irish Water advises is feasible.

12.9.9. It can therefore be concluded that, subject to the implementation of the measures described in the EIAR, the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

12.9.10. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied with the level of information submitted, any issues of a technical nature can be addressed by condition as necessary.

12.10. Climate (air quality and climate change)

12.10.1. Air Quality and Climate Change area outlined in chapter 12 of the EIAR. The proposed apartment units and open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. There is a potential for dust emissions to occur during construction, but standard means are proposed to mitigate this potential as set out in section 16 of the EIAR. They are likely to be effective. It is therefore concluded that the proposed development is unlikely to have significant effects on air.

12.10.2. The EIAR also includes chapter 4 (Population and Human Health - sunlight and daylight) and chapter 11 (noise and vibration). Observers have raised issues in relation to the impact of the development on sunlight and daylight, I have assessed these matters under the planning assessment of my report. The EIAR reiterates the findings of the 'Daylighting, Sunlight and Overshadowing Study' and concludes that impacts to existing properties in relation to sunlight/daylight are acceptable. In terms of noise and vibration, a number of observers raised issues with the construction

phase of development and the likelihood of noise and nuisance from this phase of activity. Impacts to the receiving environment during the construction phase will be mitigated by standard practices and it is not anticipated that the operational phase will result in any noise or vibration issues. Finally, some observers refer to the project as a whole and the EIAR in particular in terms of not meeting certain climate accords and protocols on climate change. Section 12.4.1.5 of EIAR addresses the topic of climate change and national/international agreements, I am satisfied that the EIAR complies with all the relevant national and international requirements on climate change.

12.10.3. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

12.11. The landscape and visual impact

12.11.1. Chapter 5 outlines landscape and the visual impacts that would arise from the development. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the scale and height of the proposed development on the urban environs of the site from an urban design and planning context in the planning assessment of my report.

12.11.2. The lands are not recorded as a high value landscape but are located in a city context within an established residential neighbourhood. Observers have highlighted strong concerns about the negative visual impact of the development. The EIAR highlights the construction impacts on the visual amenity of the area and positive impacts of the completed development on the urban consolidation of the city. The construction phase is considered short-term (38 months). The layout of the site and positioning of higher buildings towards the centre together with landscaping proposals and objectives to create a new street network aim to minimise the visual impact of the development.

12.11.3. The proposed development would change the site from an urban brown field site to a high density apartment scheme with tall buildings as part of a wider masterplan for the area. This would significantly alter its character. The site provides unused urban infill lands of low visual quality to what is otherwise lower density urban housing. The context is already urban. The broad changes that would arise from the proposed development would not have a negative effect on the landscape such as it is. However, the taller elements will be seen as a new feature on what is otherwise an area with no other buildings of such height and this impact is seen as positive.

12.11.4. Section 5.8.10 of the EIAR looks at the cumulative and residual impacts from the development as proposed in conjunction with the 2020 Masterplan. The EIAR concludes the area will change in accordance with the masterplan and will also fit in with other similar developments in the wider area that range up to 12 storeys, so not a negative effect on the landscape. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. That is to say the position of taller elements at the centre of the overall masterplan lands. I note that neither the 2017 Framework or the 2020 Masterplan were subject to Strategic Environmental Assessment (SEA), however, the guiding principles of SDRA 12 are broadly followed and they were subject to SEA. I am therefore satisfied that the proposed development would have an acceptable direct, indirect and cumulative effects on the landscape and on visual impact.

12.12. Material assets (traffic and transport, built services)

12.12.1. The material assets chapter of the EIAR primarily addresses the impact of the development on the local road network and public transport. Observers have raised concerns in relation to the construction traffic, probable increase in traffic, car parking problems and the existing public transport networks that appear to be at capacity now. From an environmental perspective the EIAR addresses these issues individually and I have addressed similar issues under the Traffic and Transport section of my report. The proposed development would not impact upon the

operational capacity of road junctions, however, the construction phase would bring additional traffic into the area, this can be managed. Occupiers of the development would place additional demands on public transport and road infrastructure. But this should lead to increased investment in improvement and further provision. No significant impacts are anticipated.

12.12.2. Cumulative impacts have been considered, including proposed development in the vicinity of the site. The result is stated to be a long term imperceptible negative cumulative impact on local traffic. I am satisfied that while some cumulative effects may arise from the proposed development together with existing and permitted developments, these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions. In terms of material assets and built services, impacts are considered in relation to water supply, foul and surface water drainage, gas and telecommunications and the electrical network. Any impacts are seen as temporary and in general impacts are seen as positive in terms of improvements to networks.

12.12.3. I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transport.

12.13. Cultural heritage (Archaeological and Architectural Heritage)

12.13.1. Chapters 13 and 14 of the EIAR deal with archaeological and cultural heritage and built heritage, respectively. Given the disturbance on site from 19th century and modern industrial development, there is low potential for archaeological remains pre-dating the 18th century to survive within the main area of development, although less disturbance has taken place within the greenfield area where a park is proposed. It remains possible that should previously unknown archaeological remains survive beneath the existing ground level, prior to mitigation, there may be a moderate to profound negative direct impact on these feature or deposits. This would be caused by ground disturbances associated with the proposed development including all

ground reduction and excavation works associated with the insertion of the proposed basements within the northern part of the site.

- 12.13.2. The DAU have made a submission and acknowledge that the archaeological potential of the site is limited and no further mitigation measures are required.
- 12.13.3. There are no recorded archaeological monuments or protected structures within the proposed development area. A small section of the Zone of Archaeological Potential for Dublin City (DU018-020) is located at the north eastern corner of the site. This area of the Zone of Potential covers the culverted course of the River Poddle, which is used as part of the municipal storm water drainage network. Excavations associated with the site strip and drainage in this area may directly impact on archaeological deposits in this area, impacts prior to mitigation may range from slight to moderate negative.
- 12.13.4. No buildings on the subject site are included on the Record of Protected Structures. As of the 31 March 2021, I note that the Former Player Wills Factory has been proposed as an addition to the Council's Record of Protected Structures and that a public notice was published pursuant to sections 54 and 55 of the 2000 Act (as amended). The National Inventory of Architectural Heritage survey of the area did not identify any structure on site, apart from the Block A (Player Wills factory), as being of any particular significance. The significance of Block A is based largely on architectural, historic and social grounds. Some features in Block A and in its immediate setting are of artistic interest, including the decorative iron gates. The significance of Block A is largely based on its external appearance, and its visual prominence on the South Circular Road. The front façade is of primary significance, with the more decorative front three bays of the side elevations also considered to be of significance. A full photographic survey of the structures to be demolished has been carried out for record purposes. Any features of architectural, historic or artistic interest will be salvaged. Structural remediation and conservation works to the historic fabric are to be carried out to Block A.
- 12.13.5. Many observers, the DAU and the City Council Conservation Officer disagree with the overall design approach of the scheme in terms of the built heritage of the site and the wider area. I have assessed the merits or otherwise in relation to the proposed development, however, I consider that the EIAR has adequately assessed

impacts and presented measures to retain the architectural significance of factory building block A. I accept the environmental impacts upon cultural heritage as set out in chapter 13 and 14 of the EIAR have been adequately detailed and appropriately mitigated against. Insofar as the taller elements are located back within the site and architectural treatment and finish to the taller elements are intended to mask their bulk, these are acceptable measures from an environmental impact perspective.

12.13.6. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I therefore consider that the proposed development would have an acceptable level of direct or indirect impacts on architectural and cultural heritage.

12.14. The interaction between the above factors

12.14.1. The potential impact of the development on land, soil, water and biodiversity interact, due to the need to avoid the emissions of sediments to the existing combined public sewer system in order to protect water quality and the aquatic habitats there. The potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works and construction. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing, commercial and community uses for the area. The proposed new taller elements of the development will have a new visual presence on the cityscape at this location but will not negatively impact on the character of any neighbouring residential conservation areas or on the views of/from the neighbouring Protected Structures, including Our Lady of Dolours Church and St. Catherine and St. James's Church.

12.14.2. The various interactions were properly described in the EIAR, table 15.1 provides a matrix of interactions and section 15 properly describes the interactions and that they have been considered in the course of this EIA.

12.15. Cumulative Impacts

12.15.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including a permitted housing development with taller elements in the vicinity. Such development would be unlikely to differ from

that envisaged under the city development plan (and accompanying framework/masterplans). The city development plan and the premise for taller buildings as highlighted by SDRA 12 was subject to Strategic Environment Assessment. The overall scale in terms of height may be limited by the provisions of those plans but its form and character would be broadly similar to the development proposed in this application, though admittedly at a quantum in excess of that planned for. The actual nature and scale of the taller elements of the proposed development is in keeping with the planning objectives for the area as illustrated by SDRA 12. The proposed development is not necessarily likely to give rise to environmental effects that were not envisaged in the statutory plan that were subject to SEA. It is therefore concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA. I am generally satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

12.16. Reasoned Conclusion on the Significant Effects

12.16.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of brownfield land to residential. Given the location of the site within the built up area of Dublin and the public need for housing in the region, this effect would not have a significant negative impact on the environment.

- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- A direct positive effect on cultural heritage due to the proposed alterations to existing built heritage features within the site and the positive impact on cityscape views.

12.16.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory, I am satisfied with the information provided in relation to Landscape and Visual and Archaeological and Cultural Heritage and Built Heritage to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

13.0 Appropriate Assessment

13.1. Introduction

13.1.1. The applicant has submitted an 'Appropriate Assessment Screening Report', dated December 2020 and prepared by Senior Ecologist Matthew Hague of Brady Shipman Martin. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

13.2. AA Screening

13.2.1. The site is not located within or directly adjacent to any Natura 2000 area (SAC or SPA), the site is located in an urban context and connected to the municipal waste and surface water system. There are no species or habitats of conservation significance within or in the immediate environs of the site and the site has a low biodiversity value comprising artificial surfaces and buildings for the most part. The development has a potential impact pathway to European Sites within Dublin Bay via the combined surface water and foul water network. I consider that the water demand of the scheme is not significant and that impacts on any upstream water bodies (e.g. Poulaphouca Reservoir SPA) can be excluded at the preliminary stage.

13.2.2. According to the applicant's AA Screening Report there are 14 European Sites with a 15 km radius of the site, comprising:

Special Areas of Conservation (SAC)

- South Dublin Bay SAC (site code 000210), c.4.7km to the east;
- North Dublin Bay SAC (site code 000206), c.7.5km to the north east;
- Glenasmole Valley SAC (site code 001209), c.10.0km to the south west;
- Wicklow Mountains SAC (site code 002122), c.10.5km to the south;
- Baldoyle Bay SAC (site code 000199), c.12.5km to the north east;
- Rockabill to Dalkey Island SAC (site code 003000), c.13.0km to the east;
- Howth Head SAC (site code 000202), c.13.1km to the north east;

- Rye Water Valley/Carton SAC (site code 001398), c.14.0km to the west;
- Knocksink Wood SAC (site code 000725), c.14.3km to the south;

Special Protection Areas (SPA)

- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.4.7km to the east;
- North Bull Island SPA (site code 004006), c.7.5km to the north east;
- Wicklow Mountains SPA (site code 004040), c. 10.6km to the south;
- Baldoyle Bay SPA (site code 004016), c.12.7km to the north east;
- Dalkey Islands SPA (site code 004172), c.14.0km to the south east;

13.2.3. The Conservation Objectives for these sites are to maintain or restore the favourable conservation condition of each qualifying species/habitat. The potential impacts during the construction phase of the proposed development would consist of site clearance and construction activities, with theoretical potential pathways via the local surface water drainage network and possible contamination entering the groundwater. The potential impacts during the operational phase would relate to surface water flows and foul drainage.

13.2.4. The nearest Natura 2000 site is c. 4.8 km to the east of the application site. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. There are no non-native invasive plant species on the site. There are no surface water features located within the site. However, surface and foul waters from the proposed development will ultimately drain to Dublin Bay, which contains the following European sites: North Dublin Bay SAC, North Bull Island SPA, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, Rockabill to Dalkey Island SAC, Dalkey Island SPA, Howth Head Coast SPA and Howth Head SAC. Other sites within 15km of the lands can be excluded because there are no other hydrological connections to other sites in the vicinity, note Figure 2 *Proposed Player Wills development site showing European sites*, contained within the applicant's Appropriate Assessment Screening Report.

13.2.5. In applying the 'source-pathway-receptor' model to all Natura 2000 sites within 15 km of the application site I consider that the following sites could potentially be

affected due to connections via surface water drainage: North Dublin Bay SAC, North Bull Island SPA, South Dublin Bay SAC, and the South Dublin Bay and River Tolka Estuary SPA. I am satisfied that the potential for impacts on the other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways. I am, therefore, satisfied that likely significant impacts can be excluded in respect of all other European Sites at the preliminary stage.

13.2.6. The Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the European sites in the vicinity of the proposed development site are detailed at Table 1 of the AA Screening Assessment and those that cannot be excluded are listed below:

South Dublin Bay SAC [000210]	North Dublin Bay SAC [000206]
[1140] Mudflats and sandflats not covered by seawater at low tide	[1140] Mudflats and sandflats not covered by seawater at low tide
[1210] Annual vegetation of drift lines	[1210] Annual vegetation of drift lines
[1310] Salicornia and other annuals colonising mud and sand	[1310] Salicornia and other annuals colonising mud and sand
[2110] Embryonic shifting dunes	[1330] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1395] Petalwort Petalophyllum ralfsii [1410] Mediterranean salt meadows (Juncetalia maritimi) [2110] Embryonic shifting dunes [2120] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2190] Humid dune slacks

South Dublin Bay and River Tolka Estuary SPA [004024]	North Bull Island SPA [004006]
[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A162] Redshank <i>Tringa totanus</i> [A179] Black-headed Gull <i>Croicocephalus ridibundus</i> [A192] Roseate Tern <i>Sterna dougallii</i> [A193] Common Tern <i>Sterna hirundo</i> [A194] Arctic Tern <i>Sterna paradisaea</i> [A999] Wetland and Waterbirds	[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna tadorna</i> [A052] Teal <i>Anas crecca</i> [A054] Pintail <i>Anas acuta</i> [A056] Shoveler <i>Anas clypeata</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A156] Black-tailed Godwit <i>Limosa limosa</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A160] Curlew <i>Numenius arquata</i> [A162] Redshank <i>Tringa totanus</i> [A169] Turnstone <i>Arenaria interpres</i> [A179] Black-headed Gull <i>Croicocephalus ridibundus</i> [A999] Wetlands & Waterbirds

13.2.7. The Conservation Objectives for the sites are to maintain or restore the favourable conservation condition of each qualifying species/habitat. I note the submission made by the National Parks and Wildlife Service (NPWS) with respect to nature conservation and the site, no special requirements with regard to AA screening were

highlighted. I also note the submission made by Inland Fisheries Ireland, concerning the construction phase of development and capacity constraints associated with the Ringsend Wastewater Treatment Plant.

13.2.8. Arising from consideration of the applicant's AA Screening Report, the following is submitted:

Overview

- The subject site is not located on, in or near any designated European site.
- There was no evidence of any habitats or species with links to European sites recorded during field surveys or desk studies.
- There are no watercourses within or connected to the site.

Construction Phase

- There are substantial distances between the site and European sites and there is no direct pathway between the site and the European sites.
- Significant dilution and mixing of surface and sea water would occur with any contaminated waters and any pollutants would be further diluted upon reaching Dublin Bay.
- The construction period would be short (estimated to be 38 months), with no possibility of long-term impacts arising.

Operational Phase

- Surface water flows would be restricted in accordance with the requirements of the Greater Dublin Strategic Drainage Strategy.
- The proposals include the incorporation of a 20% increase in surface water storage volume to allow for climate change.
- The site is within Flood Zone C and the development would not increase flood risk elsewhere.
- The foul drainage system would connect to the established public system and proposed arrangements are acceptable to Irish Water.

- Foul wastewater would be treated at Ringsend treatment plant prior to discharge to Dublin Bay, which operates under licence and has permission for upgrade works that are expected to be completed within five years.
- The peak discharge of foul waste is not significant in the context of the existing capacity at the treatment plant.
- There is no possibility of any direct, indirect or secondary impacts on any European site.

13.2.9. Surface water from the proposed development will pass through a range of SuDS including green roofs. Waters from green roofs and all other surface water will be attenuated in underground attenuation tanks across the site. All surface waters will pass through a hydrocarbon interceptor before discharge to the surface water network (See 'Civil Engineering Infrastructure Report' and drawings by Barret Mahoney Consulting Engineers and for construction stage see 'Construction, Demolition and Environmental Management Plan'.).

13.2.10. These waters will ultimately drain to Dublin Bay via the municipal drainage system. These are not works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any brownfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission.

13.2.11. The good construction practices are required irrespective of the site's hydrological connection via the urban surface water drainage system to those Natura 2000 sites. There is nothing unique, particularly challenging or innovative about this urban development on a brownfield urban site, either at construction phase or operational phase. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding would be not be likely to have a significant effect on the North Dublin Bay SAC/South Dublin Bay SAC/North

Bull Island SPA/South Dublin Bay and River Tolka Estuary SPA. The applicant concludes that Stage II AA is not required.

13.2.12. The potential for significant effects on the qualifying interests of the European sites listed above as a result of surface and foul waters generated during the construction and operational stage can be excluded. This conclusion is based on the fact that:

- During the construction stage surface water will be attenuated and part treated within the site and the nature of any discharges is temporary.
- Should a pollution event occur during the construction phase due to the accidental spillage or release of contaminants this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be a reduction in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated and part treated within the site.
- Foul and surface waters will discharge to the existing combined foul and surface water network and will travel to Ringsend WWTP for treatment prior to discharge to Dublin Bay; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards, further upgrade is planned and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus would not impact on the overall water quality within Dublin Bay.
- There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

- I would also note that the EPA in 2018 classified water quality in Dublin Bay as 'unpolluted'.

13.2.13. In combination or Cumulative Impacts - The potential for in combination impacts can also be excluded. I base my judgement on the following:

- Coastal waters in Dublin Bay are classed as 'Unpolluted' by the EPA;
- Sustainable development including SUDS for all new development is inherent in objectives of all development plans within the catchment of Ringsend WWTP;
- The Ringsend WWTP extension is likely to be completed in the short – medium term to ensure statutory compliance with the WFD. This is likely to maintain the 'Unpolluted' water quality status of coastal waters despite potential pressures from future development;

I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

13.2.14. In the context of in-combination effects, the Strategic Development and Regeneration Area 12 Framework for the redevelopment of lands in the area is acknowledged. In addition, I note the preparation of a recent Masterplan and that it has been the subject to screening for appropriate assessment and that it has concluded that the Masterplan either on its own or in-combination with other developments would have no impact on European sites. It is also noted that other permitted developments in the area have been subject to AA screening, with significant effects on European sites being excluded.

13.3. AA Screening Conclusion:

13.3.1. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC [000209], South Dublin Bay SAC [000210], North Bull Island SPA [004006] and South Dublin Bay and River Tolka Estuary SPA [004024] or any European site, in view of the sites' Conservation

Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 Recommendation

14.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

14.2. Having regard to the above assessment, I recommend that section 9(14)(a) of the Act of 2016 be applied and that permission is GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

15.0 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 16 December 2020 by DBTR-SCR1 Fund, a Sub-Fund of the CWTC Multi Family ICAV, 70 Sir John Rogerson Quay, Dublin 2.

Proposed Development:

A planning permission for a strategic housing development on a site at the Former Player Wills Site and Undeveloped Land in the Ownership of Dublin City Council, South Circular Road, Dublin 8.

The proposed development will comprise a total of 732 residential units, a combination of 492 build to rent apartments and 240 shared accommodation units on a site of 3.06 Hectares. Development includes the demolition of all buildings (15,454 sq.m), excluding the original fabric of the former Player Wills Factory. The accommodation will be arranged in four blocks up to 19 storeys in height and provide some commercial and community uses, the detail is as follows:

1. Block PW1 - The former Player Wills factory building (PW1) will be extended from four storeys to eight storeys and will accommodate:

- 240 shared accommodation units, 21 kitchen/dining areas, 835 sqm shared accommodation services, amenities and facilities across levels 1-4, (lounge

areas, entertainment area, 2 external terraces, laundry facilities, welfare facilities and waste storage);

- 47 build to rent units with 1,588 sqm of shared services such as ground floor reception/lobby area, parcel room, 2 lounges and administration facilities; entertainment area, TV rooms, entertainment room, library, meeting room, business centre; lounge area, gym and storage.
- 852 sqm of floor space dedicated to community, arts and cultural and exhibition space together with artist and photography studios,
- 503 sq.m of retail floor space,
- 994 sq.m of café/bar/restaurant floor space,
- 217 sq.m of co-working office floor space and ancillary floor space for welfare facilities, waste management and storage;
- Outdoor communal space 735 sqm.

2. Block PW2 – 415 build to rent units in a block of between 2-19 storeys (maximum 62.9 metres in height);

- two ground floor retail units (88 sqm and 110 sqm);
- café/restaurant (142 sqm);
- tenant services; co-working space and communal amenity spaces.

3. Block PW4 – 9 build to rent apartments in a block 2-3 storeys in height and with a communal courtyard amenity space.

- Childcare facility 275 sqm with dedicated play area.

4. Block PW5 – 21 build to rent apartments in a 4 storey block, with a communal courtyard amenity space.

5. Public open space - 2 parks, 'Players Park' (3,960 sqm) on lands owned by Dublin City Council; 'St. Catherine's Park' (1,350 sqm) a playground, adjacent to St. Catherine's National School. A temporary park (1,158 sqm) on a site set aside for a future school extension. The existing courtyard (690 sq.m) in block PW1 (former factory building) to become a public plaza (320 sqm)

6. 280 car parking spaces in total, comprising:

- 249 basement level car parking spaces (including disabled access);
- 31 surface car parking spaces;
- Crèche set down spaces, loading bays and taxi set-down areas

7. 903 long stay cycle parking spaces and 110 short-stay bicycle spaces

8. Vehicular from Donore Avenue with a one-way exit onto South Circular Road, vehicular access to the adjacent 'Bailey Gibson' site, works to the public road and footpaths adjacent to the site and pedestrian and cycle permeability.

9. ESB substations, waste storage areas and all ancillary site development works.

The detailed parameters of the entire scheme can be summarised as follows:

Parameter	Site Proposal
Application Site Area	3.06 Hectares
No. of Units	732 units (492 BTR units and 240 Single occupancy shared accommodation units)
Density	239 units per hectare
Non-residential Uses	<p>PW1: 852 sqm community uses</p> <p>503 sqm retail space</p> <p>994 sqm café/bar/restaurant floor space</p> <p>217 sqm co-working space</p> <p>PW2: Co-working facility and retail units</p> <p>Two ground floor retail units (88 sqm and 110 sqm)</p> <p>Café/restaurant (142 sqm)</p> <p>Co-working space (221 sqm)</p> <p>PW4: 275 sqm Crèche</p>
Residential Amenity Uses	<p>PW1: 1,588 sqm of shared amenity/facilities</p> <p>PW2: 673 sqm of shared amenity/facilities</p>

Public Open Space	<p>'Players Park' (3,960 sq.m)</p> <p>'St. Catherine's Park' (1,350 sq.m) a playground, adjacent to St. Catherine's National School.</p> <p>A temporary park (1,158 sq.m) on a site set aside for a future school extension.</p> <p>The existing courtyard (690 sq.m) in block PW1 (former factory building) to become a public plaza (320 sq.m)</p>
Height	<p>4-8 storeys in PW1 (240 shared living units and 47 BTR units)</p> <p>2-19 storeys in PW2 (BTR block; 415 units)</p> <p>2-3 storeys in PW4 (9 BTR units and crèche)</p> <p>4 storeys in PW5 (21 units)</p>
Car Parking	280
Bicycle Parking	1,013
Vehicular Access	From Donore Avenue and South Circular Road

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 location of the site in the established urban area of Dublin City in an area zoned for residential development (Z14, within Strategic Development and Regeneration Area Number 12, SDRA 12 and a small portion of the land to the north east is zoned Z1 – Sustainable Residential Neighbourhoods, with the land use zoning objective to protect, provide and improve residential amenities);
- (b) the policies and objectives of the Dublin City Development Plan 2016-2022;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) 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 (and Interim Advice note Covid 19 May 2020);
- (e) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (g) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018 and 2020;
- (h) the Architectural Heritage Protection- Guidelines for Planning Authorities 2011;

- (i) the nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (j) the planning history of the site and within the area, including the non-statutory Framework and Masterplans for the site and wider Strategic Development and Regeneration Area Number 12 lands at this location;
- (k) 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;
- (l) the pattern of existing and permitted development in the area,
- (m) the Chief Executive's Report from the planning authority;
- (n) the submissions and observations received, and
- (o) the report and recommendation of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) The submissions from the applicant, planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The Planning Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of brownfield land to residential. Given the location of the site within the built up area of Dublin and the public need for housing in the

region, this effect would not have a significant negative impact on the environment.

- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- A positive direct effect on cultural heritage due to the proposed alterations to existing built heritage features within the site and a positive impact on cityscape views.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the planning authority.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dublin City Development Plan 2016-2022 in relation to building height. 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 considerations.

(a) 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.

It is further considered to be strategic in so far as it contributes to the achievement of the National Planning Framework objective in respect of delivering compact growth and urban regeneration specifically in this instance involving the regeneration of a

disused former industrial site, brownfield infill development, within close proximity of the city centre, adjacent to significant public transport links. In addition, the subject site is located within a Strategic Development and Regeneration Area (SDRA 12), that in itself implies strategic importance that elevates it above other residentially zoned lands contained in the development plan.

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

Permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework, specifically: in relation to the matter of building height, 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 the Urban Development and Building Height Guidelines.

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

Permission has been granted recently (Ref. PL29S.307221) for the demolition of all existing structures at the former Bailey Gibson Site and the construction of 416 residential units. The permitted development includes a single building that marginally exceeds 50m; building BG2 ranges from 2-16 storeys 51 metres (max. height 72.435m above datum).

16.0 Conditions

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

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 16 of the Environmental Impact Assessment Report 'Summary of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows:

(a) A 1.8 metre high privacy screen shall be incorporated on the roof terrace of the crèche aligning with and setback 1 metre from the shared east side boundary.

(b) The proposed works shall be designed to retain as much as possible of the original fabric of the building, such as the main staircase within the former Player Wills Factory to be retained (if feasible) and that all repairs and enhancements are executed in accordance with best conservation practice and guidance.

(c) A Property Management and Operational Plan shall be prepared to address access and control arrangements to the internal communal area of block PW1, and pedestrian/cyclist access from St Catherine's Avenue.

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

Reason: In the interests of visual and residential amenity.

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

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

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

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

6. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Build to Rent and shared accommodation scheme. Any proposed amendment or deviation from the Build to Rent and shared accommodation model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

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

Reason: In the interest of visual amenity.

8. The boundary planting and areas of communal open space and public open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

11. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

12. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles

13. a) Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the childcare facility of the development for bicycle

parking, shower and changing facilities associated with the policies set out in the strategy.

b) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and uses over time and shall include a strategy for the crèche, retail and car-share parking. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.

c) The 81 car parking spaces shown at basement level including circulation area for said spaces (drawing PW2 PL1250 refers), shall be utilised permanently as storage ancillary to the proposed residential development unless otherwise agreed.

Reason: In the interest of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. Details of any alterations to the road and pedestrian network serving the proposed development, including loading areas, footpaths, kerbs and access road to the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

16. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

17. The developer is required to sign a connection agreement with Irish Water prior to any works commencing and connecting to its network. All development is to be carried out in compliance with Irish Water Standards codes and practices.

Reason: In the interest of public health.

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

Reason: In the interest of sustainable waste management.

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

with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Works to remove trees and structures from the site shall take place outside of bird nesting season;
- (b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (c) Location of areas for construction site offices and staff facilities;
- (d) Details of site security fencing and hoardings. Hoardings shall include a one square metre area on each road frontage detailing site management contact details;
- (e) Details of on-site car parking facilities for site workers during the course of construction;
- (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (g) Measures to obviate queuing of construction traffic on the adjoining road network;
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- (m) Details of dewatering arrangements for construction of the basement to be determined in consultation with the Drainage Division at Dublin City Council and Inland Fisheries Ireland;
- (n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (o) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- (p) A community liaison officer shall be appointed for the duration of the construction works.

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

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

21. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1300 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

22. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual amenity.

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

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

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

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

Reason: In the interests of visual and residential amenity.

27. Prior to commencement of development, the developer 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála 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.

28. 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 for Dublin City Council 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.

Stephen Rhys Thomas
Senior Planning Inspector

15 April 2021