



An
Bord
Pleanála

Inspector's Report ABP309429-21

Development

Demolition of existing single storey buildings and the construction of a 7-storey over basement mixed use development consisting of 'build to rent' shared accommodation consisting of 45 no. shared accommodation units and 55.7 square metres commercial space at ground floor level together with bicycle spaces and ancillary storage, refuse storage, plant room and ESB substation.

Location

17 and 18 North Fredrick Street,
Dublin D01XP84.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3725/20.

Applicant

John McDonnell.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party -v- Refusal.

Appellant

John McDonnell.

Observers

BLEND Residents Association.

Date of Site Inspection

29th April, 2021.

Inspector

Paul Caprani.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	Error! Bookmark not defined.
3.4. Third Party Observations	Error! Bookmark not defined.
4.0 Planning History.....	10
5.0 Policy Context.....	Error! Bookmark not defined.
5.1. Development Plan.....	Error! Bookmark not defined.
5.2. Natural Heritage Designations	Error! Bookmark not defined.
6.0 The Appeal	10
6.1. Grounds of Appeal	Error! Bookmark not defined.
6.2. Applicant Response	10
6.3. Planning Authority Response	Error! Bookmark not defined.
6.4. Observations	Error! Bookmark not defined.
6.5. Further Responses.....	Error! Bookmark not defined.
7.0 Assessment	14
8.0 Recommendation.....	29
9.0 Reasons and Considerations.....	30
10.0 Conditions	34

1.0 Introduction

ABP309429-21 relates to a first party appeal against the decision of Dublin City Council to refuse planning permission for the construction of a 7-storey over basement mixed use development including 45 shared accommodation units. Permission was refused on the basis of the scale and height of the proposed development and the north facing aspect of the shared facilities throughout the scheme which the Planning Authority concluded would provide an unsatisfactory standard of residential amenity for future occupants of the development. An observation was also submitted supporting the decision of the Planning Authority. The applicant in his appeal submission, has reduced the height and scale of the development and also altered the internal configuration in an attempted to address the planning authorities concerns.

2.0 Site Location and Description

- 2.1. The appeal site is located at No. 17 and 18 North Fredrick Street in Dublin City Centre. It is located on the north-eastern side of the road approximately 20 metres south of the junction with Dorset Street. The site is rectangular in shape and occupies an area of 333 square metres (0.033 hectares). It currently accommodates two vacant single storey retail units fronting directly onto North Fredrick Street. Approximately 50% of the plot to the rear is currently undeveloped. Lands to the immediate south incorporate a terrace of four storey over basement Georgian structures. The building contiguous to the southern boundary of the site is currently unoccupied. The other buildings south are either vacant or accommodate office/institutional use at ground floor level and appear to be mostly vacant on the floors above. A three-storey structure is located to the immediate north of the subject site. This building possibly dating from the 1960's /1970's accommodates retail use at ground floor (Trophy Shop and Pharmacy) with storage overhead. This building has frontage onto both North Fredrick Street and Dorset Street.
- 2.2. With the exception of the contiguous building along the southern boundary of the site the remainder of the buildings to the south between North Fredrick Street and

Hardwicke Street are all protected structures. Dwellings directly opposite the site on the south-western side of North Fredrick Street are also protected structures. The former IBAT Further Education Collage is also located opposite the site.

- 2.3. Hardwicke Street runs north-eastwards to the south of the subject site. Hardwicke Lane which runs to the rear of Hardwicke Street and Dorset Street runs along the rear boundary of the site. The laneway to the rear provides access to the rear of the Hardwicke Street Flats and also accommodates a number of lock-up sheds/garages to the rear of premises facing onto Dorset Street. The Hardwicke Street flats comprise of blocks of four storey red brick units dating form the 1960s.

3.0 Proposed Development

- 3.1. The planning application submitted to Dublin City Council sought permission for the demolition of the existing single storey structures on site, and the construction of 'build to rent' shared living residential development accommodating a total of 45 shared accommodation units (72 bedspaces in total) in a 6/7 storey building. The development also incorporates the provision of communal kitchen, living and dining spaces together with storage facilities for each of the units on each floor. A total of 45 cycle parking spaces and also provided. The shared living accommodation will comprise of a total of 18 single occupancy units and 27 double occupancy units.
- 3.2. At basement level it is proposed to provide a games room, and a lounge area to the front of the building with cycle parking, storage area and plant areas to the rear.
- 3.3. At ground floor level it is proposed to provide a shared café for both the occupants and the public together with a communal lounge/co-working area to the rear of the café. At the back of the building, it is proposed to provide bin storage, a switch room, a substation and a laundry area. Toilets are also provided at ground floor level.
- 3.4. At first to fifth floor level it is proposed to provide a shared kitchen/dining/living room accommodation centrally within each floor. A total of five double rooms and three single rooms all with internal bathrooms with are located to the front and rear of the building. All the single rooms are located to the rear. The same layout is replicated on the second, third, fourth and fifth floors. The sixth floor accommodates two double bedrooms and three single bedrooms all of which are located to the rear of the

building. A roof terraced area (60 square metres) is located at sixth floor level facing onto North Fredrick Street.

- 3.5. The building rises to a maximum height of 24.55 metres. It incorporates metal cladding and glazed panels on the elevations with a selected brick finish. Louvre screens are located to the side of the main glazed panels on the front elevation on the second to fifth floors. The windows serving the individual bedrooms at second to fifth floor level incorporate projecting metal reveals beyond the building line. The rear elevation of the site incorporates a grey render finish.
- 3.6. The proposal provides for a total of 72 bedspaces. The communal area provided at each floor level will comprise of shared kitchen, dining and living area for all future occupants. All cooking and dining are intended to take place within the communal area. There appears to be no cooking/food storage provision made within the individual residential units. Each of the rooms will accommodate beds (either double or single), sink, toilet, shower and desk.
- 3.7. The proposed scheme incorporates a plot ratio of 5.09 and a site coverage of 78%.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Dublin City Council in its decision dated 15th January, 2021 issued notification to refuse planning permission for two reasons which are set out in full below.

1. *The proposed development, due to its height, depth and scale of the building is considered overdevelopment of the subject site. The proposal fails to have any regard to the scale and form of adjoining nearby properties and does not adequately respond to the prevailing heights of the adjoining building along North Fredrick Street. The development dominates and significantly exceeds the height of buildings along North Fredrick Street a number of which are protected structures. The proposed development would, thereby, be seriously injurious to the visual amenities of the area and would set a precedent for similar type development which would be incompatible with the established character of the area. The proposal would be contrary to the provisions of the*

Dublin City Development Plan 2016 – 2022 and the proper planning and sustainable development of the area.

2. *The north facing aspect and quantity and quality of the shared facilities throughout the scheme would provide an unsatisfactory standard of residential amenity for future occupants and would set a precedent for substandard residential accommodation. The proposal would therefore be contrary to the provisions of the Dublin City Development Plan 2016 – 2022 and proper planning and sustainable development of the area.*

4.2. **Documentation Submitted with the Planning Application**

4.2.1. The application was accompanied by the following documentation.

- **Planning Application Statement and Statement of Consistency.** This report sets out details of the site location and description, planning history and planning precedent decisions, details of the proposed development as well as details of the co-living and shared accommodation concept.
- It assesses the proposed development in the context of national guidelines and development plan policy. It concludes that the proposed development complies with housing policies and standards set out. In terms of compliance with Part V, it notes that the requirements set out in Section 96 of the Planning and Development Act 2000 do not apply to shared accommodation development as per Section 5.2.1 of the Guidelines.
- **A Co-living Operational Management Plan** was also submitted. It sets out details of on-site management and security operations as well as tenant communication policies and health and safety procedures.
- **An Architectural Design Statement** sets out the architectural context and appraisal of the development detailing the urban design strategy and architectural form together with the external elevation treatments. It also contains a schedule of areas associated with the development in Section 4.1.
- A separate booklet of **Verified Montages** was also submitted. The photomontages relate to six separate locations along North Fredrick Street, Dorset Street and Blessington Street.

- A **Civil Engineer and Infrastructural Report** was submitted. It sets out details of the surface water drainage system, foul drainage system and water supply system. Section 5 of this document also contains a Site Flood Risk Assessment. It was carried out in accordance with the methodology set out in the “the Planning System and Flood Risk Assessment Guidelines for Planning Authorities”. It concludes that there is a negligible risk of flooding affecting the site from any of the potential flood sources and therefore the proposal is deemed to be acceptable from a flood risk assessment perspective.
- A separate report was also submitted from MED Building Services Consulting Engineers which details the **Mechanical and Electrical Services** to be provided as part of the development.

4.3. **Planning Authority Assessment**

- 4.3.1. The application was lodged with Dublin City Council on 12th November, 2020.
- 4.3.2. A report from the Engineering Department Drainage Division stated that there is no objection to this application subject to a number of standard conditions.
- 4.3.3. A number of letters of objection have been submitted in respect of the application the contents of which have been read and noted.
- 4.3.4. A report from Transport Infrastructure Ireland recommends that in the case of a grant of planning permission, a Section 49 Development Contribution Scheme be levied as the site falls within the catchment area of the Luas Cross City.
- 4.3.5. A report from the City Archaeologist recommends in the case where planning permission is granted, that a condition be attached relating to archaeology.
- 4.3.6. A report from the Transport Planning Division recommends further information in relation to the following:
 - The applicant requests a residential mobility management plan and a servicing operational plan to service the proposed development.
 - Further information in also requested in relation to cycle parking.
- 4.3.7. The planner’s report notes that residential use is a permitted use under the land use zoning objective (Z4). As the application was lodged prior to the new publication of

the amended Guidelines¹ it should be assessed on its own merits. It is considered the buildings to be demolished make way for the development have no architectural merit or historic fabric. Having regard to the subject site's location within the city centre, the proposed plot ratio may be acceptable in principle. The Planning Authority have serious reservations regarding the overall height of the development on the basis that it would constitute overdevelopment of the subject site. The development dominates and significantly exceeds the height of the adjoining three and four storey buildings. It is noted that the size of the residential rooms complies with the minimum standards set out in the guidelines. It is also noted that overall, the common living and kitchen areas equate to c.258 square metres in order to serve 72 bedspaces. This would provide 3.57 square metres per bedspace and this is considered to be too low and therefore unacceptable. The quality of the common room kitchen facilities is considered to be poor. It is also noted that the communal living spaces are north facing, and no details are provided in relation to sunlight and daylight penetration. There are serious concerns over the quality and usability of the communal spaces provided throughout the scheme.

4.3.8. It is considered having regard to the site's central location, that the provision of zero car parking is acceptable. Notwithstanding this, it is suggested that a Mobility Management Plan would be required. It is also stated that the Servicing Operational Plan is required for the retail/café components of the development. More information is also required in relation to bicycle parking. Further details in relation to site boundary treatment and construction management is also required.

4.3.9. It is concluded that the scale and massing of the proposed development on a restricted site would constitute overdevelopment and would negatively impact on the visual amenity and existing character of the built environment. Furthermore, there are serious concerns that the development would provide substandard residential accommodation for future occupants and it is on this basis that Dublin City Council issued notification to refuse planning permission for the proposed development.

¹ The Sustainable Urban Housing: Design Guidelines for New Apartments were amended in December 2020.

5.0 Planning History

- 5.1. No history files are attached.
- 5.2. Reference is made to one relevant planning application in the planner's report. Under Reg. Ref. 4302/18 planning permission was granted for a new three-storey apartment building comprising of 3 two-bedroomed apartments in 2018 on the subject site.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council to issue notification to refuse planning permission was the subject of a first party appeal on behalf of the applicant by Hughes Planning and Development Consultants.

6.2. Alternative Design Submitted

- 6.2.1. Notwithstanding the fact that the applicant is seeking full planning permission for the proposal as originally submitted to Dublin City Council on 12th November, 2020, the Board are requested to consider an alternative option that has been submitted by way of an appeal. The main changes in design are summarised below:

- The overall height of the building has been reduced by one floor from seven storeys to six storeys. The overall height has been reduced from a maximum height of 24.55 metres to 21.1 metres (maximum parapet height of 20.075 metres). As well as omitting one floor, the proposal is also reduced the floor to ceiling heights over four floors from 3.15 metres to 3.075 metres (an overall reduction of 0.3 metres).
- The internal circulation core on each of the upper floors have been relocated whereby the communal kitchen and living area has been relocated from the northern portion of the building to the southern portion of the building. The number of units on floors 1 to 4 have been reduced from 8 units to 6 units while 4 units are now proposed to be located at the top (fifth floor level). The internal communal space on each of the floors has been increased from 42

sq.m to 58 sq.m. The overall units therefore have been reduced from 45 units (72 bedspaces) to 28 units (48 bedspaces).

- The floor plate of the top floor has been reduced and setbacks have been incorporated on the south-eastern boundary.
- The entrance to the development off North Fredrick Street has been repositioned in order to allow for the internal configurations proposed. A new designated concierge desk has been provided at ground floor level.
- Slight alterations are also incorporated into the layout of the ground floor and basement.
- It is argued that the alternative layout improves on the quality of the shared living spaces at upper floor levels and also provides a better level of amenity space to serve the units.
- Photomontages submitted with the appeal depicts the revised building in the context of adjoining streetscapes.
- The bicycle parking has also been redesigned to allow parking for 30 bicycles but provides greater spacing between the bicycle racks for improving usability.

6.2.2. Also submitted with the grounds of appeal are a number of additional reports including:

- An Operational Waste Management Plan.
- A revised Architectural Design Statement.
- Verified photomontages.
- A Sunlight, Daylight and Shadow Assessment.
- A Residential Travel Plan Framework.
- An Operational Waste Management Plan.
- A Co-living Operational Management Plan.

6.2.3. The grounds of appeal set out in detail the planning history associated with the site. A specific reference is made to the planner's report in respect of the grant of planning permission for a three-storey apartment development under Reg. Ref. 4302/18. Section 5 of the grounds of appeal detail the revised development and

detail the co-living/shared living concept. National and international examples of shared accommodation are referred to in the grounds of appeal.

6.2.4. The appeal goes on to argue that the subject site is ideally located with the city centre in proximity to good quality public transport and all amenities. It is also an excellent location for employment opportunities having particular regard to the number of hospitals in the vicinity (Mater Hospital, Mater Private Hospital, Temple Street Hospital, Rotunda Hospital).

6.2.5. The grounds of appeal go on to outline the planning policy context making specific reference to:

- The National Planning Framework.
- The National Development Plan.
- The Action Plan for Housing and Homelessness.
- The Urban Development and Building Heights – Guidelines for Planning Authorities (2018).
- The Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities (2018).

6.2.6. The grounds of appeal go on to assess the proposed development in the context of the standards set out in Table 5(a) and Table 5(b) of the minimum bedroom size and minimum common, living and kitchen facilities, floor areas to be provided in the shared accommodation. It is stated that the proposal as originally submitted to the Planning Authority complies with the minimum standards set out therein.

6.2.7. The grounds of appeal go on detail the various policies and development standards contained in the Dublin City Development Plan before finally setting out in detail the grounds of appeal (page 30 of submission).

6.2.8. In relation to the overall height, it is stated that the subject site is located in the city centre and that a height of up to 24 metres is permitted in these areas for residential development. Furthermore, it is stated that the proposed development will reach a maximum height of 20.4 metres fronting onto North Fredrick Street and 23.7 metres fronting onto Hardwicke Lane and not 27.8 metres as outlined in the planner's report. The proposed development involves a site coverage of 78% which complies with the

80% maximum site coverage standard outline for Z4 zoned land. The grounds of appeal also state that the proposed development is well served by public transport and this should facilitate higher building of greater density.

- 6.2.9. In examining the impact of the proposal on the North Fredrick Street streetscape, it is stated that the Council have failed to take into account the vast improvement the proposed development will make on existing site conditions. The existing buildings on site are heavily graffitied and significantly detract from the existing streetscape. The proposal will also improve the subject site interfaced with Hardwicke Lane. The proposed development will only appear two or three storeys higher than the immediate buildings. It is stated that there are other buildings in the vicinity including the IBAT College directly opposite the site and the Sackville Court Apartments on the corner of Blessington Street and Dorset Street that are of a similar height to the proposal. However, should the Board consider the alternative design option more appropriate, it could implement the latter design by way of condition. It is stated that the proposed development has been designed with the aim of integrating the development into the surrounding area.
- 6.2.10. The report goes on to refer to planning precedents in relation to shared living accommodation and in particular the Board's grant of planning permission at 39 to 42 Hill Street and No. 36A North Great George's Street (Reg. Ref. 3546/19) (ABP306181). Reference is also made to Dublin City Council's grant of planning permission under Reg. Ref. 4691/19 at St. Mary's Place North, Mountjoy Street, Dublin 7 where they granted planning permission for a shared living accommodation block. While this application has been the subject of a number of third party appeals a decision is awaited from An Bord Pleanála (ABP307581)². Reference is also made to the development of a shared living residential accommodation block at 143 to 149 Rathmines Road Lower in a 7-storey building. Dublin City Council's grant of planning permission was the subject of a number of third-party appeals (ABP306742-20) where the decision of Dublin City Council to grant planning permission was upheld on appeal. Reference is also made to ABP305459-19 (Brady's Public House, Old Navan Road, Castleknock) where An Bord Pleanála granted planning permission for the construction of 189 'build to rent' shared living suites and associated site works.

² Since the appeal submission, the granted planning permission for this scheme.

- 6.2.11. An Bord Pleanála also granted planning permission for 208 bedspaces for ‘build to rent’ shared living accommodation at the Old School House, Eblana Avenue, Dun Laoghaire, County Dublin.
- 6.2.12. With regard to the standard of residential amenity for future occupants, it is argued that the proposed development provides an ample amount of high-quality shared facilities to serve future residents of the development.
- 6.2.13. The Council have incorrectly calculated the amount of communal open space serving the residents as it failed to take account of the large communal areas provided to serve the overall development at ground floor and basement level. On this basis it is argued that that communal space available to residents is well in excess of the minimum requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments for Planning Authorities (2018).
- 6.2.14. With regard to light penetration to the communal dining, living and kitchen spaces proposed from the first to sixth floors, it is stated that the 15 square metre lightwell is sufficient to create adequate light penetration. Furthermore, the alternative design option has the subject of a sunlight and daylight and shadow assessment which illustrates that the alternative design proposal is in compliance with the BRE requirements. Should the Board consider the alternative design option more appropriate in the context of the shared living facilities, it could request its adoption by way of condition.

7.0 Appeal Responses

- 7.1. The Planning Authority have not submitted a response to the grounds of appeal.

8.0 Observation

- 8.1. An observation was received from BLEND Residents Association. The observation stresses the importance of good sustainable planning in addressing community concerns. It is stated that the impact of the proposed ‘co-living’ ‘short-let’ hub residential accommodation on a street that accommodates 90 homeless bed units already, plus a large hostel which has recently received planning permission, is inappropriate. The street also accommodates a number of high profile and well run

hotels. Which adds to the temporary accommodation nature that characterises the street. It is argued that such accommodation encourages and accentuates anti-social behaviour to the extent that the street, particularly at night, has become a 'no go' area.

- 8.2. The height and bulk of the proposal is considered inappropriate when viewed from Dorset Street and Blessington Street. It presents a solid unrelenting block which is eye catching due to its lack of features. It is suggested that when planning permission is granted for the proposed development any proposed caretaker facility is absorbed into the overall accommodation to add to the body of rented rooms. Locals are left to deal with this fallout.
- 8.3. It is also suggested that the nature of the changes submitted with the appeal represents a new planning application. It is on the above basis, that An Bord Pleanála are requested to support the decision of Dublin City Council and refuse planning permission.

9.0 Planning Policy Context

9.1. National Policy/Guidance

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

- NPO3(b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO4 promotes attractive well-designed liveable communities.
- NPO6 aims to regenerate cities with increased housing and employment.
- NPO11 outlines a presumption in favour of development in existing settlements subject to appropriate planning standards.

- NPO13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO33 prioritises new homes that supports sustainable development at an appropriate scale relative to location.

9.2. **The Regional Spatial and Economic Strategy for the Eastern and Midland Regional Authority (2019 to 2031)**

- 9.2.1. A central tenant of this regional spatial strategy is to support the implementation of the NPF. The Regional Guidelines identifies regional assets, opportunities and pressures and provides policies response in the form of regional policy objectives. The Spatial Strategy for the Dublin Metropolitan Area seeks to support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City.

9.3. **Urban Development and Building Heights – Guidelines for Planning Authorities**

- 9.3.1. These guidelines highlight the need for development plan to place more focus in terms of planning policy and implementation on reusing previously developed brownfield land in terms of building up in urban infill sites. It notes that increasing building height is a significant component in making the optimum use of the capacity of the sites in urban locations where transport, employment, services and retail development can achieve the requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration on development proposals for increased building height linked with the achievement of greater density of development.
- 9.3.2. It is acknowledged that taller buildings will bring much needed additional housing and economic development to well located urban areas and that they can also assist in reinforcing and contributing to a sense of place within the city or town centre. It is noted that statutory development plans have tended to be overtly restricted in terms of maximum building heights in certain locations without the proper consideration of wider planning potential of building sites and the wider implications of not maximising these opportunities. Planning policy must therefore become more proactive and more flexible in securing compact urban growth through a combination of facilitating

increased densities and building heights while also being mindful of the quality of development and balancing amenity and environmental considerations. Appropriate identification and siting of areas suitable for increased densities and heights will need to consider environmental sensitivities on the receiving environment as appropriate throughout the planning hierarchy. Paragraph 2.8 notes that historic environments can be sensitive to largescale tall buildings. In that context Planning Authorities must determine if increased high buildings are appropriate in these particular settings.

9.3.3. Taking into account the foregoing, the specific planning policy requirement of the above guidelines under SPPR1 is:

- In accordance with government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, Planning Authorities shall explicitly identify through the statutory plans, areas where increased building heights will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

9.4. Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018)

9.4.1. Section 5 of these guidelines specifically set out policies and standards in relation to build to rent and shared accommodation sectors. In relation to shared or co-living accommodation the following is stated.

9.4.2. A new format of residential accommodation described as “shared accommodation” has the potential to emerge as a distinct segment within the overall urban accommodation sector. It comprises of professionally managed rental accommodation where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities. Shared accommodation has characteristics similar to student accommodation, including the appeal to a specific renter cohort with specific needs or requirements from their housing provision. In particular the usefulness of such accommodation type to the dynamics in the urban employment market is important; for example, their use by

new employees arriving in urban areas and seeking short-term accommodation during the establishment or local employment climatisation period that may be longer than a few weeks.

9.4.3. The minimum floorspace extent of the common shared area for living and kitchen facilities will be calculated on a per bedroom basis as set out in Table 5(a).

- The shared accommodation minimum bedroom size for a single room (including en-suite) 12 square metres.
- For a double room (including en-suite) 18 square metres.
- The minimum common living and kitchen facilities floor areas for Bedrooms 1 to 3 would be 8 square metres per person and for Bedrooms 4 to 6 an additional 4 square metres per person.

9.4.4. A key feature of successful shared accommodation schemes internationally is the provision of the wider recreation and leisure amenities as part of the overall development.

9.4.5. Due to the distinct nature and features of shared accommodation it is only appropriate were responding to an identified urban housing need at particular locations. It is not envisaged as an alternative or replacement to the more conventional apartment developments which are provided for elsewhere in the guidelines.

9.4.6. In this regard the obligation will be on the applicant in the case of a shared accommodation scheme to demonstrate to the Planning Authority that the proposal is based on an accommodation need to provide a satisfactory evidential base accordingly. Where there is a failure to satisfactorily provide such a basis, permission should be refused by the Planning Authority. In assessing proposals for shared accommodation, the Planning Authority shall, therefore, have regard to the need for such a type of accommodation in an area with reference to the need to cater for a particular employee accommodation need. The prevailing context for the proposed site shall also be considered, with city centres being the appropriate location for such developments. Appropriate development monitoring exercises are required to be undertaken by the Planning Authority to avoid an excessive

proliferation of shared accommodation developments to the detriment of the supply of quality urban apartment development as advocated in the guidelines.

9.4.7. SPPR 9 shared accommodation may be provided and shall be subject to the requirements of SPPR 7 (as per BTR). In addition:

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

In addition to the above, shared accommodation will not normally be the subject of Part V requirements.

9.5. Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities (December 2020)

9.5.1. These more recently adopted guidelines provide further advice in respect of shared living accommodation. Specifically, SPPR9 has been amended as follows:

There should be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is either

- (i) required to meet the specific demand identified by a local authority further to a housing need and demand assessment (HNDA) process,
- or

- (ii) on the date of publication of these updated guidelines and valid planning application to the Planning Authority, appeal to An Bord Pleanála, or a strategic housing development planning application to An Bord Pleanála in which case the application or appeal may be determined on its merits.

The latter stipulation would apply to the current application before the Board.

- 9.5.2. Finally, paragraph 5.22 states that given that this form of accommodation remains new and unproven, the Department will continue to monitor the emerging shared accommodation/co-living centre and in particular the delivery of any permitted developments and may issue further additional technical updates to this document as appropriate.

10.0 Development Plan Provision

- 10.1. The site is governed by the zoning objective Z4 “to provide for and improve mixed service facilities”. Residential use is a permissible use under this zoning objective. The site is also designated as a site of archaeological interest. The buildings to the south of the site (excluding the contiguous building to the south) are all listed on the Record of Protected Structures. Buildings directly opposite the site (with the exception of the corner building between North Fredrick Street and Dorset Street Upper) are likewise included on the Record of Protected Structures.

- 10.2. Section 4.5.3.1 of the Plan relates to urban density and promotes sustainable density, compact development, and the efficient use of urban land. Chapter 5 outlines the Council’s approach to the provision of quality housing and encourages a good mix of house types and sizes with a satisfactory level of residential amenity. Relevant policies can be summarised as follows:

- QH5 – addressing housing shortfall through active land management;
- QH6 – support sustainable neighbourhoods with a variety of housing;
- QH7 – promotion of sustainable urban densities;
- QH8 – promoting the development of vacant and under-utilised sites;
- QH11 – promotion of safety and security in new developments;
- QH13 – new housing should be adaptable and flexible;

- QH17 – support purpose-built, managed high-quality private-rented accommodation with a long-term horizon;
- QH18 – support the provision of high-quality apartments;
- QH19 – promote the optimum quality and supply of apartments.

10.3. Chapter 11 of the Plan deals with Built Heritage and Culture. Section 11.1.5.3 (Protected Structures – Policy Application) states that the Council will manage and control external and internal works that materially affect the character of Protected Structures. In summary, relevant policies include:

CHC1 Seek the preservation of the built heritage of the city.

CHC2 Ensure that protected structures and their curtilage is protected.

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

10.4. Chapter 16 sets out detailed policies and standards in respect of development proposals within the city. Section 16.2 “Design, Principles & Standards” provides design principles outlining that development should respect and enhance its context.

10.5. Section 16.2.2.2 discusses ‘Infill Development’ i.e. gap sites within existing areas of established urban form. It is particularly important that such development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

10.6. Section 16.7.2 includes height limits for development, including a 16m restriction for development in the Outer City and a 24m restriction for the inner-city and sites within 500m of rail hubs.

10.7. Section 16.10.17 deals with buildings of significance which are not protected and states that the planning authority will actively seek the retention and re-use of such buildings which make a positive contribution to the streetscape.

10.8. **Natural Heritage Designations**

10.8.1. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) located approximately 2.5 kilometres to the north-east of the site and the South Dublin Bay SAC (Site Code: 000210) located approximately 4 kilometres to the south-east of the site.

10.9. Environmental Impact Assessment – Preliminary Examination

10.9.1. The proposed shared accommodation units do not constitute “dwelling units” and accordingly Class 10(b)(i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) need not be considered. Class 10(b)(iv) sets out mandatory requirement for EIA for urban development which will involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area or 20 hectares elsewhere. With a site area of only 333 square metres the subject site falls significantly below these thresholds.

11.0 Planning Assessment

11.1. Preliminary Matter

11.2. The decision of Dublin City Council was the subject of a first party appeal. By way of introduction the applicant states that he is seeking full planning permission for the proposal as originally submitted to Dublin City Council and the Board are asked to consider this option in the first instance. However, the applicant has also proffered an alternative design as part of the grounds of appeal. The changes include the following:

- The overall height and number of storeys associated with the development has been reduced by almost 4 metres.
- The floor to ceiling heights over four floors have also been reduced.
- The number of units have been reduced from 45 to 28 and the number of bedspaces has been reduced from 72 to 48.
- The internal configuration of the development has been significantly altered in terms of layout.

11.2.1. The applicant has provided additional reports including:

- Revised design statement and photomontages.
- A daylight, sunlight and shadow assessment which was not submitted with the original application.
- A residential traffic plan framework.

- An operational waste management plan.
- A more detailed co-living operational management plan.

If the Board are minded to grant planning permission for the revised development as submitted with the appeal, it is open to the Board, and at its complete discretion as to whether or not it would allow further opportunities for third-party comment prior to determining the application and appeal. It is acknowledged that this is solely at matter for the Board.

11.3. Compliance with Ministerial Guidelines

- 11.3.1. The Ministerial Guidelines introduced under Section 28 of the Act of Sustainable Urban Housing: Design Standards for New Apartments introduced the concept of shared accommodation/co-living whereby professionally managed rental accommodation would be provided to meet the housing needs of key sectors of society including international workforce on short-term contracts as well as young professional people and older people who want to live independently. The concept provided for individual rooms, both single and double with access to shared or communal facilities and amenities in respect of cooking, dining and socialising.
- 11.3.2. These guidelines were updated on the 23rd December, 2020. The updated guidelines determined that there was a sufficient quantum of shared accommodation/co-living units either permitted or subject to consideration within the planning system that may be built out to demonstrate and prove this concept without impacting on the housing system. Accordingly, under specific planning policy requirement 9:

There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is either,

- (i) required to meet the specific demand identified by the local planning authority further to a housing need and demand assessment process,*
- or*
- (ii) on the date of publication of these guidelines a valid planning application to the Planning Authority, appeal to An Bord Pleanála, or an SHD planning application to An Bord Pleanála in which case, the application or appeal may be determined on its merits.*

With regard to point (i) above, I note that a HNDA has not yet been adopted by the City Council and therefore this exception does not apply. However, the application was lodged with the Planning Authority on 12th November, 2020 prior to the publication of the updated guidelines and therefore the exception outlined in point (ii) above would apply in this instance. On this basis I am satisfied that there should be no presumption against the granting of planning permission in this appeal case and it should be assessed on its merits. However, I reiterate should the Board be minded to grant planning permission for the revised scheme as submitted by way of an appeal it could consider notifying third parties of the revised drawings with a view to inviting affording an opportunity to comment on the revised scheme.

11.4. Principle of Development

- 11.4.1. The appeal site is located on lands governed by the zoning objective “Z4” the objective of which is to provide for and improve mixed service facilities. Residential uses are permissible under this land use zoning objective. In terms of location, the 2018 Apartment Guidelines state that the prevailing context of the site should be considered with city centres being the most appropriate locations for such developments. The subject site is located within the city centre and the site benefits from excellent public transport services being in close proximity to Luas lines, the suburban rail network and in particular high quality and frequent bus services along North Fredrick Street and O’Connell Street. The site also is located within walking distance of the city centre which provides excellent employment opportunities and is also located within walking distance of a number of hospitals including Temple Street Hospital, the Mater Hospital and the Rotunda Hospital. Both Trinity College and Grangegorman Third Level Institutions are also located within the vicinity. It can be reasonably argued having regard to the central location of the subject site, and the proximity of the subject site to large centres of employment referred to above, that there is appropriate demand for the proposed development in the area which it is sought to locate the proposal.
- 11.4.2. While the applicant in this instance has not submitted details of evidentially based accommodation need in accordance with Section 5.18 of the 2018 Guidelines, I consider that the Board can conclude that there is a demand for such shared accommodation in the north inner city area. The Board will be aware that permission has been granted for similar schemes in the north inner city including those referred

to in the grounds of appeal at 39 to 42 Hill Street which related to the provision of 132 shared living spaces and ABP307581 which is located in close proximity at Mountjoy Street and St. Mary's Place North c.200 metres to the south-west which related to the provision of 114 shared living units. It is of course open to the Board to request formally of the applicant, further details of evidential based need for such shared living accommodation in accordance with the requirements of paragraph 5.18 of the 2018 Guidelines. However having regard to the land uses referred to above (hospitals and educational institutions), I consider that there is likely to be sufficient demand for this type of accommodation in the immediate area, without the need to formally request such a study.

11.5. Original Application Submitted to the Planning Authority

- 11.5.1. The original application sought permission for a 7-storey over basement development comprising of 45 units with 72 bedspaces. I would agree with the Planning Authority that the size and scale and bulk of the development represents an incongruous addition on a prominent site on North Fredrick Street where there are a large number of protected structures in proximity. The photomontages as originally submitted to the Planning Authority present a very large structure particularly when viewed from vantage points in the vicinity of the Gardens of Remembrance and vantage points along Blessington Street. The large blank façade on the side elevations are particularly problematic in my opinion from a visual amenity point of view. The building as originally proposed represents a structure of excessive scale and dominance in the context of adjoining structures. As such I would share the Planning Authority's concerns in respect of the visual impact and general overdevelopment of the subject site.
- 11.5.2. I would likewise agree with the Planning Authority that the layout and disposition of internal communal space for food preparation, dining and communal social areas is relatively poor particularly in relation to the size and the spaces provided, the location and orientation of the space within the building particularly in terms of natural light penetration. While the applicant has requested the Board to consider granting planning permission for the original scheme, I note that the sunlight, daylight and shadow assessment submitted as part of the grounds of appeal only relates to the revised proposal before the Board and does not assess the original proposal. As such, no such assessment appears to have been undertaken which would

convince the Board that there is adequate amenity provided in the communal spaces to future occupants of the co-living scheme. The size of the bedrooms to accommodate two persons are also problematic in my view. The vast majority of double rooms only meet the minimum criteria for bedroom size as stipulated in the Guidelines and this constitutes a poor level of amenity for future occupants. This latter issue is dealt with in more detail below.

- 11.5.3. I would therefore agree with the Planning Authority that the development as originally submitted would represent a substandard development for future occupants and would be of excessive height and scale which would seriously injure the visual amenities of the area. On this basis I would recommend that the Board restrict its deliberation to the revised design and layout submitted with the grounds of appeal.

11.6. Height, Scale and Design of Proposal.

- 11.6.1. The revised design submitted as part of the appeal does represent a significant reduction in scale over that originally proposed in the original drawings submitted to the Planning Authority. The original parapet level was 23.7 metres in height, and this has been reduced down to a little over 20 metres in height. Furthermore, the fifth floor (top floor) has been further setback from the building line which further assists in reducing the overall scale of the building particularly from vantage points further afield from the immediate vicinity of the site, for example views from Blessington Street and Parnell Square East. The step back in the upper floor will also result in the building appearing as a five-storey structure from vantage points on North Fredrick Street in the immediate vicinity of the site. There is precedent for a five-storey development along this section of the street, with the IBAT College which is located on the western side of the street, directly opposite.
- 11.6.2. Perhaps more importantly the visual reduction in scale will be more pronounced when viewing the side elevations of the building from more oblique vantage points along Parnell Square East and Blessington Street. The side elevations of the original structure in my view were most problematic from a visual perspective as the photomontages submitted with the original application suggest. The building being located on a somewhat elevated and prominent location presented as a large solid block of unarticulated elevation that exacerbated the visual presence of the structure

on the streetscape. The large blank façade of the northern and southern elevation of the building accentuated the overall bulk and scale of the structure.

- 11.6.3. The reduced scale of the structure makes it more compatible with the historic buildings located along the streetscape, particularly in the vicinity of the site. The reduction in size and bulk of the structure is adequately illustrated on the revised photomontages submitted. The photomontages submitted adequately demonstrate that the revised proposal results in a structure that is more compatible and sympathetic with the buildings in the vicinity than that associated with the original 7-storey structure submitted to the Planning Authority.
- 11.6.4. It is acknowledged that the revised proposal represents a departure from the prevailing form and height associated with the buildings along the eastern side of North Fredrick Street which are three and four storeys in height. However, the incorporation of a five-storey building with a setback top storey above is in my view acceptable having regard to the need to develop infill/brownfield city centre sites at more appropriate densities in accordance with national policy.
- 11.6.5. Finally the Board are invited to agree that the proposed development would provide a significant improvement to the urban visual realm of Fredrick Street North when compared with the existing buildings on site.

11.7. Communal Space and Layout

- 11.7.1. Section 5.16 of the 2018 Guidelines require a minimum bedroom size of 12 metres for a single bedroom and 18 metres for a double bedroom. The proposal meets these standards, albeit just. 50% of the double bedrooms are the minimum 18 square metres in size. One of the double bedrooms is 17.5 square metres which is slightly below the minimum stipulated level. All five single bedrooms are 18 square metres in size which is significantly above the minimum stipulated standards. If the Board are minded to grant planning permission for the proposed development it could consider incorporating a condition requiring that all bedrooms be single occupancy only. I base this recommendation on decisions made by the Board on two similar type schemes. In the case of APB 307581 (Mountjoy Street and St Mary's Place North) which related to the provision of 114 Shared Living Accommodation Units, 11 different room types were provided ranging in size from 17 to 46 sq.m in size. In the case of ABP 306742, which related to 110 units in on Rathmines Road,

all units ranged from 16 to 25 sq.m and all but 11 of the very largest rooms are single occupancy.

- 11.7.2. In terms of communal living space, the standards set out in the guidelines require that bedrooms 1 to 3 would require a minimum common area of 8 square metres per person whereas bedrooms 4 to 6 would require an additional 4 square metres per person. In the case of floors 1 to 4 if the above standards were applied a total of 68 square metres communal living space would be required. In the case of the top floor, 52 square metres would be required. The communal living area on each of the four floors below the top floor amounts to 58 square metres. The communal living space associated with the top floor amounts to 36.5 square metres. In addition to the communal living space associated with the floors above ground level, further communal open space is provided at ground floor level of 35.5 square metres and an additional 118 square metres of communal/recreational spaces provided for at basement level. If both these areas are included in the communal living space calculations, the minimum commercial open space set out in the guidelines would be exceeded in the revised proposal before the Board.
- 11.7.3. In terms of daylight and sunlight penetration, all bedrooms are single aspect and have an east/west orientation. The communal areas are dual aspect in that clear glazing is provided on the eastern elevation while the south facing elevation is to incorporate opaque glass block panels which are less efficient in permitting daylight and sunlight penetration. The proximity of the four storey structures to the south-west may also restrict direct daylight and sunlight penetration on the southern elevation particularly in the late afternoon/evening time. The communal areas at basement level will not receive any direct daylight or sunlight. The communal area at the top floor will receive ample daylight and sunlight having regard to the extensive glazing particularly on the southern and western elevations.
- 11.7.4. The daylight and sunlight assessment submitted as part of the appeal concludes that the proposal will have a negligible impact on the vertical sky component of windows of buildings surrounding the subject site. I note that most of the windows on the external premises in the vicinity serve commercial buildings and do not serve residential developments. All windows pass the test for the annual and winter probable sunlight hours to be experienced in the surrounding properties. The details of the assessment undertaken are indicated on page 10 of the Daylight and Sunlight

Report submitted with the appeal. The report concludes that the potential impact of the proposed development on neighbouring structures generally complies with the requirements of "Site Layout Planning for Daylight and Sunlight a Guide to Good Practice Second Edition" (2011). On the basis of the assessment undertaken therefore, I am satisfied that the proposed development will not materially impact on daylight and sunlight penetration of adjoining buildings.

11.7.5. In terms of daylight and sunlight penetration into the development itself, the assessment goes on to model the minimum average daylight factor (ADF) for each of the habitable rooms proposed in accordance with BRE Guidance. The minimum standards set out in the BRE Guidance document suggest a minimum average daylight factor as (ADF) follows:

- Bedrooms 1.
- Livingrooms 1.5.
- Kitchens 2.

11.7.6. The average daylight factor was modelled for each of the bedrooms and communal living space at first floor level. Each of the bedrooms were estimated to have an ADF of between 2.2 and 4.1 with an overall average of 3.0. This indicates a high quality of daylight with the average daylight well in excess of the 1.0% minimum requirement. It is reasonable to conclude that as the modelling relates to the lowest floor of habitable accommodation, levels of daylight and sunlight penetration will only increase on the floors above.

12.0 Conclusions and Recommendation

12.1. Arising from my assessment above, I consider that the amendments to the proposal submitted with the appeal represents a material and significant improvement above that originally submitted to the Planning Authority. While bedroom sizes in the case of the double rooms only meet the minimum sizes specified in the guidelines, the single rooms are well in excess of the minimum sizes permitted. It is nevertheless suggested that if the Board are minded to grant planning permission, it might consider incorporating a condition requiring that all bedrooms be single occupancy only. The reconfiguration of the internal layout offers more natural illumination to the

communal areas and I am further satisfied that the communal areas meet the standards set out in the guidelines.

- 12.2. On balance therefore having assessed the level of residential amenity proposed for the prospective occupants both in qualitative and quantitative terms, I am satisfied that the proposed development will overall, offer an acceptable level of residential amenity to future occupants. I further consider that the revised drawings submitted with the appeal sufficiently address concerns in respect of design and massing which were associated with the original development.

13.0 Appropriate Assessment

- 13.1. The application was not accompanied by an AA Screening Report. For the purposes of completeness, it is proposed to carry out a screening for the need for AA under the current application. Having regard to the document drawings submitted with the application, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development alone or in combination with other plans or projects on a European site. The proposal is not directly connected with or necessary for the management of a European site. I further note that there have been no submissions from prescribed bodies or observers raising any issues in respect of potential impacts arising from the proposed development on the integrity of qualifying interests associated with European sites in the wider area. The Planning Authority has also concluded that no AA issues arise.

13.2. European Sites

- 13.3. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) located approximately 2.4 kilometres to the north-east of the site and the South Dublin Bay SAC (Site Code: 000210) located approximately 4 kilometres to the south-east of the site. A summary of the qualifying interests associated with these sites are set out below:

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

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

13.4. Having regard to the nature and scale of the proposed development, I do not consider that there are any other European sites within the potential zone of influence that could be affected by the proposed development.

13.5. In terms of potential likely affects, I note that at construction phase, - demolition, excavation and construction have the potential to give rise to construction related

pollution which could potentially be linked to designated sites via sewer pathways in the vicinity of the site. There is no surface water hydrological connection between the subject site and the Natura 2000 sites referred to. Best practice construction will address any concerns associated with pollutant emissions associated with construction. Having regard to the location of the site and the relatively large separation distance from designated sites together with the modest scale of the proposed development, I do not consider that construction related noise or other impacts will disturb any habitats or species associated with the European sites. Furthermore, I do not consider that any evident pathways exist for construction related pollution or disturbance.

- 13.6. In terms of habitat loss/fragmentation, the Board will note that no part of the development site is located within or contiguous to any of the European sites in question and therefore there will be no direct loss of habitat. Both the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC are a significant distance from the proposed site and therefore there is no potential for habitat loss or fragmentation by reason of disturbance or otherwise.
- 13.7. With regard to habitat/species disturbance at operational stage, it is acknowledged that there will be surface water and wastewater emissions generally by the development. However, any wastewater emissions will be treated at Ringsend Wastewater Treatment Plant before any discharge into the Bay. Furthermore, I will consider that the minor scale of the proposed development would have an insignificant impact in the context of the overall capacity of the foul and surface water network serving the city.

14.0 Reasons and Considerations

Having regard to the provisions of:

- (a) the Dublin City Development Plan 2016-2022, including the zoning and policy objectives applicable to the site,
- (b) the National Planning Framework, particularly National Policy Objectives 3b, 11, 13, 33 and 35,

(c) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018,

(d) the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009,

(e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018, and the amendments to these Guidelines published in December 2020,

(g) the nature, scale and design of the proposed development and the existing character and pattern of development in the area,

(h) the existing derelict nature of the site and its central location in an area with a wide range of social and transport infrastructure, and

(i) the documentation on the appeal file, including the amended drawings and additional studies submitted in the grounds of appeal including all submissions and observations received,

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

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted in the appeal to An Bord Pleanála, on the 11th day of February 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All shared accommodation units hereby permitted shall be for single occupancy only and shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage (December, 2020).

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

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

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

4. Prior to expiration of the 15-year period referred to in condition number 3 above, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Shared Accommodation

scheme. Any proposed amendment or deviation from the Shared Accommodation model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

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

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

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

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

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

Reason: In the interest of visual amenity.

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

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

9. With the exception of the proposed public café at ground floor level, all proposed communal and residents support facilities areas shall be reserved for the use of the residents only and shall not be open to the public.

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

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

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

Reason: In the interest of residential amenity.

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

Reason: In the interest of sustainable transportation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the satisfactory completion of the development.

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

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

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

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

Paul Caprani
Senior Planning Inspector

13th May 2021