



An
Bord
Pleanála

Inspector's Report ABP-309800-21.

Development	Demolition of existing structures on site except No. 4 Sweeney's Terrace and construction of a residential development comprising 39 apartments in a single block rising from 3 to 7 storeys.
Location	Sweeney's Terrace, Dublin 8.
Planning Authority	Dublin City Council South.
Planning Authority Reg. Ref.	4034/20.
Applicant(s)	Clarman Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party v Refusal
Appellant(s)	Clarman Developments Ltd.
Observer(s)	27 Observers.
Date of Site Inspection	13/05/2021.
Inspector	A. Considine.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	8
4.0 Planning History.....	14
5.0 Policy and Context.....	18
5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018.....	18
5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):.....	19
5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2020):.....	20
5.4. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.....	21
5.5. Development Plan.....	21
5.6. Natural Heritage Designations	22
5.7. EIA Screening	23
6.0 The Appeal	24
6.1. Grounds of Appeal	24
6.2. Planning Authority Response	30
6.3. Observations	30
7.0 Planning Assessment	33
7.1. Principle of the development.....	33

7.2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:	35
7.3. Visual Impacts & Residential Amenity	47
7.4. Roads & Traffic	61
7.5. Water Services & Flood Risk.....	64
7.6. Other Issues.....	68
8.0 Appropriate Assessment.....	69
8.1. Introduction	69
8.2. Screening for Appropriate Assessment.....	70
8.3. Qualifying Interests for Natura 2000 Sites within Zone of Influence	74
8.4. Conservation Objectives:	77
8.5. Potential Significant Effects.....	79
8.6. In Combination / Cumulative Effects	81
8.7. Conclusion on Stage 1 Screening:	81
9.0 Recommendation.....	82
10.0 Reasons and Considerations	82

1.0 Site Location and Description

- 1.1. The appeal site is located in the Liberties area of Dublin City, in the south-western area of the city. The area is currently undergoing significant regeneration where the historical industrial and warehousing uses are being replaced with modern, high density residential development including student accommodation and build-to-rent schemes. The site forms part of a larger site which is currently being developed for a student accommodation and build-to-rent scheme which wraps around Mill Street to the north and Sweeney's Terrace to the west. The proposed development site comprises the southern area of the wider block and the Dublin City Council Waste Management Depot lies immediately to the west of the site.
- 1.2. Other uses in the vicinity of the site include hotel accommodation on Mill Street a distillery, retail fruit and vegetable market, tourism, warehousing / light industrial, community facilities and residential. Surrounding streets are predominantly residential in character with older 2 storey semi-detached and terraced houses and newer 3 to 4 storey apartment buildings. More traditional housing lies to the west of Sweeney's Terrace towards Oscar Square to the north-west and Clarence Mangan Road to the south-west. Higher mixed-use buildings are evident at the junction between Cork Street and on Ardee Street. Warrenmount Presentation College Girls Secondary School lies immediately south of the subject site and the River Poddle with Warrenmount Presentation Primary School also located within this campus.
- 1.3. The site has a stated area of 0.192 hectares and has an irregular shape. The section of the River Poddle which flows overground in the city runs along the southern boundary of the site, exiting a culvert to the south-west of the site and re-entering a culvert at the south-eastern boundary. The site is currently occupied by a number of industrial type structures and the area is being used for storage of materials associated with the development currently underway across the larger site (ABP ref: ABP-303436-19 SHD scheme refers).
- 1.4. Access to the site is via the small cul-de-sac of Sweeney's Terrace which, at present, provides access to 4 residential properties, the rear of a property fronting onto Clarence Mangan Road and the Dublin City Council Waste Depot. The site has a narrow 'road frontage' and the existing laneway, which provide access to no. 4 Sweeney's Terrace forms the northern boundary of the site.

2.0 Proposed Development

2.1. Permission is sought, as per the public notices for development at a c. 0.192 ha site at Sweeney's Terrace, Dublin 8, including No. 4 Sweeney's Terrace (a habitable house to the rear of No.1 Sweeney's Terrace). The development will consist of the following:

- The site is generally bound by a Student Accommodation and Residential scheme permitted under ABP Ref. ABP-303436-19 (currently under construction) to the east, the River Poddle to south, Dublin City Council Waste Management Depot to the west and properties fronting onto Sweeney's Terrace to the north.
- The proposed development will consist of the demolition of all structures on site, except No. 4 Sweeney's Terrace, and construction of a residential development (with a total Gross Floor Area of 3,096 sq.m) to comprise of
 - 39 no. apartments (consisting of 3 no studio units; 16 no. one-bed units and 20 no. two-bed units) arranged in a single block rising from 3 no. storeys to 7 no. storeys in height over a partial basement level with terraces/ balconies on eastern, southern and western elevations.
 - Roof terraces are provided at third and fifth floor level.
- The proposed development also provides for change of use of No. 4 Sweeney's Terrace from residential to office use, extension at ground and first floor level, increasing total GFA from approximately 81 sq.m to 88 sq.m GFA, together with associated elevational amendments, internal reconfiguration and modifications to fenestration including new windows on the north and southern elevations and repositioning of door to western elevation and use of the existing 1 no. car parking space for the proposed commercial use.
- The development will include:
 - 84 no. bicycle parking spaces (60 no. internal secure spaces at basement level and 24 no. external, surface level visitor spaces),
 - a set-down area within the site,
 - bin stores,

- plant, electrical switch rooms and ESB substation,
- controlled pedestrian access to internal courtyard communal open space,
- landscape open space along the River Poddle including the opening up of approximate 31 m of the river, which is currently culverted,
- boundary treatments including the provision of controlled access to private open space and restricted access to the Poddle embankment area and the existing lane from Sweeney's Terrace (public access available during daylight hours),
- lighting and all associated site and development works on a site of 0.192 hectares.

2.2. The application included a number of supporting documents including as follows:

- Plans, particulars and completed planning application form,
- Letters of consent from relevant landowners
- Part V Validation Letter from DCC
- Planning Report
- Schedule of Accommodation & Housing Quality Assessment
- Engineering Drawings & Reports – including Flood Risk Assessment
- Public Realm, Landscape Strategy & drawings
- Appropriate Assessment Screening Report
- Ecological Impact Statement
- Traffic & Transport Plan
- Outline Construction Management Plan
- Building Lifecycle Report
- Waste Management Plan for Construction & Operation
- Architectural Conservation Report

- Tree Survey & Arboricultural Report
- Daylight, Sunlight and Overshadowing Study
- Universal Access Statement
- Archaeology Report
- Sustainability Report

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. Having regard to the design, scale, mass and bulk of the proposal and the proximity of the development to adjoining properties, it is considered that the proposed development would constitute overdevelopment of the site and would have an excessively overbearing, overshadowing and overlooking effect on adjoining properties. The proposed development fails to integrate or be compatible with the design and scale of the adjoining buildings and as a result, would seriously injure the visual amenities of the streetscape and would have an adverse impact on the character of the area. The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. Sweeney's Terrace is a narrow cul-de-sac constrained by on street parking and with substandard public footpath provision. The application has not demonstrated that Sweeney's Terrace can facilitate the necessary vehicular access required for the development without endangering public safety by reason of traffic hazard. The development is considered contrary to the Dublin City Development Plan Section

16.10.10. The development would therefore be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar developments in the area.

3. The service access proposals are considered inadequate to facilitate the development, and no drop-off, visitor, accessible or resident car parking provision within the site is proposed. As a result, the development would generate overspill parking and servicing activity onto the adjacent Sweeney's Terrace and surrounding road network causing an obstruction to pedestrians, cyclists and other road users. The development is considered contrary to the Dublin City Development Plan Section 16.38 and the Design Standards for New Apartments, Section 4.23. The development would therefore be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar developments in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submission, the planning history of the wider site and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening and EIA Screening section.

The Planning Report concludes that the subject site does not represent a focal point that merits a similarly scaled feature building to the Sweeney's Corner scheme but requires that the proposal be designed in a manner that respects the prevailing scale and integrates with its surroundings. It is considered that the site does not lend itself to the height proposed in the application and that the proposed seven storey development would result in a significant transition in scale relative to the existing environment. In addition, the Planning Report raises concerns in terms of the provision of communal amenity space dedicated for use by residents of the proposed development, as well as the usability of the internal courtyard area which will receive

less than 2 hours direct sunlight on the 21st March as required under BRE Guidance documents Planning for Daylight and Sunlight.

Road and traffic issues are also noted as a concern, particularly in terms of the restricted nature of Sweeney's Terrace, the lack of vehicle access for residents, visitors, drop-offs etc and the potential for overspill of parking onto the adjoining roads. Access to the site would be further constrained by overspill parking causing obstruction and no on-street parking assessment has been undertaken. It is also noted that bin / service trucks and emergency services would only be able to turn if there were no cars parked on the street. The report also notes the Traffic and Transport Divisions of Dublin City Councils concerns regarding the zero parking proposals for the site.

The Planning Report concludes that while there is no objection in principle to the proposed development given its location, the zoning objective and its compatibility with surrounding uses, the proposed development is not considered acceptable in its current form and is considered to constitute overdevelopment of the site and would result in a substandard residential environment for proposed residents. The report also considers that the development fails to integrate or be compatible with the design and scale of the adjoining buildings and as a result, would seriously injure the visual amenities of the area and have an excessively overbearing, overshadowing and overlooking effect on adjoining properties. Finally, the report concludes that the proposed development raises issues in terms of the suitability of Sweeney's Terrace to access and service the development.

Planning Officer recommends that permission be refused for the proposed development, for 3 reasons as detailed above in Section 2 of this report. This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

Drainage Division: Further information should be sought with regard to a number of issues in terms of:

- The recommendations of the FRA are not reflected in the plans.

- Clarification required how a combined fluvial and rainfall event is proposed to be accommodated when discharge to the river might be blocked due to high water table.
- While proposal to de-culvert a section of the Poddle is welcome, the overall storage capacity of the existing open section plus culverts is required to be maintained and if possible, increased. A comparison of pre and post development storage volumes is required.
- Plan view and cross section drawings of proposed two new bridge structures over Poddle are required.
- How access to the Poddle to be facilitated post development is required to be clarified.
- A revised FRA is required to address the residual risk of culvert or bridge blockage. The residual risk for blockage of the Grand Canal Sewer overflow shall also be assessed and flow routes across the site shall be identified and emergency plans for the event of flooding outlined in the FRA.
- Proposals for the safety installations to protect the downstream river course and public safety associated with the daylighted/de-culverted section of the Poddle are required to be submitted.

The applicant is requested to consult with the Drainage Division of DCC prior to the submission of a response to the above FI request.

City Archaeologist: The report notes that the site is located within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City) which is listed on the RMP and is subject to statutory protection. The site is located in an area of archaeological sensitivity and is closely associated with the

expansion of the city in the late 17th and 18th centuries as a result of industrial activity.

A recorded monument lies immediately east of the site, representing the location of the medieval mill of St. Thomas' Abbey. The mill pond associated with this mill is silted up on the southern boundary of the site. A full archaeological excavation of the site to the east recorded the remains of an extensive tannery and a mill site. No. 10 Mill Street, an 18th Century Dutch Billy type building and a recorded monument is located outside the north-eastern corner of the site. The archaeological excavation of this area indicated that post-medieval buildings are likely to survive at subsurface level within the subject site.

The Office concurs with the recommendations presented in the Archaeological desktop report submitted with the application and notes that all ground works associated with the development will be monitored by a suitably qualified archaeologist under licence.

The development, which includes a basement, will impact on possible archaeological material remaining within the subject site including the remains of post-medieval buildings. A condition of archaeological monitoring should be attached to any grant of permission.

Conditions are recommended.

Transportation Planning Division: The report recommends that permission be refused for the proposed development on the basis that the application has not demonstrated that Sweeney's Terrace can facilitate the necessary vehicular access required for the development without endangering public safety by reason of traffic hazard. It is considered that the development is contrary to Section 16.10.10 of the DCC Development Plan in this regard. It is further recommended that permission be refused on the basis that the service access proposals are inadequate to facilitate the development, and no drop-off, visitor, accessible or

resident car parking is proposed. As a result, the overspill of carparking and servicing activity onto Sweeney's Terrace and surrounding road network would cause an obstruction to pedestrians, cyclists and other road users, contrary to Section 16.38 of the DCC Development Plan and Section 4.23 of the Design Standards for New Apartments, Guidelines, endangering public safety by reason of traffic hazard.

3.2.3. Prescribed Bodies

TII: Recommends the inclusion of condition relating to Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen's Green to Broombridge Line).

3.2.4. Third Party Submissions

There are 19 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

- Proximity of 7 storey building to existing two storey houses.
- Impact on privacy and balconies overlooking rear gardens.
- Overshadowing impacts and use of cladding will result in a constant dark visual presence.
- Student accommodation being built is capped at 4/5 storeys and is further from existing residential properties.
- The 7 storeys permitted in at the junction of Clarence Mangan Road and Sweeney Terrace and Mill Street should not act as a precedent in this case as they look out onto public roads and not private rear gardens.
- Generally welcomes the provision of housing in the area rather than student accommodation or hotels.
- The gated aspect of the public open space is raised as a concern. The Development Plan does not allow gated communities.
- It is requested that the impact of the roof terrace and windows on the western elevation be assessed for impact on the surrounding houses.

- Lack of parking is raised as a concern.
- Access to the site is raised as a concern in terms of the swept path analysis submitted. A bin truck will be required to do a multi-point turn on Sweeneys Terrace which will only be achievable with no cars parked on the terrace. This is already an issue for existing service trucks. The same is true for fire trucks in case of emergency.
- A number of conditions are recommended.
- Impact of the development on built heritage and existing homes.
- Impact of the nature and tenure of the residential development proposed.
- Inadequate public consultation.
- Impact of construction works, particularly in terms of traffic and people working from home.
- The development constitutes overdevelopment of the wider site.
- Concerns raised regarding the impact of the proposed walking loop and the potential for increased anti-social behaviour.
- Impacts of construction works, particularly piling on existing houses raised as a concern and a request that an alternative, lower impact piling method be implemented for this development in the event of a grant of permission.
- Roof terraces are not in keeping with the character of the area and are north facing.
- Noise impacts associated with the development and roof terraces.
- Inappropriate proposals for waste collections.
- Loss of light and sunlight, with No. 1 Sweeney Terrace having effectively all sunlight removed on the 21st of March.
- Errors noted in the Daylight, Sunlight & Overshadowing Study.
- Impact of the development on the ecology of the site including the loss of two mature sycamore trees which act as a wildlife hub, carbon sink and screening.
- No Road Safety Audit and no Noise Report submitted.

- The application implies that the development is standalone, but it is in fact, phase 3 of the wider Creedon Group development. Previous permitted public amenity spaces have remained locked and inaccessible to the public despite planning conditions.
- Issues raised in terms of access to planning reports and documents on DCC planning website.
- The complex should be called 'Cuirt Sruth an Mhainistir', or the original name of the stream.
- It is not clear from the details submitted if the development will be rented or for sale and no information on how the development will be managed is provided.
- Questions raised regarding the quality of the internal living spaces and external green spaces proposed. Meeting only minimum standards will not provide the space needed for families in post-covid working from home environment.
- Issues raised with the proposed change of use of No. 4 Sweeney Terrace from residential to office use.
- Lack of clarity in terms of Part V proposals.
- Build-to-rent developments provide an inherently transient community and provides no way for people to put down roots in the community.

4.0 Planning History

- 4.1. There is extensive planning history associated with the landholding and adjoining lands to the east incorporating No. 10 Mill Street and the former Mission Hall.
- 4.2. **ABP ref PL29S.217613 (PA Reg. Ref. 3389/05):** Permission granted for a mixed use residential, retail and commercial development including 211 no. residential units, 16 no. live work units, 10 no. retail / commercial units and a crèche in 5 blocks and 2 terraces ranging in height between 1 - 7 storeys over basement +2 eight storey feature towers. Also works to No. 10 Mill Street protected structure, then

proposed for conversion and use as part of a micro-brewery and restaurant / café / bar.

- 4.3. **ABP ref PL29S.23675 (PA Reg. Ref. 4313/09):** Permission granted to Creedon Property Services for a nursing home (124 bedrooms / 149 bedspaces) in 4 – 7 storey building with ground floor 4 retail units and 2 own door commercial units, surface car park with 80 spaces and ancillary development.

- 4.4. **ABP ref. PL29S.244805 (PA Reg. Ref. 3475/14):** Relating to the student accommodation on Mill Street to the immediate east of the development site on a 1.0403 ha site including No. 10 Mill Street protected structure and the former Mission Hall. The red line site boundary included the development site.

Permission granted in 2015 to Creedon Development Ltd and GSA UK Ltd., for the demolition of all existing structures on site, with the exception of No. 10 Mill Street and the adjoining former Mission Hall and sections of historic walls at the southern site boundary and the construction of a mixed-use student accommodation, office, retail and restaurant / event space development totalling 18,796 sq.m GFA and including the restoration of No. 10 Mill Street and the former Mission Hall. The development comprised a total of 96 no. student accommodation units (406 bedspaces) together with ancillary student accommodation facilities including social space, gym, laundry facilities, management office (15,093 sq.m.) and a single-storey pavilion building for student and community uses. Also 4 no. retail / commercial units; new office space (2,137 sq.m.); the restoration, adaptation and reuse of number 10 Mill Street as a restaurant / café / multi-purpose event space and the restoration of the former Mission Hall for office use. The development is arranged in 5 blocks (A, B, C, D, E) ranging in height from 4 - 7 storeys with setbacks at various levels and a basement plant area under Block C. Blocks A, B, C and E are grouped around an internal courtyard to the west of the development site. Also Block D, a standalone 4 storey block in the southern part of the development site. The northern part of the development site is indicated as 'previously approved permission ref. 4313/09', as above. Condition no. 2(a) of the ABP permission omitted the 4th floor of Block C in its entirety.

- 4.5. **PA Reg. Ref. No. 2440/16:** Permission granted for amendments to **PL29S.244805** resulting in an increase in the total no. of permitted student

accommodation units to 112 (406 bedspaces) together with associated modifications to ancillary student accommodation facilities and ground floor retail / commercial units. No changes were made to maximum height of Blocks A, B, C and E. The principal modifications involved the insertion of a mezzanine level between ground and 1st floor level of Block C and part of Blocks B and E, modifications to all elevations and reconfiguration of entrance to retail / commercial units of the northern elevation of Block A onto Mill Street.

4.6. **PA Reg. Ref. 3518/16:** Former Mission Hall Permission granted for an amendment to the Mission Hall including minor alterations to the façade and internal alterations and a change of use:

- (a) Block A ground floor retail unit to commercial offices, with proposed additional accommodation at new mezzanine level of 340sq.m. and the rear of the ground floor of Block A (20sq.m) and
- (b) Block B retail unit to restaurant with proposed additional accommodation at mezzanine floor level of 88 sq.m.

4.7. **PA. Reg. Ref. 2772/17:** No. 10 Mill Street Permission to grant a change of use from restaurant / café and multi-purpose use as granted under PL29S.244805 to offices on basement, ground and 1st floors at No. 10 Mill Street.

4.8. **PA. Reg. Ref. 3816/17:** Permission granted for the use of the permitted student accommodation for tourist or visitor accommodation outside of academic term time only.

4.9. **PA. Reg. Ref. 3325/17:** Permission granted for new signage at the north and east elevations.

4.10. **PA. Reg. Ref. 3984/18:** Permission granted on 28th February 2019 for omission of condition 20(b) of PL29S.244805 to restrict the use of the internal courtyard to the residents only by controlling access through the permitted gates at all times.

Condition no. 2 specifies:

Alterations / modifications to access through the gate within the brick arch adjacent to no. 10 Mill Street shall be excluded from this permission. In the event that the café proposed under SHD0003/19, ABP ref no 303436-19 is

approved by planning permission, the gate shall be opened to allow pedestrian access, during the hours of operation of the café.

Reason: In the interest of the clarification of this permission.

- 4.11. **ABP ref ABP-302291-18 S.6 Consultation:** 232 no. student bedspaces and 32 no Build to Rent apartments and 2 commercial units at Mill Street, Sweeney's Terrace and Clarence/Mangan Road, Dublin 8.
- 4.12. **ABP ref ABP-303436-19 S.4 Application:** Permission granted for the construction of 253 no. student bedspaces and 37 no Build to Rent apartments and associated site works.
- 4.13. **PA. Reg. Ref. 3322/17:** Permission granted for development on a site comprising 10 - 12 Newmarket and 32 Mill Street, immediately opposite the development site, comprising the demolition of all existing buildings and the construction of a new 2 - 6 storey building on Mill Street, 4 - 5 storeys onto Newmarket Square with a total GFA of 3,995 sq.m to include 843 sq.m of micro-brewery floorspace (including ancillary bar and cafe/restaurant use) and 2,857 sq.m of office floorspace. Construction is currently underway at this location.
- 4.14. **PA. Reg. Ref. 3321/17:** Permission granted for development on a site comprising No. 8 Newmarket and No. 18 Mill Street, comprising the demolition of all existing buildings on site and the construction of a new part 4 / 5 / 6 storey building above basement with a total GFA of 9,401.05 sq.m, to include 264.97 sq.m GFA of Indoor Market Hall / Retail floorspace and 1,251.07 sq.m of office floorspace at ground floor level with a further 7,885.01 sq.m of office floorspace on the upper levels (1st to 5th floors).
- 4.15. **ABP ref TR29S.305483:** Permission granted for alterations to internal floor plans at basement (lower ground floor) to sixth floor level of previously permitted development ABP-303436-19. Permission was also granted for the amending of Condition 2 of ABP-303436-19 from:

The proposed development shall be amended so that Block D is set back from its western boundary by a minimum of 2 metres to allow for public access to the exposed area of the River Poddle from the laneway from Sweeney's Terrace. Revised drawings showing compliance with these

requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the visual amenities and character of the area.

To the following:

Public access to the exposed area of the River Poddle from Mill Street and Sweeney's Terrace will be available between 9.00 am and 5.00 pm, Monday to Sunday.

Reason: To protect the visual amenities and character of the area.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “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 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

National Planning Objective 13 provides that “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”.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

- 5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:
- quality homes and neighbourhoods,
 - places where people actually want to live, to work and to raise families, and
 - places that work – and will continue to work - and not just for us, but for our children and for our children's children.
- 5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.
- 5.2.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:
- compliance with the policies and standards of public and private open space adopted by development plans;
 - avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
 - good internal space standards of development;
 - conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
 - recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
 - compliance with plot ratio and site coverage standards adopted in development plans.

- 5.2.4. Section 5.7 deals with Brownfield lands and notes that where significant sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their re-development to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted, as should the potential for car-free developments at these locations.

5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2020):

- 5.3.1. These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and the 2018 Guidelines in relation to Shared Accommodation schemes. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:
- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
 - Make better provision for building refurbishment and small-scale urban infill schemes;
 - Address the emerging 'build to rent' and 'shared accommodation' sectors; and
 - Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

The guidelines identify specific planning policy requirements in terms of apartments and Development Plans dealing with the mix of unit sizes, while Chapter 3 deals with Apartment Design Standards, including studio apartments, orientation of buildings and dual aspect ratios, storage provision, private amenity spaces and security

considerations. Chapter 4 deals with communal facilities, including car and bicycle parking.

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

5.4. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.

- 5.4.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

5.5. Development Plan

- 5.5.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site has the land use zoning objective Z10: Inner City Sustainable Mixed Use where it is the stated objective of Z10:

To consolidate and facilitate the development of inner city and inner suburban sites for mixed uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant uses in inner city areas.

5.5.2. The Plan provides that:

The primary uses in this zone are residential, office and retail. An appropriate mix of uses for any given site will be influenced by site location and other planning policies applicable to the associated area. A range of smaller uses will also be facilitated. The concept of mixed-use is central to the development or re-development of these sites and mono uses, either all residential or all employment/office use shall not generally be permitted.

5.5.3. The proposed uses including residential and office, are identified as permissible in principle under the Z10 zoning objective.

5.5.4. The site is also located within the area of Dublin City which is impacted by the Liberties LAP. While lying outside the area covered by the LAP, Section 15.1.1.19 of the Dublin City Development Plan refers to Strategic Development and Regeneration Area (SDRA) 16 Liberties and Newmarket Square and includes the following statement in relation to the development site and the Liberties LAP:

It is noted that part of the lands zoned Z10 around Newmarket Square, south of Mill Street, are not included within the LAP boundary. It is considered that the guiding principles of the LAP shall extend to include this area.

5.6. Natural Heritage Designations

- 5.6.1. The site is an urban brownfield site and is not located within any designated site. The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(site code 00210) and the South Dublin Bay and River Tolka Estuary SPA (site code 004024) which are located approx. 4.3km to the east of the site. The North Dublin Bay SAC (& pNHA)(Site Code 000206), and North Bull Island SPA (Site Code 004006) lies approximately 6.9km to the east.
- 5.6.2. The Grand Canal pNHA (Site Code 002104) lies approximately 0.8km to the south and the Royal Canal pNHA (Site Code 002103) 2.8km to the north.

5.7. EIA Screening

- 5.7.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 5.7.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 5.7.3. The proposed development comprises 39 residential units in the form of 3 no. studio units, 16no. 1 bed and 20 no. 2 bed apartments in one block on a site of 0.192ha. The site is located in an urban area that may have come within the above definition of a “business district” but having regard to the regeneration of the area, and the significant increase in residential use, the area is more probably more akin to ‘other parts of a built-up area’. The Board will note that a number of third parties have submitted that the proposed development comprises Phase 3 of a wider development and should not be considered as a stand-alone development. I have considered the planning history of the wider area and I note that there were other applicants for mixed use developments within this city block, which included student accommodation. I am satisfied that the site is below the threshold of 2 ha for a ‘business district’ location, and substantially below the 10ha threshold for ‘other parts of a built-up area’. In any case, the site is below the threshold of 2 ha for a ‘business district’ locations. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.
- 5.7.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold

where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.7.5. Having regard to:

- (a) the nature and scale of the development,
- (b) the built nature and urban location of the site,
- (c) the zoning afforded to the site and the availability of public services and infrastructure,
- (d) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal submission provides an overview of the proposed development and includes a number of proposed revisions to the scheme in order to address the concerns identified in DCCs decision to refuse. The proposed modifications are described as follows:

- Widening of laneway: The building line along the laneway to the north of the site has been set back by approximately 5.7m to increase the overall width of the laneway to 11m, increasing the separation distance between the houses onto Sweeney's Terrace and the proposed apartment block. This

setback also allows for the incorporation of two set-down car parking spaces, one of which can be used as a car club space.

- **Relocation of the MV Substation & Refuse Store:** The relocation of these elements from the western corner at the junction of Sweeney's Terrace and the laneway to the eastern corner at the end of the laneway ensures the creation of a more attractive presentation onto Sweeney's Terrace.
- **Relocation of Main Entrance:** The main entrance is relocated from the western façade to the northern façade, opening onto the laneway. This will ensure access to the car parking spaces and will facilitate the activation and passive surveillance of the laneway.

6.1.2. The amendments will result in internal modifications, altering the number and mix of apartments and associated elevational treatments. The amendment proposal provides for 2 x studio units, 14 x 1-bed units and 20 x 2-bed units, a total of 36 units. In addition, the amended proposal provides for an additional area of communal open space in the form of a community garden for residents, located along the south bank of the River Poddle, measuring approximately 120m². The total provision of communal open space in the amended proposal is 281m², which exceeds the requirements for the scheme.

6.1.3. The grounds of appeal are included in Section 5 of the appeal document and the issues raised are summarised as follows:

Reason 1:

- The proposed amendments seek to ensure that existing residential amenity is suitably protected whilst balancing the need to make sustainable use of infill, brownfield sites as advocated in national and regional planning policy.
- It is submitted that in terms of overbearing, the design has afforded full regard to the protection of established residential amenity and to the existing and emerging pattern of development in this area. The proposed 7 storey element will have a maximum parapet height of 37.4m, which is below the 38.2m height of the building at the corner of Mill Street and Sweeney's Terrace, creating relative symmetry and conformity across the two developments.

- Similar heights of up to 7 storeys have been established in the adjoining Mill Street student accommodation complex.
- While it is acknowledged that the development provides for significant changes in scale onto Sweeney's Terrace, it is noted that the heights gradually increase from 3 to 7 storeys, mirroring the stepped design of permitted development to the north.
- The widened laneway facilitates the opportunity for additional screen planting along the boundary with the Sweeney's Terrace properties which will soften the boundary wall.
- With regard to the impacts to the properties on Clarence Mangan Road, the proposed development is set back between 26.7 to 37.38m from the rear facades of the dwellings. The taller elements are located further from the properties.
- The houses on Clarence Mangan Road are separated from the site by the DCC Waste Depot and it is understood that this site may be redevelopment in the medium term which will result in further changes to the context and relationship between the subject site and Clarence Mangan Road properties.
- It is considered that the proposed development has avoided abrupt transitions in scale and provided adequate separation distances to prevent the proposed development from being overbearing on its neighbours.
- With respect to overlooking, it is submitted that the proposed strategy seeks to minimise potential overlooking with the windows on the upper floors of the northern elevation angled to avoid any views into the private amenity spaces of the houses on Sweeney's Terrace.
- The proposed roof terraces are set back between 31.8m and 33.5m from the principal façade of the properties onto Clarence Mangan Road and the separation distances between balconies on the western elevation and the rear of the houses varies from 26.9m to 37.4m.
- It is not considered that the development will give rise to unacceptable levels of overlooking or loss of privacy.

- In terms of overshadowing, the appeal document noted that three options were considered to determine how the impact on rear garden spaces of Sweeney's Terrace house and daylight to Block D of the Newmarket Student Accommodation Building could be improved. The options are noted as follows:
 - Option 1: Reducing the 7-storey element to the south to 6 storeys together with a set back of the second-floor level to north.
 - Option 2: Reducing the 7-storey element to the south to 5 storeys together with a set back of the second-floor level to north.
 - Option 3: No reduction in the height of the northern block, but an increased setback of the northern façade by 4.4m from ground to second-floor level (ie. the development as proposed in the appeal)
- Each of the above options were assessed to determine the impact of the modifications on sunlight to the rear amenity spaces along Sweeney's Terrace and VSC of Block D of the student accommodation building.
- The analysis demonstrated that the omission of the 7-storey results in negligible improvements in the levels of sunlight and more meaningful improvements are achieved by the increased setback as proposed in Option 3. It is submitted that the impact on the amenity space is a function of their position to the north of the appeal site and the tight urban grain of the inner-city location, rather than a result of the height of the taller element of the proposal.
- The proposed amendments to the scheme will result in Nos 2 and 3 Sweeney's Terrace meeting the BRE recommendation in respect of sunlight and will significantly improve the level of sunlight received in No. 1 from 0% to 20%. While this garden will not meet the BRE recommendation, given the site location it is reasonable that some level of flexibility is applied.
- In terms of the VSC measurements in Block D of the adjoining development, it is noted that the amended proposal performs similarly to the scheme as originally proposed.

- Of the 140 windows tested, 128 achieve a vertical sky component of greater than 27 or 80% of the existing situation, exceeding the BRE requirements. The tested points which do not achieve the BRE standard have a proposed VSC between 12.67 and 27 which is considered to still provide adequate internal daylight given the proposed buildings larger than average windows. It is submitted that the BRE guidelines should be applied sensibly and flexibly.
- The development should not be unduly constrained by the rigid application of the BRE Guidelines.
- In terms of overdevelopment, the Dublin City Development Plan includes an indicative plot ratio standard of 2.0-3.0 for Z10 zoned lands. The proposed plot ratio is 1:1.55 and as such, falls below the lower indicative range.
- Site coverage is indicated at 50% for Z10 zoned lands and the proposed development has a site coverage of 26%, again below the indicative standard.
- In terms of density, the development proposes an overall density of 217 units per hectare. This is considered consistent with national planning policy for sustainable residential development.
- It is submitted that the proposed development will not give rise to an unacceptable level of overlooking, overshadowing or loss of privacy and cannot reasonably be considered to be overdevelopment of the site.
- In terms of the streetscape, the subject site is considered in the context of the wider Z10 land bank and as part of the larger planning unit. The proposed height and massing have responded to the established context of the site, respecting the pattern of development.
- It is submitted that the school to the south, separated by the River Poddle, is located within a wider institutional campus and is marginal relevant to the streetscape.

Reason 2:

- The response to Reason 2 is included within a report from CS Consulting Group which is summarised as follows:

- Amendments to the scheme incorporates 2 set-down parking spaces within the boundary of the site.
- The space to the west could be used as a car club space.
- Swept path analysis has been prepared that demonstrates that vehicles (cars/light vans) can enter the site in a forward gear and can manoeuvre at the turning head to exit the site in a forward gear.
- Vehicle swept path analysis has also been carried out for a refuse and fire vehicle movement on Sweeney's Terrace, taking into account the existing car parking spaces.
- It is submitted that, in accordance with Section 16.10.10 of the CDP, that the proposed development benefits from safe access to and from the site and will not give rise to traffic hazard. The development, therefore, fully complies with Section 16.10.10 of the Plan.

Reason 3:

- The response to Reason 3 is included within a report from CS Consulting Group which is summarised as follows:
 - Amendments to the scheme incorporates 2 set-down parking spaces within the boundary of the site which will accommodate drop-off and servicing. 1 space is also proposed for the commercial element.
 - The Apartment Guidelines advocate a flexible, location driven approach to car parking provision depending on proximity and accessibility criteria. Section 4.19 of the Guidelines provide that car parking can be wholly eliminated for central and / or accessible urban locations.
 - It is submitted that the proposed development is located in a central and highly accessible location.
 - The appeal includes details of the implementation of a Mobility Management Plan.
 - The development represents a small infill development, and it is submitted that the development includes generous bicycle parking consistent with the requirements of the Apartment Guidelines.

- It is concluded that the proposed development, with the provision of set-down parking spaces, will avoid potential overspill parking onto Sweeney's Terrace.

6.1.4. The appeal concludes requesting that the Board overturn the decision of Dublin City Council and grant permission for the development.

6.1.5. There are a number of enclosures with the appeal as follows:

- Planning History of the site and area
- VSC/Sunlight Study
- Report from CS Consulting Group with regard to roads and traffic issues.

6.2. Planning Authority Response

None.

6.3. Observations

There are 27 observers noted on the appeal file as follows:

- | | |
|--|---|
| 1. Christine Foran | 13. Colm Maguire & Others |
| 2. A & M McKenna | 14. James Dennis & Leonora Low & Others |
| 3. Colm Burgess | 15. Bríd Smith & Tina MacVeigh |
| 4. Kathleen Stack | 16. Aengus Ó Snodaigh & Máire Devine |
| 5. Patrick McGovern & Ellen Bramley | 17. Eimear & Diarmuid Marrinan & Others |
| 6. Presentation Secondary School Warrenmount | 18. Shane Lynam & Monika Nagyova |
| 7. Thomas Lynch | 19. Lisa Donohoe & Frank Renehan |
| 8. Michael Heelan | 20. Catherine Cleary & Liam Reid |
| 9. Lucy McKeeever | |
| 10. Maria O'Reilly | |
| 11. Grainne Clarke | |
| 12. Dermot Cousins & Mary Dee | |

- | | |
|-------------------------------------|-------------------------------------|
| 21. Lisa O'Reilly | 25. Katie McAuliffe & Others |
| 22. Catherine McSweeney | 26. Killian Morgan & Anne
Lawson |
| 23. Aoife Murphy | |
| 24. Robert Lalor & Claire
Groves | 27. Robert Gleeson |

6.3.1. The issues raised in the observations reflect those made to the Planning Authority during its assessment of the proposed development and are summarised as follows;

- Scale & height
- Security risk to existing properties
- Impact on privacy and overlooking
- Impact on sunlight and daylight
- Built heritage
- House type and tenure
- Diminishes public open space
- Impact of construction works
- The development is for a built-to-rent and will not be for sale.
- Inadequate information on Part V proposals
- Roads and traffic impacts - the appeal has not addressed the concerns of DCC in their reasons for refusal
- Fire hazards have not been addressed.
- Impact of the development on the adjacent school as the 7-storey element with balconies will overlook the outdoor public areas of the school. This is a concern in terms of privacy and child protection.
- Noise implications also associated with the school include the ability to teach during piling and the impact of noise on children attending the school who are on the autistic spectrum.

- The revisions to the scheme concentrate only on the impacts to the houses on Sweeney's Terrace and make no improvements to the impacts on the houses on Clarence Mangan Road.
- The 7-storey element should be reduced to 3-4 storeys
- There are no plans to develop the DCC depot and the references to same mean nothing.
- Comparison of the corner sites – Sweeney's Terrace / Mill Road and the southern area of the proposed 7-storey building – is inappropriate as the contexts are different.
- Previous areas designated for public open space have been subsequently closed off.
- Loss of mature trees is raised as a concern in terms of the impact on birds, bats and wildlife.
- The context of the site is substantially different to the Sweeney's Terrace / Mill Street junction where the proposed 6-storey corner building will look out onto the front of houses, across the public street. The subject site is located faces the rear gardens of private 2-storey houses and a 2-storey school.
- Artists' impressions submitted are inaccurate and include trees where non exist as well as high rise buildings which do not exist nor for which planning permission has been sought or received.
- Lack of public consultation.

7.0 Planning Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Compliance with National Guidelines & Standards, the Development Plan & General Development Standards
3. Visual Impacts & Residential Amenity
4. Roads & Traffic
5. Water Services & Flood Risk
6. Other Issues
7. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. The proposed development seeks to construct a 3-7 storey block of apartments at the end of the cul-de-sac of Sweeney's Terrace, in the Liberties area of Dublin City Centre on a site covering 0.192ha. Access to the site is via the narrow Sweeney's Terrace and the site has a public roadside boundary of approximately 9m, at the corner between the southern boundary of No. 1 Sweeney's Terrace which runs in a west to east direction, and the front of the DCC Waste Depot, which runs in a north to south direction. The proposed building will be located within the boundaries of this small infill site, connecting externally with the existing student accommodation development, currently under construction to the east. The property to the south comprises the two-storey secondary school while to the west of the low rise DCC Waste Depot, are the rear of the two storey houses which front onto Clarence Mangan Road. There is no vehicular access available within the site, other than along the laneway which currently provides access to No. 4 Sweeney's Terrace.

- 7.1.2. The original proposal, as submitted to Dublin City Council, provided for 39 residential units comprising studios, one and two bedrooms. The development includes at basement level, 39 storage units for the apartments and a bike store which will accommodate 60 bicycles as well as rooms to accommodate other plant, CWS and telecoms equipment. The original ground floor plan provided for a MV substation, Switch Room and refuse store on the north-western corner of the proposed building, with 7 residential units. 20 visitor bicycle parking spaces are also provided at ground floor level. The proposed change of use of the existing house in the north-eastern corner of the site also includes parking for one car and 4 bicycle parking spaces. The remaining units are spread across the upper floors of the building, with 8 units on the 1st and 2nd floors, 4 units on the 3rd and 5th floors, 5 units on the 4th floor and 3 units on the 6th floor. In terms of amenity space, the development proposes to provide two no. north facing roof terraces at levels 3 and 5 as well as an amenity space along the River Poddle to the south of the site. This riverside space will connect to the amenity space associated with the development currently under construction to the east.
- 7.1.3. The Board will note that the applicant, in the submission of the first-party appeal, included proposals to amend the development in an effort to address the concerns raised in the PAs decision to refuse planning permission. The amended development maintains the 3-7 storey height and includes an increased separation distance between the proposed 3 storey element onto Sweeney's Terrace and the existing residential properties, through the widening of the laneway. Other minor amendments include the relocation of the MV substation and refuse store from the western corner at the junction of Sweeney's Terrace and the laneway to the eastern corner at the end of the laneway and the relocation of the main entrance to the building from the western façade to the northern façade, opening onto the laneway.
- 7.1.4. The amendments to the floor plate have resulted in the proposed provision of 2 drop-off car parking spaces and internal modifications to the scheme has altered the number and mix of apartments and associated elevational treatments. The amendment proposal provides for 3 x studio units, 13 x 1-bed units and 20 x 2-bed units, a total of 36 units. I also note that the amended proposal provides for an additional area of private communal open space in the form of a community garden for residents, located along the south bank of the River Poddle, measuring

approximately 120m². The total provision of communal open space in the amended proposal is 281m², which exceeds the requirements for the scheme.

- 7.1.5. In terms of the principle of the proposed development, the subject site is located on lands zoned Z10 in the Dublin City Development Plan and where it is the stated objective of the Z10 zoning to consolidate and facilitate the development of inner city and inner suburban sites for mixed uses. In this regard, the proposed residential use and office use are both uses which are permissible in principle on such zoned lands. While I acknowledge the concerns of the Planning Authority in terms of the reasons for refusal cited for the development, having regard to the location of the subject site, on serviced and zoned lands, together with the proximity to public transport, retail, community and social facilities, it is reasonable to conclude that in principle, the development of the site for residential and office purposes is acceptable.

7.2. **Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:**

- 7.2.1. Having regard to the location of the subject site within the inner city, together with the brownfield nature of the site and the recent planning history of sites adjacent, I am satisfied that the principle of high-density residential development can be considered acceptable and in accordance with the general thrust of national policy. The subject site has a stated area of 0.192ha and proposes to provide 39 residential units on the site, reduced to 36 in accordance with the appeal submission. In terms of the Dublin City Development Plan requirements, the following is relevant:

	Proposed	Amended by Appeal	Development Plan
Site Coverage	30%	26%	50%
Plot Ratio	1:1.6	1:1.55	2.0-3.0
Density	203	187.5	50 units / ph
Public Open Space	365m ²	245m ²	192m ² (10% of site)
Communal Open Space	161m ² = Central Courtyard 70m ²	281m ² = Central Courtyard 70m ²	

	3 rd floor roof tce 48m ² 5 th floor roof tce 43m ²	3 rd floor roof tce 48m ² 5 th floor roof tce 43m ² Private community garden for residents 120m ²	
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The mix of units proposed:

Unit Type	Proposed	Amended by Appeal
Studio	3	3
1 bed	16	13
2 bed (3 person)	1	3
2 bed (4 person)	19	17
Total	39	36

- 7.2.2. The Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities suggest that there should be no upper limit to density on City Centre sites subject to qualitative safeguards. In areas close to public transport corridors minimum densities of 50 units per hectare should be applied subject to those safeguards. The density proposed in the amended proposed development is approximately 187.5 units per hectare. In terms of compliance with the Dublin City Development Plan, the proposed development is acceptable with regard to the recommendations of the Plan in terms of site coverage, plot ratio and density. I will address issues in terms of the height under section 7.3 of this report in terms of visual impacts.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2020

- 7.2.3. The 2018 guidelines update the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness, Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines, and specific policy objectives contained in

these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to enable a mix of apartment types, make better provisions for building refurbishment and small-scale urban infill schemes, address the emerging 'build to rent' and 'shared accommodation' sectors and to remove requirements for car-parking in certain circumstances.

7.2.4. The 2020 Guidelines update the 2018 Guidelines to include a new SPPR 9 which advises that there shall be a presumption against granting planning permission for shared accommodation / co-living development unless specific criteria have been met. In terms of the subject appeal, the 2020 guidelines are the appropriate guidelines. Chapter 3 of the Guidelines provide for Apartment Design Standards, and I proposed to consider the proposed development against these requirements. Having regard to the development before the Board, I consider it reasonable to deal with the amended proposals presented to the Board as part of the appeal. This is based on my consideration of other relevant matters including impacts on existing residential amenity and roads and traffic issues associated with the original proposal, which will be discussed further in the assessment in Sections 7.3 and 7.4 below.

a) *Apartment floor area:*

The Guidelines, Specific Planning Policy Requirement 3, require that the minimum floor areas be applied to apartment developments. The Board will note that there are a small number of differences between the information presented in Section 3 of the Housing Quality Assessment and Appendix A of that document in terms of the floor area of units. I note that the information included on the plans reflect those figures contained in Appendix A, Drawing Number P20-158D_3.1_110 Revision P02 refers. The proposed development provides for the following floor areas:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
3 x Studio	37m ²	1 x 37.6m ² 1 x 39.0m ² 1 x 39.1m ²	115.7m ²
13 x One bedroom	45.0m ²	1 x 45.1m ² 1 x 46.2m ² 2 x 46.4m ² 1 x 47.1m ² 3 x 47.3m ² 2 x 47.4m ²	614.4m ²

		1 x 47.6m ² 1 x 47.7m ² 1 x 51.2m ²	
3 x Two bedrooms (3 persons)	63.0m ²	1 x 70.3m ² 1 x 70.7m ² 1 x 70.9m ²	211.9m ²
17 x Two bedroom (4 persons)	73.0m ²	1 x 73.9m ² 1 x 74.1m ² 1 x 74.4m ² 2 x 75.0m ² 1 x 75.1m ² 4 x 75.6m ² 1 x 77.0m ² 4 x 79.6m ² 2 x 79.7m ²	1,250.7m ²
36 units in Total			2,192.7m²

The development proposes 36 x studio, 1 and 2 bedroom apartments. All apartments proposed achieve the minimum floor area required by the guidelines. I also note that the proposed two bedroom (3 persons) offer accords with the maximum 10% provided for in the 2020 Guidelines.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

Minimum aggregate floor areas for living/dining/kitchen rooms

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
Studio	4m*	30.0m ²
One bedroom	3.3 m	23.0m ²
Two bedrooms (3 person)	3.6 m	28.0m ²
Two bedrooms (4 person)	3.6 m	30.0m ²

* Combined Living / Dining / Bedspace, also includes circulation.

In terms of the above, I have identified a number of anomalies between the plans presented and the figures indicated in Appendix A of the Housing Quality Assessment. Of particular note, the available minimum aggregate floor areas for living/dining/kitchen rooms do not measure up in terms of a number of proposed unit types, 1 bed apartments Type 3 and Type 4 for example. The stated aggregate room areas are indicated on the plans as being between

23m² and 24m² but when considered against the figures in Appendix A, they do not compare. In addition, a cursory measurement of the available floor areas would suggest that they fall below 20m².

In the event of a grant of planning permission, these issues would need to be clarified in order to ensure that all units generally accord with the above guideline requirements. The proposed bedrooms appear to be of a size which comply with the requirements in terms of width and floor areas.

b) Safeguarding Higher Standards

It is a requirement that 'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'.

In this regard, the following is relevant:

Unit Mix	No of Apartments	Cumulative Min Floor Area
8.3% Studio units	3	3 x 37m ² = 111m ²
36.1% 1-bed units	13	13 x 45m ² = 585m ²
55.6% 2-bed units	20	20 x 73m ² = 1,460m ²
Total	36	2,156m²

+ 10%	No of Apartments	Cumulative Min Floor Area
1-bed units + 10%	13	13 x 4.5m ² = 58.5m ²
2-bed units + 10%	6	6 x 7.3m ² = 43.8m ²
Total	19	102.3m²

Total Required Minimum Floor Area therefore is 2,258.3m².

In terms of the allocation of +10% of majority by unit type, the following is relevant:

Unit Type	No of Apartments	Cumulative Min Floor Area
8.3% Studio units	3	3 x 37m ² = 111m ²
36.1% 1-bed units	13	13 x 49.5m ² = 643.5m ²
55.6% 2-bed units	6	6 x 80.3m ² = 481.8m ²
	14	14 x 73m ² = 1,022m ²
Total	36	2,258.3m²

The actual proposed floor area of the residential element of the overall development, is 2,192.7m². There appears to be a shortfall of 65.6m² in this regard. However, I note Section 3.15 of the 2020 Apartment Guidelines which suggest that the 10% requirement can be applied with flexibility on urban infill schemes on sites of up to 0.25ha and on a case-by-case basis.

c) *Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The proposed development provides for 36 apartments in a single block which will rise to between 3 and 7 storeys. Of the proposed 36 units, 22 are dual aspect. The Guidelines require, SPPR 4 refers, that at least 33% of units are dual aspect and, in this regard, the proposed development complies with the 2020 Apartment Guidelines. There are no units with a single northern aspect and all apartments are afforded private amenity spaces in the form of small balconies which just meet the recommended 1.5m minimum depth required in the Guidelines.

d) *Floor to Ceiling Height:*

It is a specific policy requirement, SPPR 5, that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. The sections submitted with the planning documents and appeal indicate that a floor to ceiling height of 3.5m at ground floor level, and 3m across all other floors is proposed. This is in accordance with the requirements of the guidelines.

e) *Lift & Stair Cores:*

The proposed development includes two stair cores between ground and second floors, with the stair core to the centre (eastern aspect) of the building continuing to the upper floors. A central lift area is proposed to serve the development. Having regard to the scale of the proposed development, I am satisfied that the proposed stairs and lift arrangement is acceptable.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines, and it is noted that said storage 'should be additional to kitchen presses and bedroom furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m².'

The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from bicycle parking requirements. The Board will note that the development proposes external storage facilities to serve the development. The minimum storage space requirements are identified as follows:

Minimum storage space requirements

Studio	3 sq m
One bedroom	3 sq m
Two bedrooms (3 person)	5 sq m
Two bedrooms (4 person)	6 sq m

In the context of the proposed development, the Board will note that the submitted drawings indicate that storage is provided within each apartment, with additional storage facilities also provided remotely in the basement. It would appear to me that a number of the units provide inadequate storage within the apartment unit and as the plans do not indicate exactly which remote storage unit will be assigned to each apartment, I cannot clearly state that adequate storage will be provided. However, I would accept that the

basement storage facilities range from approximately 1.3m² to 2.3m². which would likely result in adequate storage provision for the units.

g) Private Amenity Space:

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require the following minimum floor area for private amenity space:

Minimum floor area for private amenity space

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms (3 person)	6 sq m
Two bedrooms (4 person)	7 sq m

All apartments are provided with balconies or terraces, all of which appear to achieve the recommended area and 1.5m minimum depth required in the Guidelines. All private open spaces adjoin and have a functional relationship with the main living areas of the apartments and primarily have a southern, western or eastern aspect.

h) Security Considerations

The Guidelines require that apartment design should provide occupants and their visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings. Particular attention should be given to the security of ground floor apartments and access to internal and external communal areas.

The Board will note that the main entrance to the apartment building has been relocated from the original proposal whereby it was located along the western elevation, and off the pedestrian access to the public open space to the south. The amended plan provides for the main access to the building on the northern elevation, off the widened laneway. A further access to the building is proposed from the eastern courtyard area.

The layout of the site proposes that a gate will be located along the western side of the building with access to the southern area of the site accessible only by residents outside of the hours of 9.00 am and 5.00 pm, Monday to Sunday. Of the five proposed ground floor apartments, two are to be located on the publicly accessible side of the proposed gates. The private terraces of these two units are located approximately 4m from the western site boundary and the landscaping plan indicates a 0.5m wide hedge buffer area, rising to 1.2m in height, between the terraces and the public path as a means of protecting privacy. I am generally satisfied that the access to the building and matters of security are acceptable.

- 7.2.5. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities, refuse storage, communal amenity space, children's play, bicycle parking and storage and car parking. Given the nominal scale of the proposed apartment development, I am satisfied that the communal areas proposed are adequately sized.
- 7.2.6. In terms of the provision of refuse storage, the Board will note that a bin storage area to service the apartments is proposed within the ground floor area at the north-eastern corner of the proposed building. The refuse area proposed covers 37.4m² and the plans submitted would suggest that 7 standard wheelie bins will be provided to serve the development. I note that the submitted Waste Management Plan for Construction & Operation indicates that 'assuming appropriate on-site storage is provided, environmental impacts arising from waste storage are expected to be minimal'. I also note that an Operational Waste Control Strategy is to be developed by the Management Company to clearly outline the approach to waste disposal, and dedicated waste collection areas shall be established within common areas of the development.
- 7.2.7. The bin store area includes a set of double doors which will open onto the widened laneway, with a single door opening provided from within the apartment building itself. In the context of the submitted site layout, the access to the bin store area could be considered as being quite restricted. In addition, there is no temporary storage area for bins proposed at the roadside. The bin trucks will, therefore, be required to travel into the laneway and undertake a 3-point turn manoeuvre in the north-eastern area of the site in order to retrieve the bins and exit the site face

forward onto Sweeney's Terrace. The location of the turning area is a concern, given that it has the potential to impact on the proposed office use associated with the change of use of the house, No. 4 Sweeney's Terrace, and its associated car parking space, as well as the proposed Car Club Space – to be located in the north-eastern corner of the building, and the pedestrian access from the adjacent student accommodation development to the east and the proposed courtyard area of the subject proposed appeal.

- 7.2.8. While I will discuss issues in relation to roads and traffic further below in this report, it is submitted in the appeal that the amended proposal, with the building set back from the northern boundary and the widening of the laneway to provide for an available road surface of at least 7m in width, that there will be no impediment to pedestrians or cyclists using the lane during refuse collection. The Swept Path Analysis submitted with the appeal appears to suggest that the refuse truck can access the site, collect refuse, turn and exit the site without hazard to vulnerable road users.
- 7.2.9. I accept the principle of the location of the proposed bin storage area within the development, noting that the Guidelines advise that 'Waste storage areas should not be on the public street, and should not be visible to or accessible by the general public'. In acknowledging the concerns raised by the third parties in terms of the servicing of the site, I am satisfied that the impact of waste collection can be considered as being reasonable at this city centre location. The period of impact associated with bin collection is short, and likely only once a week. I also note that there are other properties and developments in the immediate vicinity of the site which also require refuse collection. The level of impact associated with the proposed development in this regard is considered minimal and acceptable.
- 7.2.10. In relation to communal amenity spaces, the development proposes 2 landscaped roof terraces at levels 3 and 5 to serve the apartment residents, with areas of approximately 48m² and 43m². In addition, the amended proposal includes an area of 245m² along the southern side of the site, in the vicinity of the River Poddle, as well as a private 'residents only' community garden with an area of 120m² in this area also. The submitted Landscape Architecture Design Rationale Report, submitted with the application, sets out the design proposal for the landscaping of the scheme. It is proposed to remove 3 mature trees, due to their poor positioning which if retained would 'severely impede the design and construction of the

proposed development'. It is also submitted that they contribute little to the local ecology.

7.2.11. Section 3.1 of the Report deals with the River Poddle proposal which includes proposal to connect with the adjacent student accommodation landscaped area to the east. The proposal in this area of the site will provide connectivity between Sweeney's Terrace and Mill Street during daylight hours. Other proposals relate to the semi-enclosed courtyard to the east of the building as well as roof terraces. I am generally satisfied that the proposed communal open space proposed is acceptable in the context of the site location. The Board will note however, that the central courtyard area proposed as part of the scheme is noted as receiving no sunlight on the 21st of March, and 52% of the space – to the north of the courtyard area – on the 21st of June. The quality of this open space might reasonably be questioned, particularly in the southern area, in this regard and will be discussed further below in section 7.3 of this report.

7.2.12. No car parking is proposed within the development. The Guidelines promote the location of apartments which have access to public transport and other sustainable transport modes. Where it is appropriate to reduce car parking provisions, high quality cycle parking and storage facilities should be provided. The guidelines require that 1 cycle storage space per bedroom is applied. The proposed development therefore requires 56 bicycle parking spaces for residents. The Board will note that the development proposes to provide secure parking for 60 bicycles within the basement area of the development, with additional surface spaces proposed for visitors. The development, therefore, proposes an appropriate quantum of bicycle parking spaces, and the development therefore accords with the guideline requirements as they relate to the provision of cycle parking. However, there does not appear to be any ramp or lift facility to get the bikes from the basement level to ground floor level. The Board will also note that the basement level also includes additional storage areas for the proposed apartments. While the lift access to the basement area might be an error in the submitted drawings, in the event that the Board is minded to grant planning permission for the scheme, this matter should be addressed.

7.2.13. In terms of car parking, the Guidelines notes that the quantum or requirement for car parking will vary in terms of the location of the site. Section 4.19 suggest that the car

parking provision can be minimised, substantially reduced or wholly eliminated in certain circumstances. Such policies are applicable in highly accessible areas in or adjoining city cores or at a confluence of public transport systems. Where it is sought to eliminate or reduce car parking provision, it is necessary to ensure the provision of an appropriate drop off, service, visitor parking and parking for the mobility impaired.

7.2.14. The Board will note the concerns raised by the Dublin City Road Planning Division in relation to the proposal to eliminate car parking at the location, as well as the concerns of existing residents in the area. Indeed, the PA refused permission for the scheme on this matter. The applicant submitted a response to these issues as part of the first-party appeal. The amended proposal has sought to address the concerns raised by including a drop-off parking space and providing a Car Club space within the scheme.

7.2.15. The submitted Traffic & Transport Report seeks to demonstrate that the proposed development location benefits from very good proximity to sustainable transport connections in the form of bus (5-minute walk) and Luas stop (Fatima Stop on Luas Red Line 15-minute walk) in close proximity, as well as good walking and cycling options. The proposed primary cycle route 8 along Cork Street is to be implemented along with a proposed secondary cycle route along Ardee Street are also accessible to the site. DublinBikes and GoCar car sharing services are also available within a 5–12-minute walk of the site. It is further noted that, in an effort to encourage more sustainable modes of transport, cycle parking in excess of the DCC standards have been provided.

Conclusion:

7.2.16. I would note that I fully acknowledge the third-party submissions, which included photographs of the restricted car parking in the vicinity of the site, as well as the concerns of the PA with regard to roads and traffic matters, which I will address further below. In terms of the principle of the proposed development, I am generally satisfied that the principle of the development is acceptable in terms of compliance with the guidelines. In addition, I am satisfied that the principle of the proposed development is acceptable in terms of the location of the site within Dublin City and the zoning objective afforded to the site. In terms of the general thrust of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG

December 2020, I have raised a number of concerns in terms of the development as follows:

- Minimum aggregate floor areas for living/dining/kitchen rooms
- Access to bin storage area for refuse trucks
- Access to basement bicycle parking – including the lack of ramp or lift access
- Quality of communal space to the east of the proposed building.

7.3. Visual Impacts & Residential Amenity

7.3.1. The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018), builds on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. Increased building heights is identified as having a critical role in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Specific Planning Policy Requirements (SPPRs) of the height guidelines take precedence over any conflicting policies, and objectives of the Dublin City Development Plan.

7.3.2. The Dublin City Development Plan, 2016-2022, at Section 16.7, provides guidance and standards for building height limits within the city. The subject site is located within an area which has been identified as having a building height cap of 28m for commercial development and 24m for residential development. Section 4.5.4 of the Plan deals with taller buildings and acknowledges the intrinsic quality of Dublin as a low-rise city and considers that it should remain predominantly so. The Plan further provides that 'taller buildings can also play an important visual role, and 'recognises the merit of taller buildings in a very limited number of locations at a scale appropriate for Dublin'. Policy SC16 is relevant in this regard and states that it is the policy of Dublin City Council:

To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).

- 7.3.3. The issue of height was raised by third parties and the Planning Authority concluded that the development does not provide an appropriate transition in scale or have due regard to the nature of the surrounding morphology, would appear over dominant, overbearing and incongruous in the streetscape. The Board will note that the proposed building rises to an overall height of 21.8m, which is within the height limits that the City Development Plan supports. It is therefore reasonable to conclude that the height proposed is in principle, acceptable in terms of the requirements of the Dublin City Development Plan.
- 7.3.4. In support of the proposed development, the applicant submitted contextual elevations and a number of photomontages as part of the Design Assessment, to depict the development as proposed. I note that the applicant clearly indicates the intention for the building to be higher than surrounding buildings, to act as a bookend to the previously permitted 7-storey building on the Sweeny's Terrace / Mill Street corner site location. While I have no objections in principle to the overall design of the proposed apartment block, or indeed the proposed height in principle, I have concerns in terms of the overall height and scale in the context of the sites' location within the cul-de-sac and surrounded to the south, west and north by low rise, 2 storey homes and the school. In addition, while I note the examples of recently permitted higher developments in Dublin City presented by the applicant / appellant suggesting precedent, the context of the subject site must be considered, and the merits of the current proposal assessed.
- 7.3.5. In particular, the site is not bound by a public street or road network, save for the approximately 9m at the access to the site at the north-western corner. While the applicant has sought to bookend a 7-storey building on the southern end of Sweeney's Terrace to mirror the permitted development at the junction of Sweeney's Terrace and Mill Street to the north, and overlooking Oscar Square, I would be in agreement with the Planning Authority and the third-parties that the southern side of Sweeney's Terrace is an entirely different streetscape and character area. The subject site does not represent a prominent corner in the streetscape, notwithstanding the changing context this wider area of Dublin City has, and is currently, undergoing in terms of redevelopment and increased density and height.
- 7.3.6. Of particular note, it must be accepted that Sweeney's Terrace is a small cul-de-sac street, with a road width of approximately 3m at its narrowest point. From the

junction of Sweeney's Terrace and Clarence Mangan Road, this cul-de-sac section provides access to only 4 existing houses (1 of which forms part of the subject application and appeal), the rear of a house on Clarence Mangan Road and the Dublin City Council Waste Depot. To the immediate south of the site, the Warrenmount Presentation Girls Secondary School is a low rise two storey building with associated car parking and facilities – accessed off Clarence Mangan Road. The DCC Waste Depot lies between the subject site and the rear of up to 12 homes on Clarence Mangan Road. The location of the proposed 7-storey element does not front onto any public street or prominent corner of a city block.

- 7.3.7. Existing permitted development in the vicinity, including the Mill Street Student Accommodation, Block C, and the SHD permitted scheme immediately to the east of the subject site, has a range of overall heights from 3 to 7 storeys, with the higher buildings located on the prominent corner locations of the wider city block to the north and east of the site. While I accept the height of the adjacent permitted building (currently under construction) rises to 5 storeys, I consider that the scale of the proposed residential building rising to 7-storeys, on this very restricted infill site, is excessive. I acknowledge the submission of the first party in this regard, and I would accept that it is open to the Board to consider a reduced height for the proposed building, but overall, I consider that the proposed development would represent an inappropriate form of development which would significantly impact existing residential, visual and general amenities of the wider area, would be overbearing on existing residential development to the west and north, and would not be appropriate to the character of the streetscape. In addition, I have serious concerns in terms of the potential impacts on the residential amenity of future residents of the student accommodation and build-to-rent scheme which is currently under construction on the adjacent site to the east and north, as well as existing residents in the more traditional homes adjacent.

Overlooking

- 7.3.8. While I accept that the proposed development is located more than the general 22 metres from the adjacent residential properties, a standard applied to directly opposing above ground floor windows in order to maintain privacy, given the overall height of the proposed development, together with the number of balconies proposed on the southern and western elevation, I consider that the development

has the potential to significantly impact on the existing residential amenities of the houses on Clarence Mangan Road by reason of overlooking into the private amenity spaces. While I accept that reduced distances might be appropriately considered in terms of higher density schemes or compact infill sites, I do not accept that any innovative design solutions have been put forward by the applicant to allay these concerns, particularly having regard to the number of proposed private balconies which will overlook the adjacent properties.

Overbearing

- 7.3.9. The Board will note that the PA considered that the development if permitted, would appear significantly overbearing from the surrounding properties, particularly from the rear gardens of adjoining homes. Certainly, the proposed development will be visible from the private areas of adjacent houses to the north and east, as well as the wider area, and will change the outlook from these homes. In the context of the existing and permitted development in the area, I would note that there has been a substantial change already, given the location of the site within an area which is evolving and experiencing significant urban regeneration in recent times.
- 7.3.10. The proposed development is significantly higher in height, scale and massing in the context of the two-storey terraced housing traditional to the area. In terms of the more recent developments however, the proposed development is comparable. I would note that the permitted development in the wider area has been located at a remove from the existing residential properties in the area, and indeed, appear to have stepped down in terms of height and scale as they move towards the existing homes to the west and south. The introduction of a 7-storey apartment building on this restricted infill site, adjacent to the permitted 5 storeys to the east, will, in my opinion, be visually overbearing when viewed from the adjacent properties to the south and west. The Board will note the options presented in the first party appeal in relation to the omission of floors.
- 7.3.11. Should the Board be minded to grant permission for this scheme, which I do not recommend without substantial amendments to the overall height and scale, I would submit that the building should be set back from the northern boundary as indicated in the appeal documents, and that the southern element of the building should rise no higher than 4 storeys, reflecting a step down towards the existing residential

development and representing a more appropriate transition in scale of development in this area. The omission of the three upper floors would result in the omission of 12 units in total:

5 x 1 bed apartments

7 x 2 bed apartments

The mix in such circumstances would be as follows:

Unit Type	Proposed	Amended by Appeal	Reduction in height
Studio	3	3	3
1 bed	16	13	8
2 bed (3 person)	1	3	2
2 bed (4 person)	19	17	11
Total	39	36	24

Daylight/Sunlight/Overshadowing

7.3.12. Section 3.2 of the Urban Development and Building Height Guidelines (2018), in terms of the at scale of the site/building, states as follows:

- The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
- Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- Where a proposal may not be able to fully meet all 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, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints 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.

7.3.13. In addition to the Building Height Guidelines, the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020 also require at Section 6.6, 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. 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 specifics.

7.3.14. The applicant's assessment of daylight, sunlight and overshadowing study is based on the BRE Report "Site Layout Planning for Daylight and Sunlight" and the analysis performed, using IES VE Software, considered the following:

- Sunlight to the Amenity Spaces
- Average Daylight Factors
- Daylight Analysis of Existing Buildings
- Shadow Analysis

7.3.15. I have considered the report submitted by the applicant submitted with the original application and the supplementary report included as part of the first-appeal documentation and have had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) – the documents referenced in Section 28 Ministerial Guidelines. I also note the concerns raised in the third-party submissions as they relate to the potential impact on light in their homes and amenity spaces.

7.3.16. In terms of the potential impacts on existing dwellings, I consider that there are two elements to be considered, including loss of sunlight to amenity spaces and

overshadowing, as well as the impact of loss of light within both existing and proposed homes due to the development.

Sunlight to Amenity Spaces / Overshadowing

7.3.17. With regard to sunlight to amenity spaces, Section 3.3.17 of the BRE guidance document provides that for a space to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on the 21st March.

7.3.18. In terms of existing private amenity spaces, Section 5.2.3 of the initial report identifies the amenity spaces of the houses fronting onto Clarence Mangan Road as well as the 3 houses outside of the application site located on Sweeney's Terrace. It is noted that the primary impacts with regard to sunlight to existing amenity spaces relate to those houses on Sweeney's Terrace, Nos. 1, 2 and 3. These houses lie to the north of the subject appeal site and the impact is expressed as follows:

Existing Amenity Areas - March 21st			
		Existing	With Scheme (Original)
	Total Area	Area Receiving >2hrs (%)	Area Receiving >2hrs (%)
1.	59.4	6	0
2.	62.8	30	1
3.	71.9	61	51

7.3.19. The initial report submits that while No. 2 Sweeney's Terrace will see a reduction of the amenity area receiving 2 hours of sunlight on the 21st of March from 30% to 1%, it is noted that on the 21st June, the same garden will not be affected at all in terms of sunlight. The impact, therefore, is considered to be limited to a single garden and it is concluded that the amenity areas will be quality spaces in terms of sunlight.

7.3.20. I have considered the information presented in support of the proposed development, and I would agree that the potential overshadowing and impacts to sunlight to existing private amenity spaces is generally restricted to the three houses on Sweeney's Terrace. The existing amenity spaces associated with the houses on Clarence Mangan Road to the west and south are at a sufficient remove from the proposed development site, such that it is unlikely that the development will give rise to significant overshadowing to these spaces.

7.3.21. The first-party appeal considered 3 alternative options to the proposed scheme and included a further report to assess the overshadowing impact of all three options on the rear gardens of the 3 houses on Sweeney's Terrace. The options are noted as follows:

- Option 1: Reducing the 7-storey element to the south to 6 storeys together with a set back of the second-floor level to north.
- Option 2: Reducing the 7-storey element to the south to 5 storeys together with a set back of the second-floor level to north.
- Option 3: No reduction in the height of the northern block, but an increased setback of the norther façade by 4.4m from ground to second-floor level (ie. the development as proposed in the appeal)

The options were assessed to determine the impact of the modifications on sunlight to the rear amenity spaces along Sweeney's Terrace and VSC of Block D of the student accommodation building. The findings are set out as follows:

Existing Amenity Spaces				
		Option 1	Option 2	Option 3
	Total Area	Area Receiving >2hrs (%)	Area Receiving >2hrs (%)	Area Receiving >2hrs (%)
1.	59	12	12	20
2.	62	29	29	32
3.	71	66	66	66

7.3.22. In terms of the above, the Board should note that the submitted figures in the appeal document, do not marry with the original figures submitted with the application. Of particular note, the figures submitted in the appeal document – Courtyard Results – do not reflect the original figures associated with the 21st March date for the original proposed development (refer to pg. 19 of the original Daylight, Sunlight & Overshadowing Report). The variation in figures is particularly inaccurate in terms the existing % area of Garden no. 1 Sweeney's Terrace receiving >2 hours – originally indicated at 6% and 41% in the appeal document. As such, the robustness of the submitted assessment is in question in my opinion.

7.3.23. The 2011 BRE Guidance indicates that any loss of sunlight as a result of a new development should not be greater than 0.8 times its former size. The submitted Daylight, Sunlight & Overshadowing Report includes an assessment of impact on existing neighbouring gardens with the existing buildings in place, and with the proposed development. Section 3.3.11 of the BRE guidance states that if an existing garden or outdoor space is already heavily obstructed then any further loss of sunlight should be kept to a minimum. In such instances, the guidelines recommend that the sun hitting the ground in the garden/amenity space should not be less than 0.8 times its former value with the development in place.

7.3.24. In terms of shadow analysis, the Board will note the content of Section 8 of the submitted Daylight, Sunlight & Overshadowing Study submitted with the application. The analysis suggests that the impact of the proposed development – originally proposed – is as what would be expected for an infill project in a compact streetscape. It is accepted that there will be some reduction of sunlight to nearby amenity areas, with the impact limited to one or two gardens on the 21st of March date. In terms of the requirements of the BRE Guidance, the Board will note that the existing amenity spaces are impacted as follows:

- No. 1 Sweeney's Terrace:

○ Amenity space area	=	59.4m ²	
○ Existing % Area Receiving >2hrs	=	6%	= 3.564m ²
○ Original proposal Area Receiving >2hrs	=	0%	= 0m ²

- No. 2 Sweeney's Terrace:

○ Amenity space area	=	62.8m ²	
○ Existing % Area Receiving >2hrs	=	30%	= 18.48m ²
○ Original proposal Area Receiving >2hrs	=	1%	= 0.628m ²

- No. 3 Sweeney's Terrace:

○ Amenity space area	=	71.9m ²	
○ Existing % Area Receiving >2hrs	=	61%	= 43.859m ²
○ Original proposal Area Receiving >2hrs	=	51%	= 36.669m ²

7.3.25. In the context of the above, it is clear that 2 of the 3 existing properties on Sweeney's Terrace will experience a reduction to sunlight within the private amenity spaces to a level which exceeds the 0.8 times the current value. I would note that the proposals submitted to the Board as part of the first-party appeal would likely reduce the impact of the development on the existing private amenity space due to the increased separation distance through the widening of the laneway to the north of the proposed building, and the stepping back of the third level roof terrace. I also note that the gardens are significantly less impacted during the summer months, having regard to the analysis presented in relation to the 21st of June.

7.3.26. Having regard to the provisions of national and local policies and objectives with regard to urban development including increased densities and regeneration within this area of Dublin City, together with the constraints associated by the subject site in terms of its position immediately south and west of existing housing and residential development, and my assessment with regard to the impact that arises in respect of the impact to sunlight to and overshadowing of existing amenity spaces, I consider that the potential for undue impacts on the amenities of the neighbouring residential properties can be reasonably discounted and that the discretion offered by Section 3.2 of the Sustainable Urban Development and Building Height Guidelines and Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) is such that, a refusal of permission is not warranted with regard to Sunlight to Amenity Spaces / Overshadowing of existing properties.

7.3.27. With regard to the proposed development, the initial Daylight, Sunlight & Overshadowing Report, submitted with the application, identifies the 4 areas of proposed amenity spaces as follows:

1. Internal courtyard to east of the proposed building, between the permitted student accommodation scheme – site area 328m².
2. Riverside amenity space beside the River Poddle, to connect with the permitted adjacent open space to the east – site area 260m²
3. Proposed 5th floor roof terrace – area 64m²
4. Proposed 3rd floor roof terrace – area 50m²

In this regard, the following is relevant:

Proposed Amenity Areas - March 21st			
	Area Receiving >2hrs (m²)	Area Receiving >2hrs (%)	Compliance
1.	0	0	X
2.	260	100	Complies
3.	58	91	Complies
4.	44	88	Complies
Total	362 (of a total of 702m ²)	52%	Complies

7.3.28. The proposed internal courtyard will receive minimal sunlight at all times during the year. The quality of this amenity space is therefore questionable in the context of the proposed development. I would acknowledge that the other proposed amenity spaces represent a fully compliant scheme in the context of the BRE Guidelines, and when all amenity spaces are taken into consideration, over 50% of the area complies with the stated requirements.

Loss of Light within Existing Homes

7.3.29. The BRE guidance for daylight and sunlight is intended to advise on site layout to provide good natural lighting within a new development, safeguarding daylight and sunlight within existing buildings nearby and protecting daylight of adjoining properties. Section 2 of the document deals with Light from the Sky and Section 2.2 of the guidelines set out the criteria for considering the impact of new development on existing buildings. The guidance in this regard is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms, and include as follows:

- Consideration of the separation distance – if it is three or more times its height, the loss of light will be small.
- Consideration of the angle to the horizontal subtended by the new development at the level of the centre of the lowest window – if the angle is less than 25° it is unlikely to have a substantial effect on the diffuse skylight in existing buildings.

- Consideration of the Vertical Sky Component (VSC) - If VSC is >27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
- If the VSC is both less than 27% and less than 0.8 of its former value, occupants of the existing building will notice the reduction in the amount of skylight.

The Guidelines suggest that the above considerations need to be applied sensibly and flexibly.

7.3.30. In the context of the above, the Board will note that I have employed all of the relevant Guidance documents in order to present a rational assessment of the proposed development, identifying potential impacts arising and consideration on the reasonableness or otherwise of identified potential impacts. My assessment is based on the identified national and local policies which support the increase in density of development within Dublin City centre on appropriately zoned and serviced lands and the need to provide new homes while considering the potential impacts on existing residents.

7.3.31. The submitted Daylight, Sunlight and Overshadowing Report has noted that the three houses located to the north of the site on Sweeney's Terrace will be somewhat impacted by the proposed development in terms of their private amenity spaces. Section 7 of the report presents a daylight analysis of the existing buildings and I note the references to the 2011 BRE Guidance document in this regard. The study submits that it 'will compare the Existing Scheme and Proposed Scheme and consider whether any reduction will be greater than 20%'.

7.3.32. The report considers the houses on Clarence Mangan Road in two areas, noting that all of the tested points have a Proposed VSC greater than either 27 or 80% of the existing, thereby exceeding BRE recommendations. In terms of the houses on Sweeney's Terrace, the initial report submits that all of the tested points have a proposed VSC greater than either 27 or 80% of the existing, and again, these properties exceed the BRE recommendations. The report also considers the New Mill Student Accommodation building to the east – beyond the New Market Student Accommodation development currently under construction – and the development at No. 10-11 Mill Street to the north-east. It is determined that the proposed

development is unlikely to have any impact on these properties. To the south, the submitted report considers the impact of the development on the school building. The windows tested to the north and north-east all have a proposed VSC greater than either 27 or 80% of the existing.

7.3.33. Section 7.2.7 of the report considers the impact of the proposed development on the New Market Student Accommodation which is currently under construction to the east and north of the subject site. This development is considered in 3 sections.

7.3.34. The building immediately to the east of the site, identified as Block D of the New Market Student Accommodation building, will share the proposed courtyard with the proposed development. While I am satisfied that the VSC assessment has been targeted to neighbouring windows / rooms that are most likely to be impacted by the proposed development, it appears that the ground floor windows have been omitted from the assessment. These windows at ground floor level will serve a student kitchen (north facing) and two bedrooms in the north-western corner, a student studio unit and two further student bedrooms which face west once Block D is occupied. The same rooms are affected at first to third floor level while the existing fourth floor of the adjacent building (under construction) switches the two bedrooms with the kitchen (windows 2 & 3 Section 7.2.7 of the submitted Daylight, Sunlight & Overshadowing Report). The Board should note that having regard to the layout of the building under construction, Block D, the windows associated with the kitchens of the student accommodation have a north facing aspect and have not been included in the assessment submitted for the current appeal. I acknowledge that given the height and proximity of the two buildings, it is inevitable that they will have an impact on each other in terms of internal daylighting. I also note the findings that this area of the site, onto which the cited kitchens will look out onto, will not receive sunlight at any time of the year.

7.3.35. In terms of the proposed VSC, and the impact to the existing VSC of the windows tested, the Board will note that of the 140 windows tested within the New Market Student Accommodation, 128 were found to achieve a vertical sky component of greater than 27 or 80% of the existing situation, exceeding BRE requirements. Of the 14 windows tested in Block D of, 12 were found to have VSC values ranging from 12.59 (41% of its former value) within a first-floor bedroom located in the inside corner of the building. I would expect this figure to be lower within the ground-floor

units and again, I note that the kitchen windows for these corner units have not been included in the assessment. As such, I consider that this section of the building under construction is likely to be significantly impacted by the proposed development in terms of loss of light.

7.3.36. That said, I note that the Guidance document provides for judgement and balance of considerations to be applied. In this regard, I acknowledge the established need to provide new homes within Dublin City and to increase residential densities on zoned and serviced lands. Having regard to the overall New Market Student Accommodation, the impact of the proposed development can be reasonably considered to be not so significant as to warrant outright refusal of permission. I have raised concerns in terms of the overall scale of the proposed building previously in this report, and the Board will note the 3 Options presented by the applicant as part of the first part appeal. In this context, the Board will note that the VSC assessment presented in the appeal would suggest that the Option 2 amendments would represent the most improved situation for the existing amenities associated with the New Market Student Accommodation Scheme, ie with a reduced number of floors within the proposed development.

7.3.37. As such, should the Board be so minded to grant permission in this instance with a reduced overall height, this would improve the situation for these highlighted windows. I do have outstanding concerns that the kitchen windows of Block D in this corner were not included in the impact assessment however, and I note that ADF applied to these spaces, under application ABP ref: ABP-305483-19, was 1.5% rather than the 2% afforded to kitchens under Table 2 of BS8208 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting.

Light within proposed homes:

7.3.38. The submitted Daylight, Sunlight & Overshadowing Report considers the potential daylight to the proposed development in Section 6. The study considers the predicted average daylight factor to the proposed units and the analysis was carried out using the Radiance module of the IES VE software to quantify the resulting metrics.

7.3.39. BRE and the Table 2 of BS8206 guidance recommends that for new dwellings daylight to habitable rooms should exceed a calculated Average Daylight Factor

(ADF) of 2% for a kitchen, 1.5% for a living room and 1% for a bedroom. Where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value, eg. in a space which combines a living room and a kitchen the minimum ADF should be 2%. The applicant has undertaken a calculation of the amount of daylight received by rooms on the upper ground floor to third floors in accordance with BRE guidelines and presented the results as Average Daylight Factor in tabular form for each floor.

- 7.3.40. The assessment submitted has been undertaken with a 1% ADF for bedrooms and 1.5% ADF for living /kitchens. Using these figures, the applicant submits that 100% of the rooms tested on the first four floors of the proposed development are achieving an ADF above the BRE guideline requirements. In terms of applying the 2% ADF for the kitchen/living rooms (rather than the 1.5% used by the applicant), I am satisfied that the rooms tested from the first to third floors represent the worst-case scenario and that it is reasonable to conclude that these rooms adequately meet the ADF requirements. In terms of the ground floor, only one unit, falls below the 2% for ADF for a combined kitchen / living space. However, having regard to the amended proposal submitted to the Board as part of the appeal, this window is omitted due to the amended ground floor layout. Therefore, I am satisfied that the amended proposals can be deemed acceptable in respect of daylight, as measured by the % of rooms meeting standards, and that the proposed amended development adequately meets residential amenity levels for future residents.
- 7.3.41. Overall, I am generally satisfied that the level of residential amenity is acceptable, having regard to internal daylight provision and overshadowing impacts.

7.4. Roads & Traffic

- 7.4.1. In terms of the provision of car parking, or the lack thereof, the Board will note the submitted Traffic & Transport Report seeks to demonstrate that the proposed development location benefits from very good proximity to sustainable transport connections in the form of bus (5-minute walk) and Luas stop (Fatima Stop on Luas Red Line 15-minute walk) in close proximity, as well as good walking and cycling options. I note national policy in this regard, and in particular Objective 13 of the National Planning Framework, which allows for a 'range of tolerance' for car parking standards in urban areas in order to achieve stated outcomes, provided public safety

is not compromised and the environment is suitably protected. In addition, Section 4.19 of the Apartment Guidelines suggests that the car parking provision can be minimised, substantially reduced or wholly eliminated in certain circumstances. Such policies are applicable in highly accessible areas in or adjoining city cores or at a confluence of public transport systems. Where it is sought to eliminate or reduce car parking provision, it is necessary to ensure the provision of an appropriate drop off, service, visitor parking and parking for the mobility impaired, Section 4.23 of the Apartment Guidelines refer.

- 7.4.2. The Board will note that the Planning Authority refused permission for the proposed development for three reasons, two of which relate to roads and traffic matters. In an effort to address the issues raised, the first-party submitted revised proposals for the development which include the widening of the laneway which runs along the northern boundary of the site, the incorporation of two set-down spaces within the boundary of the site for use by the residents for drop-off provision, deliveries, servicing and moving in/out of the development. One of these spaces is located to the north-western corner of the proposed building and the second is located to the north-eastern corner of the building. The appeal submission also suggests that the proposed western car parking space could be used as a car club space subject to agreement with the operator (the Board will note that the submitted Swept Path Analysis Drawing No. C204-CSC-XX-00-DR-C-0001 identifies the car club space to the north-east of the site). I would note that these two set-down spaces are provided in addition to the space provided adjacent to the proposed office unit.
- 7.4.3. With regard to the access to the site, the first-party appeal includes that 'vehicle access to the site is via a single vehicle access located at the south-west corner of the development, off Sweeney's Terrace immediately south of Clarence Mangan Road'. The Board will note that the access is actually at the north-western corner of the site, and at the southern extent of Sweeney's Terrace, some 28m from the junction with Clarence Mangan Road. The appeal submission includes 2 existing parking spaces on Sweeney's Terrace adjacent to the existing houses, noting that the updated swept path analysis indicates that these spaces will not interfere or cause obstruction to the manoeuvre of vehicles at the site access or vehicles negotiating access or egress from the development.

- 7.4.4. On the date of my site inspection, I noted that there are 3 parking spaces to the front of the 3 houses on Sweeney's Terrace, with a further car parked on the western side of Sweeney's Terrace also. Trucks arriving at the existing development site had to reverse into this section of Sweeney's Terrace, and while I acknowledge that construction impacts are temporary, I would be inclined to agree with the Planning Authority with regard to their concerns on the impact of the development on Sweeney's Terrace, particularly with regard to servicing of the proposed development.
- 7.4.5. Section 16.10.10 of the Dublin City Development Plan requires that development should 'have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard'. The existing demand for parking in the area is significant and I note the concerns of the PA with regard to any potential overspill of parking arising from the proposed development and the impact this would have on the road network as well as causing obstruction to vulnerable road users in the area. Having regard to the restricted nature of the street, and notwithstanding the amendments proposed to the development, I consider that the development, if permitted as proposed would endanger public safety by reason of traffic hazard and would cause an obstruction to pedestrians, cyclists and other vulnerable road users, contrary to the requirements of the Dublin City Development Plan.
- 7.4.6. In terms of the proposed bike parking, I have previously raised concerns in terms of the access to the basement bicycle parking area. There does not appear to be any ramp or lift access to this area and the spaces provided do not appear to facilitate cargo bicycle spaces. Given the location of the site, I consider that this matter should be addressed in the event of a grant of planning permission. With regard to the quantum of bicycle parking spaces proposed, I am satisfied that the development provides adequately.
- 7.4.7. The Traffic & Transport Report submitted with the application includes a Mobility Management Plan Overview, presenting as a template for the implementation of a full Mobility Management Plan, which will be finalised once the development is completed and operational. A Mobility Management Co-ordinator will be appointed to implement the Plan and monitor its performance. It is submitted that the MMP should be considered as a dynamic process and includes a number of measures to provide more sustainable transport choices.

7.4.8. The MMP identifies the location of the site within the city centre and presents details of the accessibility of the site in terms of pedestrians and public transport services including buses, the LUAS and bicycle infrastructure, as well as shared transport services such as the GoCar sharing service and Dublin Bikes docking stations. Section 6 of the Traffic & Transport Report sets out the 3 no. objectives of the MMP for the proposed development, while Section 7 sets out the initial targets for the MMP, which includes a 0% target for residents driving and 2% being a passenger in a car. A condition should be included in any grant of planning permission requiring the submission of an updated Mobility Management Plan to the planning authority for approval prior to the occupation of the development.

7.5. Water Services & Flood Risk

7.5.1. In terms of water services, the Board will note that the applicant submitted an Engineering Services Report, prepared by CS Consulting Group, in support of the proposed development. This report sought to address how the development will be catered for in terms of water and drainage infrastructure. Section 3.1 of the report notes that the Dublin City Council records indicate that there is a 225mm diameter combined public sewer to the north-west corner of the site at the end of Sweeney's Terrace.

Foul Drainage:

7.5.2. The report sets out details of the existing foul arrangements and notes that all foul effluent generated from the ground and upper floor levels of the proposed development shall be collected in pipes 150mm and 225mm in diameter and flow under gravity via a new connection to the existing manhole located at the end of Sweeney's Terrace. The drainage network will be in accordance with Part H of the Building Regulations and to the requirements and specifications of Irish Water.

7.5.3. The report at Section 3.2 sets out the details of effluent generation arising from the proposed development and submits that the development will generate wastewater in the order of 15.72m³/day which equates to:

- 0.182l/sec Dry Weather Flow (DWF) and
- 1.094l/sec Peak Flow (taken as 6 times DWF)

- 7.5.4. The Board will note that full proposals for the foul water drainage infrastructure and routing plan are presented in the drawings submitted in support of the proposed development. I note no correspondence with Irish Water but equally, I note no objection to the development in terms of the proposed connections to the public sewer.

Potable Water:

- 7.5.5. The report sets out details of the existing potable water arrangements in the vicinity of the site noting that there is a 4" (100mm) diameter public water main in place on Sweeney's Terrace to the north-west of the site. The development will connect using a 100mm diameter pipe to Irish Water Standards. The predicted volume of water usage is based on 2.7 people per dwelling at a rate of 150l/person/day. The development, therefore, has a water demand of 19.79m³/day, based on

- Average demand of 0.23l/s
- Peak demand of 1.14l/s

- 7.5.6. The Board will note that a Pre-Connection Enquiry application was submitted to Irish Water to confirm capacity in the receiving network. I note no correspondence with Irish Water but equally, I note no objection to the development in terms of the proposed connections to the public sewer.

Storm Water Drainage:

- 7.5.7. The stormwater drainage proposals for the site indicate that stormwater will be collected within the proposed development within pipes 150mm in diameter and will flow under gravity to the Poddle River. An attenuation tank, in accordance with the Greater Dublin Strategic Drainage Study and the Regional Code of Practice for Drainage Works, and a flow control device are also proposed to restrict stormwater discharge rates from the development.
- 7.5.8. It is noted that the existing site has a combination of sheds and a car park with approximately 100% hard standing and all stormwater currently discharges, unattenuated, to the local surface network. The proposed development is required to limit its storm water discharge to 2l/s/Ha. The attenuation volume to be retained on the site for a 1-in-100-year extreme storm event, plus 20% for climate change requirements, indicates that a volume of 34.5m³ is required to be provided.

- 7.5.9. The proposed development includes a number of SuDS proposals to be implemented including the use of water butts, green roofs and low water usage sanitary appliances. The proposed storm water management plan will also include a number of stages of treatment of surface water prior to its ultimate disposal. These stages include interception within the green roofs and landscaped areas, treatment through a perimeter drain to allow infiltration to the subsoil and attenuation.

Flooding:

- 7.5.10. A site-specific Flood Risk Assessment was prepared by CS Consulting Group for the subject site. The subject site is located within Flood Zone C and is not located within an area where mitigation measures are required in terms of fluvial flooding, tidal flooding or pluvial flooding events. The report notes that the risk of flooding due to ground water ingress to the proposed development is under review as a desk top study of planning applications in the vicinity of the site identified that ground water was recorded a meter below ground levels. The risk of groundwater contamination is considered low.
- 7.5.11. With regard to the sequential approach used in flood risk assessments, the FRA notes that the proposed mixed-use development comes under the highly vulnerable development heading. Given the location of the site within a Flood Zone C, the development is considered appropriate, and no justification test is required. Residual flood risk is noted in the event of extreme rainfall events and where the proposed drainage system is blocked, due to a lack of maintenance. In such circumstances, localised ponding may occur. The FRA notes that the proposed finished floor levels are set at a minimum of 150mm above the highest external surface level, any runoff or ponding will be retained on the access road and footpath. The report concludes that based on the available information, the development is appropriate for the subject site.
- 7.5.12. I have consulted the available OPW flood maps for the area of the subject site, and I note that they do not indicate that flooding has occurred on the site. The closest incident is identified on Blackpitts, approximately 230m to the south-east of the site, dated June 1963. The CFRAMS map for the River Poddle catchment identifies that Mill Street, to the north of the subject site, will flood in the 100-year event. This area extends from Blackpitts to the east and along Mill Street to the northern corner area

of Sweeney's Terrace where it has its junction with Oscar Square. The southern area of Sweeney's Terrace does not appear to be affected in this regard.

- 7.5.13. With regard to the potential risk to the development from fluvial flooding, the submitted FRA notes that the River Poddle has a history of flooding, and that flood relief works are in train to alleviate the risk. The identified works, however, are not in proximity to the subject site, being located approximately 8km to the south-west of the subject site, at the source of the river, near the Technological University, Tallaght campus.
- 7.5.14. As part of the Greater Dublin Strategic Drainage Study, the existing public drainage system in Dublin was modelled for a number of different development scenarios with the predicted future scenario 2031 the most relevant hydraulic model to review. The River Poddle is included in this study, and it is shown to surcharge during flood events, but not to an extent that the existing combined sewer network cannot cope or the site floods. The Board will note the proposals for the de-culverting of a section of the River Poddle as part of the proposed development as well as the proposals to erect two bridge structures over it to access the open space on the southern bank. I also note the issues raised by the Drainage Division, Engineering Department of Dublin City Council in terms of the proposed new bridges and other works to this section of the Poddle. Should the Board be minded to grant permission in this instance, further information should be sought.
- 7.5.15. In terms of groundwater flooding, the site overlies a locally important aquifer with a groundwater vulnerability of low. The Board will note that previous site investigations in the vicinity of the subject site identified recorded groundwater at a depth of 3mbgl. As such, the proposed basement will be impacted by the groundwater levels. The submitted FRA noted that site investigations, including ground water monitoring will be carried out to provide information on the water table at the site location. The assessment submits that the basement level will house storage, bicycle parking, mechanical and electrical plants.
- 7.5.16. While I accept the content of the FRA, I also note the concerns of the City Council in terms of the impact of a combined fluvial and rainfall event, when discharge to the river might be locked due to the high-water table. This is of particular note in the context of the pluvial flood maps prepared as part of the EU IVB Flood Resilient City

Project which indicates that there is potential risk to the development for a 3hr 1% AEP rainfall event in combination with the high-water table in the area. The FRA submits that notwithstanding this, surface water runoff from the proposed developments internal access will be attenuated prior to discharge into the receiving system at restricted discharge rates. It is submitted that the proposed surface system will be designed to cater for the 1 in 100-year plus 20% for climate change. Therefore, it is concluded that the risk of pluvial flooding is considered low.

- 7.5.17. While I acknowledge the content of the submitted Flood Risk Assessment, I consider that there are outstanding matters that should be clarified and addressed prior to the issuing of a grant of planning permission in this instance.

7.6. Other Issues

7.6.1. Part V

The proposed development application included a letter from Dublin City Council advising that the applicant has engaged in Part V discussions with the Council on behalf of their client. I note that an agreement in principle to comply with Part V requirements has been reached. No details of the agreement are provided. I am satisfied however, that this matter can be appropriately dealt with by way of condition of planning permission.

7.6.2. Development Contribution

The subject development is liable to pay development contribution under Section 48 of the Planning and Development Act 2000, as amended. A condition to this effect should be included in any grant of planning permission.

The proposed development also falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen's Green to Broombridge Line) under Section 49 of the Planning and Development Act, as amended.

8.0 Appropriate Assessment

8.1. Introduction

- 8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The applicant did not submit a Natura Impact Statement with the application but did include an Ecological Impact Statement.
- 8.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.
- 8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:
- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
 - Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

Consultations

- 8.1.5. With regard to consultations, the Board will note that a number of third-party observers raise concerns in terms of the impact of the development on the ecology

of the site including the loss of two mature sycamore trees which act as a wildlife hub, carbon sink and screening. No significant issues relating to AA are noted as having been raised.

8.2. Screening for Appropriate Assessment

- 8.2.1. The applicant prepared an Appropriate Assessment Screening Report which included a summary of the receiving environment and noted that the development is not directly connected or necessary to the management of a European Site. Figure 4 identifies the 15km radius around the proposed development site and notes the Natura 2000 Sites occurring within this area. Table 12 of the AA Screening Report identifies the Natura 2000 Sites within 15km of the site and identifies 5 as being located within the likely zone of influence. The AA Screening report includes details of all of the sites and the qualifying interests / Special Conservation Interests for which each site is designated. Each site was examined in the context of location in terms of the zone of Influence of effect from the proposed development and is considered in terms of AA requirements.
- 8.2.2. The AA Screening Assessment concludes that the following sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, it is concluded that no significant impacts on the following sites is reasonably foreseeable. I am satisfied that the potential for impacts on the following 15 Natura 2000 sites can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
Baldoyle Bay SAC	000199	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. Screened Out

Baldoyle Bay SPA	004016	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Howth Head SAC	000202	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Howth Head Coast SPA	004113	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Rockabill to Dalkey Island SAC	003000	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Dalkey Island SPA	004172	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p>

		<p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Irelands Eye SAC	002193	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Irelands Eye SPA	004117	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Glenasmole Valley SAC	001209	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Knocksink Wood SAC	000725	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Ballyman Glen SAC	000713	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p>

		<p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Wicklow Mountains SAC	002122	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Wicklow Mountains SPA	004040	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Malahide Estuary SAC	000205	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Malahide Estuary SPA	004025	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>

8.2.3. The Screening Report identified the Natura 2000 sites within 15km of the subject site, within the zone of influence of the project, for the purposes of AA Screening, including as follows:

- North Dublin Bay SAC (Site Code: 000206)
- North Bull Island SPA (004006)
- South Dublin Bay SAC (000210)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- Poulaphuca Reservoir SPA (004063)

8.3. Qualifying Interests for Natura 2000 Sites within Zone of Influence

8.3.1. The subject development site is an urban brownfield site and is not located within any designated site. The site does not contain any of the intertidal habitats or species associated with any Natura 2000 site. The existing site is composed entirely of artificial surfaces within a heavily built-up area of Dublin City. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(site code 00210) and the South Dublin Bay and River Tolka Estuary SPA (site code 004024) which are located approx. 4.3km to the east of the site. The North Dublin Bay SAC (& pNHA)(Site Code 000206), and North Bull Island SPA (Site Code 004006) lie approximately 6.9km to the east.

8.3.2. The following table sets out the qualifying interests for each of these sites:

European Site	Qualifying Interests
South Dublin Bay SAC (Site Code: 000210) Located approx. 4.3km to the east of the site	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140]
South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) Located approx. 4.3km to the east of the site.	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Grey Plover (<i>Pluvialis squatarola</i>) [A141]

	<ul style="list-style-type: none"> • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Wetland and Waterbirds [A999]
<p>North Dublin Bay SAC (Site Code: 000206)</p> <p>Located approx. 6.9km to the east of the site.</p>	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • <i>Petalophyllum ralfsii</i> (Petalwort) [1395]
<p>North Bull Island SPA (Site Code: 004006)</p> <p>Located approx. 6.9km to the east of the site.</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056]

	<ul style="list-style-type: none"> • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Turnstone (<i>Arenaria interpres</i>) [A169] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Wetland and Waterbirds [A999]
Poulaphouca Reservoir SPA (Site Code: 004063) Located approx. 25km to the south of the site	<ul style="list-style-type: none"> • Greylag Goose (<i>Anser anser</i>) [A043] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]

8.3.3. It is noted that the subject development site is located outside all of the Natura 2000 sites identified above, and therefore there is no potential for direct effects to any designated site. The submitted Ecological Impact Statement, section 3.3, presents details of the site survey carried out, noting that the site is entirely composed of buildings and artificial surfaces – BL3, although ruderal vegetation is present, notably stands of the non-native Butterfly-bush *Buddleja davidii*. Two tall Sycamore *Acer pseudoplatanus* are identified growing on the northern boundary and a mid-aged Ash *Fraxinus excelsior* is noted along the eastern boundary. These features are noted as providing some wildlife and natural value in an otherwise very urbanised setting. No ‘alien invasive plants’ are noted on the site and the culverted River Poddle flows along the southern boundary.

8.3.4. In terms of fauna, the survey included incidental sightings or proxy signs of faunal activity. Table 6 of the EclS details the protected mammals and the report identifies where suitable habitat is not present or species are outside the range of the study

area. The survey concludes that there are no habitats on site which are suitable for the majority of mammals, such as the Fox *Vulpes vulpes*, which are known to be present in the city, and no bird activity was noted during the survey with minimal available nesting habitat. The buildings were assessed for the suitability for roosting bats but with the lack of semi-natural vegetation in the immediate vicinity of the buildings, the report concludes that the site is considered to be of low roost potential. I note that previous AA Screening on adjacent sites arrived at similar conclusions. In addition, given the culverted nature of the River Poddle, it is considered that protected aquatic species are unlikely to occur in the vicinity of the development site.

- 8.3.5. There is a direct hydrological connection from the site to Dublin Bay, which includes a number of SAC and SPA designations, via the River Poddle which runs to the south of the site. In addition, it is noted that the development will connect to public services and therefore, there is a pathway to a number of Natura 2000 sites via the Ringsend WWTP. Therefore, there are hydrological links to the above-mentioned sites. In addition, the Poulaphuca Reservoir is considered to be within the zone of influence of the development as the SPA is the source of drinking water for Dublin City, including the proposed development site.

8.4. Conservation Objectives:

- 8.4.1. The Conservation Objectives for the relevant designated sites are as follows:

European Site	Conservation Objectives
South Dublin Bay SAC (Site Code: 000210) Located approx. 4.3km to the east of the site	<ul style="list-style-type: none"> The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets
South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) Located approx. 4.3km to the east of the site.	<ul style="list-style-type: none"> The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets. No site-specific objective has been set for the Grey Plover and it is proposed for removal from the list of Special Conservation Interest for the SPA.

<p>North Dublin Bay SAC (Site Code: 000206)</p> <p>Located approx. 6.9km to the east of the site.</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ◦ Mudflats and sandflats not covered by seawater at low tide [1140] ◦ Petalophyllum ralfsii (Petalwort) [1395] • The NPWS has identified a site-specific conservation objective to restore the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ◦ Annual vegetation of drift lines [1210] ◦ Salicornia and other annuals colonising mud and sand [1310] ◦ Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] ◦ Mediterranean salt meadows (Juncetalia maritimi) [1410] ◦ Embryonic shifting dunes [2110] ◦ Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] ◦ Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] ◦ Humid dune slacks [2190]
<p>North Bull Island SPA (Site Code: 004006)</p> <p>Located approx. 6.9km to the east of the site.</p>	<ul style="list-style-type: none"> • The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets.
<p>Poulaphouca Reservoir SPA (Site Code: 004063)</p> <p>Located approx. 25km to the south of the site</p>	<ul style="list-style-type: none"> • There is a generic conservation objective to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA: <ul style="list-style-type: none"> ◦ Greylag Goose (Anser anser) [A043]

	<ul style="list-style-type: none"> ○ Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]
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8.5. Potential Significant Effects

8.5.1. The AA Screening Report, submitted with the application, includes an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives. In order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 4.3km from the boundary of any designated site. This separation distance is increased to approximately 6km if the flow of the Poddle and Liffey are taken into consideration. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** The site lies within a heavily urbanised environment. No qualifying species or habitats of interest, for which the designated sites are so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.
- **Water Quality:** The proposed development is to connect to existing public water services, and the AA Screening report references the Ringsend Wastewater Treatment Plant. It is noted that the Ringsend Treatment Plant is not currently compliant with its emission limit standards, but that work is underway to increase capacity. It is noted that notwithstanding the current issues with the WWTP, evidence suggests that no negative impacts to the Natura 2000 sites in Dublin Bay, and the habitats and species

they support, are occurring from water quality. Having regard to the nominal scale of the proposed development in the context of the overall licenced discharge at the Ringsend WWTP, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality within Dublin Bay. Notwithstanding the capacity issues at the plant, the Liffey Estuary and Dublin Bay are currently classified by the EPA under the WFD 2010-2015 as being of 'unpolluted' water quality status. With the upgrading of the WWTP, the pollution level of future discharges to Dublin Bay will decrease in the medium to longer term.

The proposed works will create an area of amenity green space to the south of the site, and along the River Poddle, which will result in a reduction in the area of hard surfacing across the site. The Board will also note the policy of the Dublin City Development Plan, Policy SI18 refers, to require new development within the City to provide SUDs as a measure to reduce flood risk and improve water quality.

During the construction phase, the submitted Outline Construction Management Plan identifies environmental issues which may arise in terms of noise, air quality & dust monitoring, migrating dust & dirt pollution, harmful materials and vibration. Section 8 of the OCMP deals with provisions for construction while Section 9 deals with Sediment & Water Pollution Control Plan. The OCMP identifies specific risks. I note that standard pollution control measures are to be used to prevent sediment or pollutants from entering watercourses / groundwater from the development site.

I am satisfied that the pollution control measures to be undertaken at the site are standard practices for development within urban sites in order to protect local receiving waters, even without the potential for hydrological connection to Natura 2000 sites. In any case, I am generally satisfied that in the absence of the measures indicated, the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the distance to such sites, the nature and scale of the development and the dilution factor associated with the hydrological connection.

8.6. In Combination / Cumulative Effects

- 8.6.1. In relation to in-combination impacts, the submitted AA Screening Report notes implementation of the Water Framework Directive which will ensure that improvements to water quality in Dublin Bay and the River Liffey are maintained or enhanced where relevant. In addition, the publishing of the Greater Dublin Strategic Drainage Study, policy document, in 2005, gave direction for the design of future drainage infrastructure. While the proposed development will add loading to the Ringsend WWTP, the discharge from the plant is noted as not having an observable negative impact on the water quality in the near field of the discharge and in the Liffey and Tolka Estuaries. In terms of in-combination with other 'brown-field' or infill sites, it is submitted that development of these sites is, while increasing pressure on the WWTP, leading to improvements in the standard of surface water attenuation across the city.
- 8.6.2. Given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. In addition, I would note that all other projects within the Dublin Area which may influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA.
- 8.6.3. I am satisfied that sufficient information lies before the Board such that it can be concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 site which lies within the zone of influence of the proposed development site.

8.7. Conclusion on Stage 1 Screening:

- 8.7.1. I have considered the AA Screening report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. 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, either individually or in combination with other plans or projects, would not be likely to have a

significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

9.0 Recommendation

I recommend that planning permission be **Refused** for the proposed development for the following stated reason.

10.0 Reasons and Considerations

1. Having regard to the location of the subject site, off a small cul-de-sac and with minimal public road or footpath frontage, together with the height, design, scale, mass and bulk of the proposed development and the proximity of the development to adjoining properties, it is considered that the proposed development fails to integrate or be compatible with the design and scale of the adjoining buildings and as a result, would have an excessively overbearing, overshadowing and overlooking effect on adjoining properties, would seriously injure the visual amenities of the streetscape and would have an adverse impact on the character of the area.

The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. Sweeney's Terrace is a narrow cul-de-sac constrained by on street parking and with substandard public footpath provision. The application has not demonstrated that Sweeney's Terrace can facilitate the necessary vehicular access required for the development without endangering public safety by reason of traffic hazard or causing an obstruction to pedestrians, cyclists and other road users. The development is considered contrary to the Dublin City Development Plan Section 16.10.10. The development would therefore be

contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar developments in the area.

A. Considine

Planning Inspector

4th November 2021