



An
Bord
Pleanála

Inspector's Report

ABP-313163-22

Development	Demolition of structures on site. Construction of 94 apartments and 3 commercial units.
Location	Site bounded by Mary's lane to the south, Halston street to west and Little Green Street, Dublin 7.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3500/21
Applicant(s)	The Fruit Market Development Company
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party vs. Conditions Third Parties vs. Grant
Appellant(s)	The Fruit Market Development Company Presentation Primary School George's Hill Dubco Ireland Credit Union Ltd
Observer(s)	None
Date of Site Inspection	9th December 2022
Inspector	Stephen Ward

Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	11
3.4. Third Party Observations	11
4.0 Planning History.....	12
5.0 Policy Context.....	14
5.1. National & Regional Policy / Guidance.....	14
5.2. Dublin City Development Plan 2022-2028.....	16
5.3. Natural Heritage Designations	23
5.4. EIA Screening	23
6.0 The Appeals	25
6.1. First Party Appeal.....	25
6.2. Third Party Appeal by Presentation Primary School	29
6.3. Third Party Appeal by Dubco Credit Union Ltd.....	32
6.4 Applicant Response.....	34
6.5 Planning Authority Response.....	40
6.6 Further Responses.....	40
6.7. Observations	40

7.0 Assessment.....	40
7.1. Introduction.....	40
7.2. The principle of development.....	41
7.3. Quantum of development proposed	43
7.4. The Standard of residential development proposed.....	46
7.5. Impacts on surrounding properties.....	54
7.6. Daylight/Sunlight.....	58
7.7. Traffic and Transportation.....	68
7.8. Building Height/Scale, Heritage, and Visual Amenity.....	71
7.9. Other Issues.....	81
7.10. Assessment Conclusion.....	84
8.0 Appropriate Assessment Screening.....	85
9.0 Recommendation	91
10.0 Reasons and Considerations.....	92

1.0 Site Location and Description

- 1.1. The appeal site is located in the north inner city, in the city's traditional fruit and vegetable market area. The area is currently experiencing significant redevelopment, including a number of recently completed/permitted hotel developments. The site is distanced c. 100 metres west of Capel Street and c. 700 metres west of O'Connell Street. The Luas Red Line runs in an east/west direction along Chancery Street / Mary's Abbey at a distance of c. 150 metres to the south.
- 1.2. The site has a stated area of 0.1648 and can be described as consisting of three connected blocks. Block A is the largest block and is located at the southwest of the overall site at the junction of nos. 6/8 Mary's Lane and 21 Halston Street. Block B consists of No. 2 Little Green Street, and Block C consists of nos. 4/5 Little Green Street. The blocks are part of a larger city block that is bound by Mary's Lane to the south, Halston Street to the west, Little Green Street to the east, and Little Britain Street to the north.
- 1.3. Block A is at the corner of Halston Street and Mary's Lane, immediately north of the Fruit and Vegetable Market building (Protected Structure). There is a two-storey warehouse building on this part of the site which connects to a terrace of three-storey buildings to the east that date from the 19th century. These buildings are mainly used for fruit and vegetable distribution. The Presentation Primary School is on the opposite side of Halston Street. The Georges Hill Apartments largely occupy the remainder of the western side of Halston Street.
- 1.4. Blocks B and C are mid-block plots on Little Green Street at no. 2 (Block B) and nos. 4-5 (Block C). There are two storey warehouse buildings on these plots. Between Blocks B and C is the Dubco Ireland Credit Union building, which is not part of the appeal site. On the opposite (eastern) side of Little Green Street is a recently completed hotel development.
- 1.5. Development to the north of the appeal site generally consists of low-rise warehouse-type buildings. Along the southern side of Little Britain Street, permission was granted in 2019 for a hotel development. On the northern side of Little Britain Street is St. Michan's Park, a historic park dating from c. 1898 that is not a Protected Structure but is included in the NIAH.

2.0 Proposed Development

2.1. In summary, planning permission was sought for the following:

- Demolition of all existing structures on site.
- Construction of a mixed-use development comprising of 94 no. apartments (11 no. studio apartments, 57 no. one-bed apartments, 21 no. two-bed apartments, and 5 no. three-bed apartments) and 3 no. commercial units (totalling 433 sqm) in 3 no. 6-8 storey blocks (A-C) over basement.
- Block A comprises a 6-8 storey block fronting Marys Lane and Halston Street, featuring 2 no. commercial units (totalling 339.6 sqm) at ground floor level and 5 no. studio apartments, 28 no. one-bed apartments, 14 no. two-bed apartments and 5 no. three bed apartments (totalling 52 no. apartments) at upper floor levels.
- Block B comprises an 8-storey block fronting Little Green Street featuring 4 no. studio apartments and 17 no. one-bed apartments at upper floor levels (totalling 21 no. apartments).
- Block C comprises an 8-storey block fronting Little Green Street, featuring 1 no. 93.2 sqm commercial unit at ground floor level and 2 no. studio apartments, 12 no. one-bed apartments and 7 no. two-bed apartments (totalling 21 no. apartments) at upper floor levels.
- Resident access to a communal central landscaped courtyard, 3 no. roof gardens (totalling 552sqm) and 127 no. bicycle parking spaces.
- Change of use from commercial to residential land use.
- All associated site and infrastructural works, including foul and surface water drainage; attenuation tanks; landscaping; plant areas and ESB substations; necessary to facilitate the development.

2.2. The proposed development was amended by a further information response to provide a reduced total of 90 no. apartments as outlined in section 3 of this report.

2.3. Foul water and surface water is to be kept separate for each block and would discharge separately to the combined sewer manholes on the adjoining streets.

SuDs measures are proposed to include a Blue Roof stormwater attenuation system, permeable surfaces, attenuation, and control of run-off rates. Water will be supplied via separate public connections for each block and each commercial unit.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By Order dated 3rd March 2022, Dublin City Council (DCC) issued notification of a decision to GRANT permission for the proposed development, subject to 25 no. conditions. Notable conditions are outlined below.

5. The development hereby permitted shall incorporate the following amendments:

- a) One full storey shall be omitted between first and fifth floor levels of Block A.*
- b) One setback storey shall be omitted from Block A.*
- c) Two one-bedroomed apartments at each of third, fourth and fifth floor levels of Block B shall be amalgamated to form one apartment with two or more bedrooms in each case. These units shall all comply with the minimum statutory requirements in respect of floor area, room sizes and layouts.*

Revised drawings, plans and particulars showing the above amendments shall be submitted to the planning authority and written agreement obtained prior to commencement of development on the site, and such works shall be fully implemented prior to occupation of the development.

Reason: To protect the visual amenities and character of the surrounding area and provide for an improved standard of residential amenity.

7. The internal courtyard/walkway shall be accessible to the general public during daytime hours.

Reason: To comply with public open space requirements.

3.2. Planning Authority Reports

3.2.1. Further Information

Following the completion of initial reports, DCC issued a further information request. The issues raised in the request can be summarised as follows:

1. Proposals to reduce the parapet height of Block A by one storey and also to reduce the dominant impact of the proposed setback storeys.
2. Proposals to improve the unit mix with a view to increasing the proportion of apartments with more than one bedroom.
3. Proposals for dual aspect apartments in Block B in order to improve sunlight/daylight standards.
4. Clarification of the role of the linking walkway to the rear of Block A, and consideration of a 'through' entrance hallway to Block A to provide access/frontage to Halston Street while at the same time providing access to the remainder of the development and bicycle/refuse storage areas.
5. Proposals to redesign bedroom windows in Block C to avoid overlooking impacts affecting the future development potential of adjoining sites on Halston Street and No. 2-3 Little Green Street (Dubco Credit Union).
6. Proposal to provide 10% public open space in accordance with Development Plan requirements.
7. Transportation information/proposals to include:
 - a) Minimum 2-metre-wide footpaths
 - b) An outline Servicing and Operational Plan
 - c) Clarification regarding vehicular access off Halston St and Mary's Lane
 - d) Clarification of bicycle parking provision.

3.2.2. Planning Reports

The assessment outlined in the planner's reports is consistent with the decision of the planning authority and can be cumulatively summarised as follows:

- The proposal provides for a high residential density (c.570 dwellings per hectare) and a stated plot ratio of 4.7, which exceeds the indicative maximum range of 3.0. However, having regard to the transitional nature of the area and its central/accessible location, the proposal would need to be assessed in relation to compliance with standards and impacts on the amenities of the area.
- The proposed apartments layouts generally allow for an acceptable standard of accommodation.
- The further information response improved the unit mix to include 11 no. studio units, 49 no. 1-bed units, 25 no. 2-bed units, & 5 no. 3-bed units (reduced total of 90 units). Two-thirds of the proposed units would still have one bedroom or fewer, which is contrary to the provisions of the Departmental Guidelines which state that no more than 50% of units should be one-bedroomed or studio units.
- All of the proposed apartments have private open space in the form of private balconies, all of which meet or exceed the minimum area requirement.
- Communal open space is provided by way of roof gardens which provide a sufficient quantum of space for each block.
- The further information response outlines that 260m² or 15.6% of the site area is provided as public open space. There is a concern that the space would have limited value and functionality as public open space. Landscaping proposals for the area are noted and will provide for a welcomed greening of this inner-city brownfield site.
- The further information response outlines that the internal walkway would be publicly accessible during daytime hours. It is not proposed to provide the requested 'through' access or direct entrances to Halston Street in the interests of resident amenity/security and maintaining commercial floorspace. Due to a lack of clear delineation, management, and access, it is still not clear whether the space could function effectively as public space. Overall, while it is accepted that the space could have some amenity value, this will inevitably be

compromised by its configuration and by its location north of the proposed eight-storey block A, which will inevitably result in some degree of overshadowing.

- The maximum stated height (27.6m) exceeds the maximum height limit of 24m for residential development in the 'inner city' and 'rail hubs'. The central/accessible location of the site is noted, as is the applicant's justification for the additional height.
- The applicant's photomontages show that the proposal would have a significant impact on the surrounding townscape, including the area to the north of the block which includes St. Michan's Church and St. Michan's Park, and views of Christchurch Cathedral from the junction with North King Street. It would also be visible from the junction with Church Street, with the setback storeys being visible above the existing school building to the west.
- The proposal, in particular Block A, would also inevitably have a significant impact when viewed from Mary's Lane directly in front of the site. Although the proposal provides for a strong treatment to the corner, there is concern in relation to its dominant impact on the market building, the adjoining 3-storey buildings, and the wider streetscape.
- The further information response includes the omission of projecting balconies, increased setback, and alternatives finishes to the 6th and 7th floors of Block A. The parapet height remains at six storeys and concerns about its overbearing impact and abrupt height transition remain.
- Regarding the existing primary school on Halston Street, bedroom windows have been positioned facing the school, thus reducing the likelihood of overlooking occurring. It is also noted that the school is separated from the site by a public street.
- The daylight/sunlight impacts of the development on surrounding properties are noted as per the applicant's assessment.
- The further information response stated that the majority of apartments achieve satisfactory levels of sunlight and daylight as set out in the Sunlight and Daylight report, and that any issues are as a result of the urban nature of the site and

the impact of the permitted hotel development to the east. It is now proposed to amalgamate two pairs of one-bedroomed apartments at first and second floor levels of Block B to provide two dual aspect apartments, which will result in additional dual aspect apartments with improved daylight penetration.

- It is recognised that the proposal provides for a building which responds to its context and is capable of providing a positive interface with the public realm with the use of arcaded openings and finishes similar to those on the market building opposite.
- Suitable construction and demolition work practices should be agreed to manage the impact on the surrounding area, including the school.
- In conclusion, the report recommends that:
 - a full storey should be omitted from the main six-storey element of Block A, while one of the two setback storeys in this block should also be omitted (reducing the number of units by 13 to a total of 77).
 - the revised unit mix at the lower levels of Block B, should be continued at levels three to five, resulting in the omission of a further six one-bedroomed apartments and replacement with three apartments with two or more bedrooms. This would result in a total of 74 units, of which 37% would have 2+ beds, and an increased proportion of dual aspect units.
- The report recommends that permission should be granted, and this forms the basis of the DCC decision.

3.2.3. Other Technical Reports

Drainage Division: No objections subject to conditions.

Transport Planning Division: Following the receipt of further information, there are no objections subject to conditions.

Archaeology: The report notes the archaeological context of the site and recommends that an excavation condition should be included in any grant of permission.

Environmental Health: No objections subject to conditions.

3.3. Prescribed Bodies

An Taisce: Highlights the proximity to the Fruit and Vegetable Markets building which is a protected structure, and the very significant historical, social and architectural heritage interest of the area. The proposed development should be informed by the Markets Area Framework Plan (2006) which provided for development with a consistent parapet level to define and contain a new public square where the market building would form the focus. Any new development should be of a high quality and integrate satisfactorily into the locality and the neighbourhood of the markets, have regard to the existing scale, character and pattern of development, and be sensitive to the surrounding context. The submission highlights development plan policy CHC2 in relation to development which may impact on the setting of protected structures.

TII: Highlights that a section 49 levy scheme for Light Rail may apply to the development.

Dept. Housing, Local Government, and Heritage: Recommends that archaeological conditions should apply to any grant of permission.

3.4. Third Party Observations

Submissions were received from four third parties. In summary, the following issues were raised:

- Development proposals for 22/23 Halston Street (to the north of the site) and the adverse impact of Blocks A and C on its future development potential. There is a need for additional detail and to reconsider the proposal to ensure that development on the adjoining lands can be mirrored.
- The proposal would seriously injure the amenities and operations of the Credit Union property at Little Green Street, including its right to light.
- The application involves 3 separate sites and should be refused on that basis. Archaeological findings on any individual site should affect the entire development.
- The proposal does not include an appropriate mix of uses.

- The proposed design will not integrate with the character/setting of the area. Concerns are raised about the heritage value of the area (including the market building and primary school site) and the overbearing impact of the proposed development.
- The proposal does not include appropriate active frontage at street level.
- The plot ratio and site coverage standards are excessive.
- Obligations to conform with Section 5 of the Apartments Guidelines and Chapter 16 of the Development Plan have not been met.
- The design and layout would result in a poor standard of accommodation in terms of mix of units, daylight/sunlight, and floorspace.
- The scale, height, and density of the development does not comply with policy/objectives set out in Section 28 Ministerial Guidance, particularly in the context of existing low-rise development.
- The proposal will not provide suitable open space, connectivity, and permeability as envisaged in the development strategy for the markets area.
- The Board of Management of Presentation Primary School George's Hill welcomes the development of the site but outlines fundamental concerns (see section 6 of this report for further details).

4.0 Planning History

Appeal Site

ABP Ref. 308288-20: Permission refused (January 2021) for SHD consisting of demolition of all existing structures, construction of 360 no. shared accommodation bedrooms and associated site works on a larger site including separate Block D. The reason for refusal was as follows:

It is considered that the proposed development and, in particular, Blocks A and D, by reason of their design, scale, bulk and mass would seriously detract from the setting and character of protected structures and areas of conservation value in the vicinity of the site, in particular, the Halston Street Conservation Area, Number 17 Halston Street (Record of Protected Structures Number 3506), Saint Michan's Church and

Presbytery (Record of Protected Structures Reference Number 3505), the former Parish Hall / Schoolhouse Cuckoo Lane (Record of Protected Structures Reference Number 2092), the Fruit and Vegetable Market on Mary's Lane (Record of Protected Structures Reference Number 5069), Green Street Courthouse (Record of Protected Structures Reference Number 3327) and the Debtors Prison Green Street (Record of Protected Structures Reference Number 3507) and Saint Michan's Park. As such, the proposed development would contravene policies CHC2 and CHC4 of the Dublin City Development Plan 2016-2022 in relation to the protection of the special interest and character of protected structures and conservation areas and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Site to southeast of the Arran Street East and Little Mary Street junction

Reg. Ref. 4179/19 & ABP Ref. PL29S.307493: The Board upheld the decision of Dublin City Council to grant planning permission for demolition of existing building and construction of a 5 to 8 storey over basement (278 bed) hotel. Levels 6-8 of the permitted scheme are restricted to the Arran Street elevation, with the upper storey setback slightly from the main Arran Street elevation. Planning permission was granted on 24th November 2020 subject to 20 conditions.

Site to the north of appeal site, south of St Michan's Park

P.A. Reg. Ref. 2370-19: DCC granted permission for the development of a site at Little Britain Street and Little Green Street. The permitted development consists of the demolition of existing 1 and 2 storey buildings and the construction of a 7-8 no. storey over basement hotel development (195 no. bedrooms).

P.A. Reg. Ref. 3520-21: Permission granted (21st December 2021) for amendments to P.A. Reg. Ref. 2370-19 to include a reduced floor area and no. of bedrooms (143).

Site to the northeast of the Little Green Street and Little Mary Street junction

P.A. Reg. Ref. 3629/17 & ABP Ref. 300987-18: On 12/11/18, the Board upheld the decision of DCC to grant permission to demolish buildings, construct mixed use

building ranging in height of between 3 and 7-storey above basement providing 343 aparthotel units with coffee shop and retail unit at ground floor.

P.A. Reg. Ref. 3719/21: DCC granted permission on 24th January 2022 for minor amendments to the permitted development (Reg. Ref: 3629/17).

Fruit & Vegetable Market Site

P.A. Reg. Ref. 3462/14: A Dublin City Council (Part 8) application was approved (March 2015) for change of use from wholesale trading to wholesale and retail trading, café/restaurant use in part of existing building upgrading boundary, landscaping, signage, storage and delivery facilities upgrading existing car park, provision for a dedicated loading area and associated interventions to the building where necessary.

5.0 Policy Context

5.1. National & Regional Policy / Guidance

5.1.1 The **National Planning Framework (NPF)** is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints;
- NPO 4 promotes attractive, well-designed liveable communities;
- NPO 6 aims to regenerate cities with increased housing and employment;
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards;
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking;

- NPO 27 promotes the integration of safe and convenient alternatives to the car into the design of communities;
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location;
- NPO 35 encourages increased residential density through a range of measures, including site-based regeneration and increased height.

5.1.2 Following the theme of ‘compact urban growth’ and NPO 13 of the NPF, the 2018 **Urban Development and Building Heights, Guidelines for Planning Authorities** (hereafter referred to as the ‘Building Heights Guidelines’) outlines the wider strategic policy considerations and a performance-driven approach to secure the strategic objectives of the NPF.

5.1.3 **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG, 2009)** (hereafter referred to as the ‘Sustainable Residential Development Guidelines’) sets out the key planning principles which should guide the assessment of planning applications for development in urban areas.

5.1.4 The **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020, updated December 2022)**, hereafter referred to as the ‘Apartment Guidelines’ sets out the design parameters for apartments including locational consideration; apartment mix; internal dimensions and space; aspect; circulation; external amenity space; and car parking. The Guidelines were updated on the 22nd of December 2022, but Circular NRUP 07/2022 clarifies that appeals that are subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the 2020 version of the Apartment Guidelines, that include SPPRs 7 and 8. The 2020 version will therefore apply in this case.

5.1.5 The **Architectural Heritage Protection Guidelines for Planning Authorities**, hereafter referred to as the ‘Architectural Heritage Guidelines’, sets out detailed guidance to support planning authorities in their role to protect architectural heritage when a protected structure, a proposed protected structure or the exterior of a

building within an ACA is the subject of development proposals. It also guides those carrying out works that would impact on such structures.

5.1.6 The **Regional Spatial and Economic Strategy (RSES)** for the Eastern and Midlands area (adopted June 2019) provides a framework for development at regional level. The appeal site has been included within the Dublin Metropolitan Area (MASP) and is therefore part of the area identified for ‘consolidation of Dublin City and suburbs’.

5.2. Dublin City Development Plan 2022-2028

5.2.1. The DCC decision was made under the Dublin City Development Plan 2016-2022. However, the Dublin City Development Plan 2022-2028 was adopted on the 2nd of November 2022, and it came into operation for this area as of the 14th of December 2022.

Strategy

5.2.2. The overarching strategic approach of the plan is to develop a low carbon, sustainable, climate resilient city. The housing demand calculated sets a requirement for the development plan to provide for approximately 40,000 housing units between 2022 and 2028.

5.2.3. The Core Strategy outlines that the capacity of Strategic Development and Regeneration Area (SDRA) lands is critical. The appeal site is included within SDRA 13 ‘Markets Area and Environs’, an area of 8 hectares with an estimated capacity of 400 residential units. The Settlement Strategy also prioritises development in the inner city and Key Urban Villages, and specifically targets SDRAs where there is capacity to absorb higher density development due to the availability of public transport and supporting infrastructure/services.

Climate

5.2.4. Chapter 3 deals with ‘Climate Action’ and sets out a strategic approach to integrate climate mitigation and adaptation principles in order to ensure that Dublin becomes a low carbon and climate resilient city. In summary, relevant policies and objectives relating to sustainable settlement patterns, the built environment, and sustainable transport include the following:

CA3 - Support the transition to a low carbon, climate resilient city by seeking sustainable settlement patterns, urban forms and mobility.

CA4 - Support retrofitting of existing built-up areas including reopening closed walking and cycling links and providing new links

CA5 - Ensure that all new development including SDRAs integrates appropriate climate mitigation and adaptation measures.

CA6 - Promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.

City Shape & Structure

5.2.5. Chapter 4 sets out the overarching framework and strategy to guide the future sustainable development of the city. The vision for the urban form and structure of the city is to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. In summary, relevant policies and objectives include the following:

SC1 - Consolidate and enhance the inner city, promote compact growth and maximise opportunities provided by existing/proposed public transport by linking the critical mass of existing and emerging communities and other regeneration areas.

SC2 – Aims to develop the city’s character.

SC3 – Promotes mixed-uses in the city centre, including high-quality, sustainable residential development and conversion of office / over-shop spaces.

SC5 – Promotes good urban design and architectural principles.

SC10 – Ensure appropriate densities in accordance with national policy.

SC11 - Promote compact growth through consolidation and intensification of infill and brownfield lands, particularly on public transport corridors.

SC12 - Promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix.

5.2.6. Section 4.5.4 deals with increased building height and outlines that Appendix 3 sets out specific guidance regarding the appropriate locations where enhanced density and scale including increased height will be promoted. Appendix 3 also outlines

performance criteria for the assessment of such development and details the different classifications of building height in the city. The spatial approach is generally to protect the vast majority of the city as a predominantly low-rise city, including established residential areas and conservation areas within the historic core, while also recognising the potential and the need for taller landmark buildings to deliver more sustainable compact growth, including areas identified for large scale regeneration and redevelopment. In summary, relevant policies and objectives include the following:

SC14 – Strategic approach to accord with the Building Height Guidelines.

SC15 – Promotes a mix of uses in large scale development with increased height.

SC16 – Recognises the need for increased building height in identified locations, subject to the protection of existing amenities and sensitivities.

SC17 – Sets out guidance for proposals with increased scale/height in order to protect and enhance the skyline of the city.

SC18 - Promote a co-ordinated approach to the provision of landmark/tall buildings.

5.2.7. Sections 4.5.5 and 4.5.6 of the Plan set out policies and guidance in relation to Urban Design, Architecture, and the Public Realm.

Housing

5.2.8. Chapter 5 deals with 'Quality Housing and Sustainable Neighbourhoods' and the strategic approach aims to deliver quality homes and sustainable communities in the compact city. Based on national and regional policy guidance, it outlines a range of policies and objectives aimed at promoting regeneration, urban consolidation, densification, and healthy placemaking. A core objective of the plan is to promote the realisation of the 15-minute city, which envisages that people should have the ability to access most of their daily needs within 15 minutes on foot or bike from where they live. It promotes a range of house types and tenure to cater for social inclusion and particular housing needs. The Plan also promotes high-quality standards and design for housing and apartments developments, including high standards of residential amenity, housing mix, and social/community infrastructure. It recognises the importance of schools as essential social infrastructure and the need to align demographics with educational provision.

The City Centre and Retail

5.2.9. Chapter 7 aims to support and promote the city centre, urban villages, and retail.

The appeal site immediately adjoins the 'city centre retail core' but does not adjoin any of the identified Category 1 or Category 2 shopping streets. Section 7.5.6 recognises that the proposed redevelopment of the Victorian Wholesale Fruit and Vegetable Market on Mary's Lane and other similar sites have the potential to provide major visitor attractions as well as new amenities for local communities.

Objective CCUVO11 is to promote and facilitate the ongoing implementation of the City Markets Project, centred around the Victorian Fruit and Vegetable Market.

Objective CCUVO16 supports the implementation of the Draft Markets Area Public Realm Plan 2022.

Transport

5.2.10. Chapter 8 deals with 'Sustainable Movement and Transport' and presents an integrated strategy that supports and prioritises the use of sustainable modes of transport and promotes active travel and a pro-active and collaborative approach to influencing travel behaviour. Objective SMT01 aims for travel mode share targets of 26% walking/cycling/micro mobility; 57% public transport (bus/rail/LUAS); and 17% private (car/ van/HGV/motorcycle).

5.2.11. The Plan aims towards the effective integration of land use and transportation and encourages higher-density development along public transport routes. It also aims to improve the public realm and accessibility for all, including more quality space for pedestrians in the city centre. Policy SMT20 promotes walking and cycling for school trips and aims to prioritise school routes for permeability projects and provision and enhancements of pedestrian and cycle ways.

5.2.12. Section 8.5.7 emphasises that a strong car-parking policy in the city has been instrumental in changing travel behaviour and promoting sustainable development and confirms that policies to discourage commuter car parking are further strengthened in the plan. Section 8.5.9 highlights the need to keep all road users interacting safely and efficiently, as is supported in policies SMT 33, SMT 34, and SMT 35.

Built Heritage and Archaeology

5.2.13. Chapter 11 recognises the importance of protecting built heritage and archaeology in quality place-making and urban design. The strategic approach aims to protect these heritage assets primarily through sensitive development and high-quality architecture; the inclusion of structures on the Record of Protected Structures (RPS); the designation of Architectural Conservation Areas and Areas of Special Planning Control; safeguarding zones of archaeological interest; implementing the City Heritage Plan; and promoting the re-use of heritage buildings. Relevant policies and objectives can be summarised as follows:

BHA2 – To conserve and enhance Protected Structures and their curtilage.

BHA3 – Resist the total/substantial loss of Protected Structures.

BHA5 - Presumption against the demolition or substantial loss of any building or other structure assigned a 'Regional' rating or higher by the National Inventory of Architectural Heritage (NIAH).

BHA6 - Presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847.

BHA7 - Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA).

BHA8 - Presumption against the demolition or substantial loss of a structure that positively contributes to the character of an ACA.

BHA9 - Protect the special interest and character of all Dublin's Conservation Areas.

BHA10 - Presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area.

BHA11 – Supports the rehabilitation and reuse of existing older buildings.

BHA15 - Encourage the appropriate development of exemplar twentieth century buildings and structures to ensure their character is not compromised.

BHA26 – Aims to protect and preserve archaeological heritage.

5.2.14. There are no protected structures on the appeal site, and it is not located within an ACA or other 'Conservation Area'. The western extremity of the site adjoins a

'conservation area' along Halston Street. There are several Protected Structures in the surrounding area, most notably the Fruit Market building to the south and the St. Teresa's College buildings/structures to the west. There are two inclusions on the Records of Monuments and Places on the school site to the west.

Strategic Development Regeneration Areas

5.2.15. Chapter 13 sets out the overarching framework and guiding principles for the designated Strategic Development Regeneration Areas (SDRAs). Notable principles in relation to SDRA 13 'Markets Area and Environs' include:

- Realise the potential of the Market building as the centrepiece for a revitalised markets area.
- Facilitate wholesale regeneration of the public realm and encourage development that contributes to these spaces.
- Recognise the strong character and historic built fabric and support retention/reuse of historic buildings.
- Redevelopment of underutilised sites needs to demonstrate sensitive integration and generate new vitality.
- Promote an appropriate mix and diversity of residential accommodation.
- Scope for enhanced height is somewhat constrained and landmark buildings are generally not appropriate. However, some of the larger regeneration sites have the potential for increased height.
- Reinforce and enhance existing pedestrian and cycle routes/space.
- The Guiding Principles map indicates improvements to the public realm, permeability, and connectivity along Mary's Lane, Little Green Street, and Halston Street.

Zoning

5.2.16. The appeal site is zoned Z5 'City Centre', the objective for which is '*To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*'. The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development which create a sense of community, and which sustain the vitality

of the inner city both by day and night, subject to noise reduction measures.
'Residential' is a permitted use in the zone, as is a wide variety of commercial uses.

Development Management

5.2.17. Chapter 15 sets out the standards and criteria to be considered in the development management process, as well as the information to be submitted for various applications. Relevant aspects include the following:

15.4 – Key Design Principles aim for high quality sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.

15.5.1 - Refers to the development of brownfield, regeneration and large comprehensive sites which are of sufficient scale to differentiate them from the surrounding townscape.

15.5.2 - Infill development should respect and enhance its context and be well integrated with its surroundings, ensuring a more coherent cityscape.

15.5.5 – Higher density will be supported subject to suitable context and design.

15.7.1 – Encourages the reuse of existing buildings where possible.

15.8 - Sets out the general requirements for residential development followed by more specific guidance for apartments, Build to Rent, student accommodation and houses.

15.15.1.10 – Sets out guidance in relation to piling and archaeology.

Appendices

5.2.18. The Development Plan includes a number of relevant appendices, including the following:

Appendix 1 contains the Housing Strategy.

Appendix 2 contains the Retail Strategy.

Appendix 3 'Achieving Sustainable Compact Growth' outlines policy and criteria in relation to building height, density, plot ratio, and site coverage.

Appendix 5 'Transport and Mobility' expands on the Sustainable Movement and Transport framework and sets out technical development standards which are applicable to all developments.

Appendix 6 outlines further detail on Conservation.

Appendix 9 outlines Basement Development Guidance.

Appendix 16 outlines guidance and standards in relation to 'Sunlight and Daylight'.

5.3. Natural Heritage Designations

The Royal Canal Proposed Natural Heritage Area is located c. 1.6km to the north of the site. The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA at a distance of c. 3km to the east of the site. There are several other Natura 2000 sites within the wider Dublin Bay area.

5.4. Preliminary Examination Screening for Environmental Impact Assessment

- 5.4.1. An Environmental Impact Assessment (EIA) Screening Report was not submitted with the application. With regard to EIA thresholds, Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.4.2. Class 14 of Schedule 5 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 5.4.3. Class 15 of Schedule 5 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 5.4.4. A detailed description of the development is outlined in section 2 of this report. In summary, it is proposed to demolish all existing structures on site (2,975m²) and to construct a mixed-use development containing 94 apartments and 3 commercial units (reduced to 90 no. apartments as per further information response). Therefore, the maximum number of dwellings proposed is significantly below the threshold of 500 dwelling units.
- 5.4.5. The site has an overall area of c. 0.1648ha and a detailed description is outlined in section 1 of this report. The site is zoned 'City Centre - Z5' in the Dublin City Development Plan with an objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. The predominant use in the area is commercial with some residential and community uses. Based on the zoning and predominant land uses the site can be considered to fall within a business district. However, the site size is significantly below the applicable threshold of 2 ha for a 'business district'.
- 5.4.6. As outlined above, the criteria at Schedule 7 to the Planning and Development Regulations 2001 (as amended) are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that should be the subject of environmental impact assessment. I would note that the requirement for EIA has not been suggested by any of the submissions or reports connected to the application and appeal.
- 5.4.7. The site is comprised of existing buildings (to be demolished) and artificial surfaces and is largely surrounded by commercial and residential developments of varying scale. Residential/commercial use is already established in this area and is supported under the zoning objective. The introduction of mixed-use development will not have an adverse impact in environmental terms on surrounding land uses.
- 5.4.8. The proposed development will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 8 of this report concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

5.4.9. Having regard to the nature, scale, and location of the proposed development, and the environmental sensitivity of the geographical area, I do not consider that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances and having regard to the criteria in Schedule 7 of the Regulations, I conclude that the proposed sub-threshold development would not be likely to have significant effects on the environment and that, on preliminary examination, an Environmental Impact Assessment Report (EIAR) or a determination in relation to the requirement for an EIAR was not necessary in this case.

6.0 The Appeals

6.1. First Party Appeal

The applicant has appealed Condition No. 5 (a), (b), and (c) of the DCC decision to grant permission. The appeal requests that Condition No. 5 be omitted entirely. The grounds of appeal can be summarised under the following headings:

Planning Authority decision

- The applicant's further information response comprehensively addressed the concerns of the planning authority, both in terms of the height and massing of Block A and the overall mix of units proposed (66.6% studio/1-bed, 33.3% 2+ beds).
- The proposed design has appropriately responded to the Board's previous SHD refusal and the proposed building height is appropriate having regard to the emerging pattern of development and the criteria/policies set out in the Building Height Guidelines and the NPF.

Amended Design Option

- The appeal seeks permission for the proposal as submitted to DCC in the further information response of 4th February 2022. However, an alternative

design is included with the appeal which seeks to address the DCC concerns.

- In summary, the revisions include:
 - The reduction in total no. of units from 90 to 85, through the omission of 1 unit at 6th and 7th floors of Block A and the omission of 3 no. apartment units within Block B.
 - The unit mix of Block B has been amended to include a total of 16 units (4 no. studio, 7 no. 1-bed, 2 no. 2-bed, and 3 no. 3-bed).
 - The eastern end of floors 6 and 7 (Block A) has been further setback to reduce the height transition impact on the neighbouring 3-storey buildings and to incorporate a communal open space roof terrace.
- The alternative design option improves the unit mix by increasing the proportion of 2 and 3-bed units, and the revised internal layouts are compliant with the Apartments Guidelines.

Block A - Proposed Height (Condition 5 (a) and (b))

- The proposed development has been substantially reduced from the previous SHD proposal, including the omission of Block D and the reduction in height of Block A from 9-14 storeys to 6-8 storeys.
- Block A provides a strong corner treatment which sits comfortably in the streetscape and adopts an appropriate height transition.
- As recognised by the Board's Inspector in the previous SHD case, exceedance of prevailing building height can be achieved in the area subject to suitable design.
- Given the underutilised nature of the site and its prominent corner location, the site can provide its own height context insofar as the character of adjacent protected structures is protected.
- The proposed height, contemporary aesthetic, high-quality materials, and building setbacks provide a suitable response to the site context. It makes a positive contribution in a manner which creates visual interest and has little cumulative impact on the Fruit Market building.

- Regarding concerns about the impact of Block A on the wider streetscape, the appeal suggests several precedent permissions in the immediate surrounds of the site. These include P.A. Reg. Ref. 3629/17 (ABP Ref. 300987-18), P.A. Reg. Ref. 2370/19, P.A. Reg. Ref. 4179/19 (ABP Ref. PL29N.307493), P.A. Reg. Ref. 3274/20 (ABP Ref. PL29N.309470), P.A. Reg. Ref. 3424/20 (ABP Ref. PL29N.310694), and P.A. Reg. Ref. 2560/17 (ABP Ref. PL29.248961). It contends that the proposed height has been informed by this emerging scale and character of development.
- Although the proposed height exceeds the 24m limit set out in the Development Plan, the proposed design complies with the development management criteria outlined in the Building Height Guidelines. It will have no undue impact on the receiving environment and provides a high standard of accommodation for future residents.
- The removal of floors as per Condition 5 would represent an inefficient use of the site in this central/accessible site, which would be contrary to local and national planning policy.

Block B – Unit Mix (Condition 5 (c))

- The unit mix submitted as further information is entirely appropriate given the city centre location, the infill nature of the site, the limited no. of studio units (12%), and the unusual shape of the site.
- The proposal responds to NPF policy in terms of the identified need for smaller units, a greater variety of house types, and efficient use of underutilised land.
- The proposal responds to national housing policy 'Housing for All' by increasing supply to meet housing targets, including targets for 1-bed units to help eradicate homelessness.
- Census 2016 highlights a shrinking average household size in the Dublin area (2.48 persons). The combined 1 and 2-person households account for 60.3% of all households, while 4 and 5-person households account for just 22.6%. The proposed unit mix (66.6% studio/1-bed, 33.3% 2+-beds) is appropriate to meet these emerging housing demands.

- The alternative design option provides an increase in 2+ bed units, including 11 no. studio units (12.9%), 43 no. 1-bed units (50.59%), 22 no. 2-bed units (25.88%), and 9 no. 3-bed units (10.59%). These amendments correspond with the requirements of Condition no. 5(c) of the DCC decision, and as such, would alleviate the concerns of the planning authority.

Compliance with the Development Plan

- The proposal is in accordance with the Z5 zoning objective for the site and would enhance the attractiveness of the site by providing a residential development of high-quality architectural standard that would be well served by public transport.
- The higher density and plot ratio standards are appropriate given the central/accessible location of the site and local and national policy which promotes compact development.
- The maximum building height limit of 24m would be exceeded by the proposal (c. 27 metres). However, the proposed height is appropriate given the central/accessible location of the site, the existing and emerging context, and the provisions of the Urban Development and Building Height Guidelines (2018).
- The proposal complies with communal open space standards and the provision of public open space is not necessary in this case.
- A car-free development is appropriate at this central/accessible location and the provision of 152 no. bicycle spaces would exceed development plan requirements.
- The Markets Area Draft Framework Plan 2006 aims to regenerate the area with 6-7 storey buildings enclosing the market square.

Compliance with National and Regional Policy/Guidance

- The proposal is consistent with NPF, RSES and NDP objectives to redevelop under-utilised land close to existing facilities and transport services.
- It would address the need for housing as outlined in national housing policy.

- The proposal would be consistent with the Sustainable Residential Development Guidelines recommendations (section 5.9) on appropriate locations for higher density.
- The proposal complies with the policy and criteria to support increased height/density as set out in Urban Development and Building Height Guidelines (2018), including Specific Planning Policy Requirement 3. These policies take precedence over the Development Plan and aim to break limitations on building height.
- Having regard to the relaxation provisions for urban infill sites up to 0.25ha, the proposal is consistent with the Apartment Guidelines in respect of floor areas, mix of units, dual aspect ratios, ceiling heights, lift/stair cores, security, parking, communal amenity space, and private amenity space.
- The design successfully addresses the criteria set out in the 'Urban Design Manual – A Best Practice Guide'.

Architectural Heritage Impact

- The appeal is accompanied by an Architectural Heritage Impact Assessment.
- The report considers existing and permitted development and concludes that the impacts of the proposed development are acceptable and fall within accepted norms with regard to conservation impacts on the Fruit and Vegetables Markets building (protected structure) and the wider neighbourhood.
- Similarly, the alternative design option is appropriate in terms of its impacts upon the adjacent Conservation Area and Protected Structures. The scale and massing of Block A, together with the increased setback at the upper levels, significantly reduces the impact when viewed from the east in relation to the adjacent neighbouring properties.

6.2. Third-Party Appeal by Presentation Primary School

The DCC decision to grant permission has been appealed by the Board of Management (BoM) of Presentation Primary School George's Hill. The appeal requested an Oral Hearing which was subsequently refused by the Board. The

appeal recognises that the Fruit Markets area is in a state of change and requests that such change should be in accordance with the Development Plan 2016-2022 and the Draft Markets Area Framework Plan 2006. It highlights the sensitive and challenging work of the school and the negative impact of the development due to its scale and proximity and contends that inadequate consideration has been given to impacts on school pupils, including those with special needs. The BoM welcomes the redevelopment of the site but has fundamental concerns which can be summarised under the following headings.

Overlooking and Child Safeguarding

- The proximity of apartments, balconies, communal spaces, and windows facing the school is of concern, particularly the impact on the school's rooftop playground.
- The development is incompatible with the location next to a school.
- These overlooking, privacy, and child protection issues take precedence over all other issues and must be addressed.

Loss of Daylight/Sunlight

- The appeal highlights the importance of access to daylight/sunlight for the health and well-being of the children.
- The scale, height, and proximity of the development will negatively impact on this objective.
- The BoM disagrees with the applicant's assessment of the impact and contends that the DCC conditions will only marginally improve daylight levels.
- The application understates the impact on the school yard/playground areas.
- There will be serious impacts on light and view of the sky for Junior Infants.

Health and Safety

- The Construction Environmental Management Plan highlights concerns including HGV traffic and the erection of hoarding. It does not demonstrate that safe access to the school can be maintained, particularly during drop-off and collection times.

- A construction site compound, storage area, and delivery route are proposed in front of the school entrance. This is inappropriate and the DCC decision has not appropriately addressed potential concerns.

Services

- Water, electricity, and communications services may be impacted during construction.
- There are ongoing water pressure concerns in the area and the capacity to accommodate the development needs to be addressed.
- The Bradogue River is culverted below Halston Street and forms part of the surface water system. It has not been demonstrated that there is sufficient capacity and structural stability to protect this culvert.

Noise

- Section 6.1 of BS 5228 recognises the varying effects on noise-sensitive properties (NSPs). The school is an NSP, and the 24-month construction period will have significant disturbance effects, making teaching almost impossible, particularly for children with learning difficulties.
- It will be impossible to comply with the DCC condition regarding noise levels.

Dust and Debris

- The impact on school children has not been addressed, particularly those with breathing difficulties and given the requirement to open windows due to Covid-19.
- Proposals for removal of hazardous materials are inadequate and should only take place during school holiday periods.

The Markets Area

- The proposal fails to follow the guidance of the Draft Markets Area Framework Plan 2006.
- The use of the commercial units should be specified to be sensitive to the nearby school and its pupils.

DCC Development Standards

- The scale and density are incongruous and out of character with the area.

- The height significantly exceeds buildings in the area and the justification for tall buildings adjacent to significant transportation hubs is not applicable in this case. Building height should follow the guidance of the Draft Markets Area Framework Plan 2006.
- The tight urban grain is unable to accommodate the intensification impacts on roads and pavements, in terms of access and egress, parking, and cycle routes.

Construction Works

- The site is within an area of archaeological potential and there may be impacts as a result of the piled foundations and associated works.
- The depth of the piles/foundations are also of concern relating to the potential impact on the fabric of buildings in the vicinity.

6.3. Third-Party Appeal by Dubco Credit Union Ltd

The DCC decision to grant permission has been appealed by Dubco Credit Union Ltd. The appellant highlights that their premises does not form part of the proposal and it was sensitively developed in 2004 to complement adjoining development and take advantage of natural light. The main issues raised in the appeal can be summarised under the following headings.

The Application

- It is essential that any proposal in the area fits in as an element of urban renewal master planning for the Fruit Markets Area.
- No consultations took place with the appellant or other adjoining landowners.
- No meaningful light studies were carried out as no internal access was sought to the appellant's property.
- The proposed excavation raises concerns of potential structural damage.
- Recent works on other sites in the area have exposed archaeological remains. A condition should be imposed on any permission requiring further surveys.
- The DCC assessment of building height assessed the proposal as a single development, rather than 3 separate sites enclosing the appellant's premises.

Impact on the Dubco Site

- The depth of the site is particularly beneficial to good urban design, both in its existing and potential future uses.
- Images are provided to show the impact of the development on the Dubco site, including loss of light and impacts on proper planning / urban renewal.
- The removal of one floor from Block A does not adequately mitigate the impact. Drawings are included to request that two full floors should be removed from both Block A and Block B. This would provide a gradual height step down from north (Block C) to south and would improve orientation and good urban planning.

Streetscape

- The 'indicative elevation for Little Green Street' drawing was particularly disingenuous.
- It seeks a solution to a problem created by the proposed design.
- The 8-storey buildings would deliver a 'missing tooth' streetscape which should be recognised for what it is rather than what it could be.
- The removal of 2 floors in Block B would be a better solution.

Development Plan Standards

- Windows in Block C overlook the appellant's property from 10 metres, as opposed to standards which require 11 metres.
- Roof level open space has been accepted notwithstanding the planning report stating that it would be 'windy and not ideal'.
- There are shortfalls in relation to a number of other standards which fail to protect the current and potential operations of the Dubco site.
- There is inadequate information to clarify ownership of the area between the Dubco site and Block C.

Health & Safety

- The Dubco site will be adversely impacted by demolition, piling, and construction activities.

- In order to protect staff and customers, a condition of any permission should require pre-commencement engagement with Dubco regarding a Construction Management Plan.
- A condition of any permission should require a dilapidation survey/report prior and post construction to establish any impacts on the Dubco building.

6.4. Applicant Response

The applicant has responded to the grounds of the two third-party appeals. In addition to the details already outlined in the first-party appeal (section 6.1 of this report) the issues raised in the response can be summarised under the headings below.

Markets Area Context

- Pre-planning discussions with DCC confirmed that the Markets Area Framework Plan 2006 is now redundant, and a new Public Realm Masterplan is being delivered dependant on the DCC Development Plan 2022-2028.
- Notwithstanding this, the redevelopment of the site is consistent with the Framework Plan which envisioned 6-7 storey buildings on site and facilitates the development of surrounding sites.
- The site is located within an area of transition where development of up to 8-storeys has been permitted in accordance with national policy (NPF and Building Height Guidelines) which has developed in the 16 years since the Framework Plan was prepared.
- The site is extremely well served by high-capacity, high-frequency public transport, including 2 Luas stops, a range of bus routes, and walking/cycling options.
- The proposed height is appropriate for its context and the increased height relative to existing development is justified on the basis of compact and sustainable development.
- The site comprises an assembly of 3 interconnected brownfield plots and provides appropriate permeability on brownfield lands in need of renewal.

Consultation

- The applicant made several attempts to engage with neighbouring landowners, but no response was received from Dubco. Their assertion that development would be premature is unfounded.
- The applicant engaged in detailed pre-planning discussions with DCC, who acknowledged attempts to facilitate the development of adjoining lands.
- The area has been long identified for regeneration with increased density/height and it cannot be reasonably concluded that its development would be premature.

Daylight/Sunlight

- The application documents include an assessment of impacts on the existing and proposed development.
- The Dubco building is in commercial use and does not have a particular requirement for daylight/sunlight as per the BRE Guidelines. Daylight to this building is already restricted by the tight nature of the block and forthcoming development permitted under P.A. Reg. Ref. 2370/19 and P.A. Reg. Ref. 3629/17. The building will still receive a suitable level of daylight and any development will inevitably have some degree of impact. DCC did not raise any concerns in this regard.
- The application also assessed amenity areas including the school property. The school yard does not currently meet BRE standards, and the proposed development would have only a slight impact on the level of sunlight received within a small, planted area. A smaller scale building would have a similar effect. The school yard is largely overshadowed by existing buildings and would not be significantly impacted by the proposed development.
- Shadow diagrams have been prepared for the rooftop play area to demonstrate that the proposed development would only cause overshadowing of a small north-eastern portion on March 21st at 09:00am, which is not a substantial impact.
- The surface level yard would not be affected after 11.00am on 21st March, when usage is required for recreation. Some additional overshadowing in

June would not be evident past 10.00am and there would be no additional overshadowing in December.

- The scheme has been designed and amended based on sunlight/daylight analysis and it is contended that there will be no adverse impacts.
- The development would reduce the level of daylight to 2 no. school classrooms, but these rooms are large, dual aspect spaces, with the larger windows experiencing only a minor reduction and complying with BRE standards. The daylight impact would be non-substantial.

Overlooking / Overbearing

- The Board Inspector's report on the previous SHD case (ABP Ref. 308228-20) concluded that a level of overlooking of the school property was to be expected, which should be balanced by mitigation measures.
- The scheme provides generous setbacks and an alternative lighter finish at 7th and 8th floor level to provide appropriate visual relief and massing.
- The recessed balconies generally increase the distance from the windows of living spaces to the buildings opposite.
- Bedroom windows on the southernmost portion of the east elevation of Block A have been positioned to face the school. Bedrooms are least likely to be occupied during school hours and thereby avoid overlooking.
- The school is separated by a public street and any overlooking impacts must be assessed in this context.
- There does not appear to be any directly overlooking windows on the northern elevation of the Dubco building. It is not considered appropriate to angle the south-facing windows in Block C to facilitate future development on the Dubco site and the applicant's block model has demonstrated how the site could be developed.
- The DCC planner's report accepted that separation distances are not always achievable in an urban context and that an 8.5m separation from the Dubco site was acceptable.

Relationship with the Dubco Site

- The appellant has not provided justification for the removal of floor levels from Blocks A and B. This would result in the removal of a significant number of units and would not achieve appropriate density levels.
- The appellant continually emphasises the importance of the depth of the Dubco site. However, any future development at this depth would be contrary to proper planning and the Framework Plan which envisaged perimeter blocks enclosing an open space. The proposed development respects this broad design approach.
- The Board Inspector's report on the previous SHD case (ABP Ref. 308228-20) did not raise any objection to the principle of 9-storey development either side of the Dubco site. The current proposal reduces the height and massing of the proposals on these adjoining plots.
- Sustainable redevelopment will inevitably alter visual impact and interface with adjoining structures, which must be balanced with the need for increased height/density as per national policy.
- The design of Blocks B and C, while deviating from adjoining structures, provides a suitable quality of architecture and a positive contribution to the streetscape.

Unsolicited Information

- The applicant rejects the assertion that unsolicited information not forming part of the application was submitted.
- The drawings and documentation clearly show the impact of the proposed development as well as indicative demonstrations of how the proposed development will work in the context of adjoining sites, as was requested by the planning authority at pre-planning stage.

Development Standards

- The application has comprehensively demonstrated compliance with the relevant policy and standards.
- Contrary to what is suggested by the appellant, each apartment has access to private open space, a communal central courtyard, and three roof gardens.

- The proposal complies with private and communal open space standards as per the 2020 Apartments Guidelines.
- The open space areas serving the development receive adequate levels of sunlight as demonstrated in the applicant's assessment report.
- Landscaped courtyards (260m²) will provide an additional amenity at ground floor level.
- The DCC planner's report does not refer to the roof gardens as 'windy and not ideal'. It does acknowledge that wind could be an issue, but the matter was not raised further. Glass balustrades and landscaping will aid in counteracting any wind pressure and similar rooftop gardens are being provided in many schemes throughout the city. It will provide a valuable amenity to significantly enhance residential amenity.

Land Ownership

- The application has appropriately shown land ownership and wayleaves in accordance with legislative requirements.
- All proposed works are within the red line ownership boundary in compliance with legislative requirements.

Construction Management, Noise, and Excavation

- The basement area will largely be achieved within existing basements and through piled foundations in order to minimise potential impacts on neighbouring properties.
- Predicted impacts are temporary and acceptable subject to standard conditions.
- Works will be carried out in accordance with a Construction Management Plan and Demolition Management Plan, which will have significant regard for the school and Dubco sites, including minimising noise levels, traffic movements, and any disruption to access/egress.
- The Plans will be agreed with DCC and will involve engagement with the appellants and protection of the public and neighbouring properties.
- The short-term construction impacts have been addressed by the conditions of the DCC decision and the applicant has no objection to same.

- No significant objections were raised from the Transportation Division of DCC.
- The Board Inspector's report on the previous SHD case (ABP Ref. 308228-20) concluded that construction phase issues could be satisfactorily addressed by condition.
- The existing warehouse uses are heavily reliant on HGV transport, which would be replaced by more sustainable travel modes associated with the proposed development.
- Irish water has confirmed the feasibility of connection to water and wastewater without the requirement for any infrastructural upgrade.
- The DCC Drainage Report has not raised any objections subject to conditions.
- It is highly unlikely that there will be any disturbances to electricity and communications services and neighbouring properties will be kept fully informed throughout construction.

Archaeology

- The application includes a detailed Archaeological study and the potential for impacts has been significantly reduced by mitigation measures and limited basement extension.
- The Board Inspector's report on the previous SHD case (ABP Ref. 308228-20) concluded that the approach towards archaeological protection was acceptable and any outstanding issues could be addressed by means of condition.
- The DCC decision and Archaeologist's report had no objections subject to conditions.

Public Realm

- The proposal would facilitate the regeneration of the site which would increase vitality, activity, and footfall.
- The proposed development is devoid of any car parking and will not significantly impact on the existing footpath/road network. Any damage would be repaired in accordance with the requirements of DCC.

- The development will provide the critical mass required to sustain services and create a vibrant public realm.

6.5. Planning Authority Response

None.

6.6. Further Responses

A response on behalf of Dubco Ireland Credit Union Ltd refers to the First-Party appeal to grant approval for 8-storey development on all 3 blocks. It contends that their Third-Party appeal has reasonably outlined justification for the removal of 2 floors from Blocks A & B and the inclusion of conditions as requested.

6.7. Observations

None.

7.0 Assessment

7.1. Introduction

- 7.1.1. This case includes a First-Party appeal against condition no. 5, as well as two Third-Party appeals against the DCC decision to grant permission. Therefore, notwithstanding the provisions of section 139 of the Planning and Development Act 2000 (as amended) regarding the limited consideration of appeals against conditions, the determination of the case as if it has been made to the Board in the first instance is required. Therefore, I will carry out a *de novo* assessment of this case, including the provisions of condition no. 5 where relevant.
- 7.1.2. The case involves several versions of the proposed scheme, namely, the original application, the revised design submitted as further information, the permitted scheme as per the DCC decision (i.e. including the amendments required under condition no. 5), and the amended design option submitted with the First-Party appeal. Unless otherwise stated, my assessment and any references hereafter to the 'proposed development/scheme' are based on the revised scheme submitted as further information, that being the scheme on which the DCC decision is based.

- 7.1.3. The inclusion of an 'amended design option' is not an uncommon practice in the appeal process. The main aims of the amended proposal are to reduce the overall scale/massing of the proposal and to revise the mix of units proposed, which would normally not give rise to material considerations for third parties. Surrounding properties (i.e. Dubco and the school) are active parties in this case and have had the opportunity to comment on the amended proposals. Accordingly, I am satisfied that adequate opportunity has been afforded for comment on the amended design and I have no objection to its consideration as part of the appeal.
- 7.1.4. Having inspected the site and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are as follows:
- The principle of development
 - The quantum of development proposed
 - The standard of residential development proposed
 - Impacts on surrounding properties
 - Daylight and Sunlight
 - Traffic and Transportation
 - Building height/scale, heritage and visual amenity.

7.2. **The principle of development**

Demolition

- 7.2.1. The proposal involves the demolition of all existing buildings on site. These buildings can largely be described as low-grade, modern warehouse-type structures which are of no heritage value. None of the structures are included within the RPS, an ACA, or the NIAH. It is noted that the north-western corner of Block A is marginally within the Halston Street 'red line' conservation area, but this appears to be an incidental rather than intentional inclusion. It is proposed to demolish part of a 19th century terrace at the eastern end of Block A along Mary's Lane (i.e. no. 6). Again, no part of this terrace is subject to any built heritage designation/recognition.

- 7.2.2. Notwithstanding the absence of built heritage designations on site, I acknowledge that Development Plan provisions (including 15.7.1, CA6, and BHA6) support the retention and reuse of older buildings of significance in the interests of protecting local character and climate action. With the exception of No. 6 Mary's Lane, I am satisfied that the demolition of the on-site buildings does not raise potential for the loss of significant local character. And while No. 6 appears to form part of a vernacular 19th century terrace, it should be noted that the terrace has been substantially altered at ground floor level and Nos. 3-4 are modern reconstructions. From a climate action/energy perspective, I acknowledge the 'embodied carbon' implications associated with the demolition and reconstruction of a new development. However, this must also be balanced with the wider sustainability issues associated with the proposed development and the wider policy objectives for the area.
- 7.2.3. In conclusion, I acknowledge that the proposal involves the demolition of all existing buildings on site. Collectively however, I am satisfied that the existing buildings are not of significant heritage or local character value, and I do not consider that their retention could be reasonably required as part of a comprehensive redevelopment of the site. I acknowledge the additional resources and energy associated with new development. However, I consider that demolition is justified in this case in light of the overarching needs to achieve higher-density, compact, sustainable development on brownfield sites in accordance with the over-arching aims of the National Planning Framework. Accordingly, I have no objection in principle to the demolition of the existing buildings.

Zoning and Uses

- 7.2.4. The appeal site is zoned Z5 'City Centre', the objective for which is '*To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*'. The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development which creates a sense of community, and which sustains the vitality of the inner city both by day and night, subject to noise reduction measures.
- 7.2.5. The Development Plan confirms that 'Residential' is a permitted use in the zone. I acknowledge that it is the predominant use proposed, but I am satisfied that there is

a vibrant mix of existing and permitted uses within the wider area, particularly having regard to the significant quantum of recently completed/permitted hotel developments.

- 7.2.6. The proposed development would retain a strong commercial presence at street level with 3 separate commercial units (totalling 433 sqm) fronting onto Halston Street, Mary’s Lane, and Little Green Street. This would add to the diversity of commercial use in the area and would increase activity and vibrancy on the adjoining streets. I acknowledge that the specifics of commercial uses have not been identified but I am satisfied that this could be dealt with by condition to appropriately control any associated impacts (e.g. noise, odour, hours of operation etc.)
- 7.2.7. In conclusion, I consider that the proposed uses would sustain life and vitality within the centre of the city through a high-density mixed-use development involving significant residential use, which would help to create a sense of community. This would be consistent with the Z5 zoning objective for the area.

7.3 Quantum of development proposed

- 7.3.1. Consistent with national policy and guidance, the Development Plan seeks to encourage the redevelopment of underutilised lands in appropriate locations to achieve higher density sustainable development. Having regard to the city centre location of the appeal site and the transitioning state of the area from a market/warehousing area to more high-density urban uses, I consider that the current nature and extent of development is an underutilisation of the site and that such redevelopment proposals should be supported.
- 7.3.2. Table 1 below outlines the key quantum figures of the proposed development (i.e. the FI Response version) as they relate to Development Plan standards.

Table 1 – Key Quantum Figures

	Proposed Development	Development Plan Standard
Density (UPH)	546	100-250 generally supported in city centre, canal belt and SDRAs. General presumption against schemes of 300+ UPH
Plot Ratio	4.8:1	2.5-3.0 in central area. 1.5-3.0 in regeneration area.
Site Coverage	71.3%	60-90% in central area. 50-60% in regeneration area.

- 7.3.3. As per Table 1, it is acknowledged that the proposed development exceeds the general/indicative standards for density and plot ratio. However, the Development Plan acknowledges that schemes in excess of 300 units per hectare can be considered in 'exceptional circumstances' and that higher plot ratios can be considered in certain circumstances, such as along major public transport corridors; comprehensive re-development in areas in need of urban renewal; to maintain existing streetscape profiles; where a site already has the benefit of a higher plot ratio; or, to facilitate the strategic role of significant institution/employers such as hospitals.
- 7.3.4. In addition to the above Development Plan standards, the Board should note that there is a wide range of national policy support for higher density development at appropriate locations.
- 7.3.5. The 2009 guidelines on 'Sustainable Residential Development' recommend that there should, in principle, be no upper limit on the number of dwellings that may be provided within any town or city centre site and that higher densities should be encouraged on 'brownfield sites', subject to safeguards relating to the standard of development proposed and the impact of the development on the amenities, character, and vision for the area. The guidelines also state that increased densities (minimum 50 per hectare) should be promoted within 500 metres walking distance of a bus stop, or within 1km of a rail stop/station, with densities decreasing with distance from such nodes.
- 7.3.6. The 2018 Building Height Guidelines highlight that the implementation of the NPF requires increased density, scale, and height in city cores, with an increased focus on the redevelopment of 'brownfield' and infill sites. SPPR 1 supports increased building height and density through statutory plans in locations with good transport accessibility, particularly in town/city cores, and states that there shall be no blanket numerical limitations on building height.
- 7.3.7. Section 2 of the Apartment Guidelines outlines the types of location that may be suitable for apartment development. It describes 'central and/or accessible urban locations' as being generally suitable for small- to large-scale and higher-density development that may wholly comprise apartments. Subject to further consideration and assessment, such sites would include those that are:

- within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas);
- within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

7.3.8. The appeal site is located within the city centre and is within easy walking distance of significant employment locations associated with the city centre. It is within 5 mins walking distance of the LUAS stops at the Four Courts and Jervis, as well as a wide range of frequent bus services, particularly along the Liffey Quays. Accordingly, I consider that the site is within a 'Central and/or Accessible Urban Location' which can sustainably support higher density apartment development based on the criteria set out in the Apartment Guidelines.

7.3.9. While I have outlined that national policy supports higher density at locations such as the appeal site, I acknowledge that the proposed densities are significantly higher than the Development Plan's general presumption against 300+ UPH. The proposed densities range from 546 units per ha (F.I. response), to 449 units per ha (permitted development), to 515 units per ha (amended design option). However, it should be noted that the Development Plan does not include an absolute maximum density standard as densities in excess of 300 UPH will be considered in exceptional circumstances where a compelling architectural and urban design rationale has been presented. Even if the Board considers that the proposed densities materially contravene the Development Plan, it should be noted that this can still be permitted on the basis of national policy and section 37(2)(a) of the Planning and Development Act of 2000 (as amended).

7.3.10. I would accept that favourable circumstances for higher density apply in this case given the central/accessible location of the site and its specific designation for comprehensive regeneration as part of SDRA 13. I also consider that elevated density levels would be expected given the nature and configuration of the site. It covers the peripheral parts of the larger block on which higher-density development would appropriately form a continuous block perimeter as demonstrated in the

application documents. It is reasonable to expect that the future development of central portion of the block (i.e. excluding the appeal site) would incorporate more open space which would provide a counterbalance to higher peripheral densities and, thereby, result in a lower density within the overall block. It should also be noted that the high level of density is heavily influenced by the high proportion of smaller studio/1-bed units (see section 7.4 below for further details).

7.3.11. Having regard to the foregoing, I would conclude that there is potential to consider higher density levels on the appeal site (i.e. 300+ UPH). However, the significant density involved (i.e. 546 UPH) would require exceptional justification based on design standards and further assessment of impacts on the surrounding area. These matters are discussed further in the following sections of this report.

7.4. The standard of residential development proposed

7.4.1. The standard of residential development is considered in this section, particularly with regard to the quantitative and qualitative standards outlined in the Development Plan and the 2020 Apartments Guidelines.

Mix of Units

7.4.2. The mix of units involved in the various versions of the development are outlined in Table 2 below, with comparison to Development Plan standards. It is noted that, based on the Housing Need and Demand Assessment (HNDA), section 15.9.1 of the Development Plan includes specific housing mix standards for the North Inner City and Liberties Sub-City areas in applications of 15+ units. These requirements have been used in Table 2 below.

Table 2: Mix of Units

Type / Version	Further Information Response		Permitted Development		Amended Design Option		Development Plan Standard (North Inner City sub-city area)
Studio	11 (12.2%)	66.6%	10 (13.5%)	63.5%	11 (12.9%)	63.4%	Maximum of 25-30% 1-bed / studio units
1-bed	49 (54.4%)		37 (50%)		43 (50.5%)		
2-bed	25 (27.8%)		20 (27%)		22 (25.88%)		
3+ bed	5 (5.6%)		7* (9.5%)		9 (10.59%)		Minimum of 15%
Total	90 (100%)		74 (100%)		85 (100%)		

* The 'two or more' bed units required by condition 5(c) are assumed to be 3-bed units as demonstrated in the Amended Design Option.

- 7.4.3. In terms of national policy, SPPR 1 of the Apartment Guidelines states that developments may include up to 50% 1-bed or studio type units, with no more than 20-25% of the total proposed development as studios. It states that statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan. All versions of the proposal would comply with the recommended 25% threshold for studio units, while none would comply with the 50% cumulative threshold for studio and 1-bed units. As outlined in Table 2, none of the versions of the development comply with the specified Development Plan mix which has been incorporated following the completion of a HNDA.
- 7.4.4. SPPR 2 of the guidelines allows for flexibility in the application of SPPR 1 in building refurbishment schemes or urban infill schemes on sites of up to 0.25ha, but states that SPPR 1 shall apply to the entire development in schemes of 50+ units. Notwithstanding this, SPPR 2 also highlights that all standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.
- 7.4.5. Ultimately, the appropriate mix of units in this case requires a resolution between national guidance, which is recognised in the Apartment Guidelines as a broad and consistent but flexible safeguard, and more specific local development plan policy, particularly in relation to the high proportion of smaller studio / 1-bed units but also in relation to a shortfall in larger 3-bed+ units.
- 7.4.6. In the first instance, the DCC decision to grant permission demonstrates flexibility in exceeding the 50% threshold for studio/1-bed units as per SPPR 1. The permitted development reduces the proportion of studio/1-bed units from c.66% to c.63%, which is also consistent with the amended design option. That decision was made under the previous Development Plan 2016-2022, section 16.10.1 of which also required a mix in all apartment developments of a maximum of 25-30% 1-bed units and a minimum of 15% 3+ bedroom units. Therefore, considerable flexibility was also exercised by the planning authority in relation to this requirement.

- 7.4.7. The new Development Plan 2022-2028 is now in operation. It effectively replicates the housing mix requirements as per section 16.10.1 of the previous Development Plan, but importantly applies them to the North Inner City and Liberties Sub-City areas only. Therefore, in my opinion, the main policy difference between the previous and current Development Plans is that the current plan is informed by an evidence based, targeted HNDA. This is important as SPPR 1 allows for the application of a specific mix of units following an evidenced-based HNDA, as opposed to the previous development plan which applied a 'blanket' mix for all apartment developments throughout the city.
- 7.4.8. In reviewing the HNDA contained within the current Development Plan I note that a Sub-City Analysis was completed for the North Inner-City (NIC) area due to the higher volume of smaller housing stock, the significant availability of regeneration lands, and the recent experience of a high proportion of smaller units as part of SHD and BTR developments. The analysis builds on the city-wide HNDA and uses a bespoke model to inform the plan at a more granular level.
- 7.4.9. The following is noted in relation to the sub-city analysis for the NIC:
- The identified intercensal changes see a reduction in all household composition save for two person households, which are on an upward trajectory of 0.20 percent per annum.
 - 2016 census data on the number of rooms per household shows a high proportion of 1-room and 2-room households (12.9% and 25% respectively, compared to the city-wide figures of 5.4% and 12.3%).
 - Forecasted dwelling type distribution for the plan period shows a high proportion of flat/apartments (up to 74.6%) compared to the city-wide figures (up to 40.6%).
- 7.4.10. As an evidential response to SPPR1, the HNDA highlights increased demand for two and three person households and declining demand regarding single person households. Taking into account the modelled declining demand for one bed units and the current pattern of applications with high proportions of studio / 1-bed units and no 3-bed units, the HNDA recommends a policy response requiring a mix of units in the NIC as adopted in section 15.9.1 of the Development Plan (see Table 2 above). However, both the HNDA and the Development Plan recognise the potential

to exercise discretion / flexibility on a case-by-case basis as per SPPR 2 of the Apartments Guidelines.

- 7.4.11. In response to Condition 5(c) and the question of housing mix, I have noted that the applicant has highlighted a trend towards smaller household sizes nationwide and in Dublin City as a whole, as well as the national-level policy approach to support the provision of smaller units. The First-Party appeal does not include a detailed analysis of the NIC requirements but contends that the proposed mix is entirely appropriate given the city centre location, the infill nature of the site, the limited number of studio units, and the unusual shape of the site.
- 7.4.12. In conclusion, I would feel that the proposed mix of units contravenes Development Plan policy as outlined in section 15.9.1 of the Plan. The housing mix specified therein is not a new requirement. It already existed by virtue of section 16.10.1 of the previous Development Plan. However, in my opinion, the provisions have now been strengthened through the completion of an evidence based HNDAs which specifically addresses the North Inner City at a sub-city level, as is provided for under SPPR1 of the Apartments Guidelines. And while I acknowledge that SPPR2 still provides an opportunity to exercise discretion, I would feel that there is no evidence to justify such a significant departure from Development Plan policy (i.e. permitting >63% studio/1-bed units where policy recommends a maximum of 30%).
- 7.4.13. Despite the existence of this policy in the previous Development Plan, the Board may wish to consider this a **new issue** and invite the applicant to address the matter in the context of the new Development Plan. However, given the degree of non-compliance, the proposed scheme would require comprehensive revision. I would also note that the first-party appeal has already raised concerns about the commercial viability of the scheme (due to the reduced no. of units as per the DCC decision) and an amended design option has already been submitted in an attempt to address the matter.
- 7.4.14. Ultimately, I consider that the proposed mix of units would fall considerably short of meeting the identified housing needs of the area. In my opinion, this would be grounds for refusal of the development unless the scheme can otherwise be justified by reason of overall design quality.

Floor Areas & Dimensions

- 7.4.15. The Development Plan requirements in this regard are consistent with the standards outlined in the Apartment Guidelines. The application includes a Housing Quality Assessment and all proposed units exceed the minimum overall apartment floor areas as set out in SPPR 3 of the Apartment Guidelines. Furthermore, with regard to 'Safeguarding Higher Standards' the Guidelines requires 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%. Sections 3.12 and 3.13 of the Guidelines state that in schemes of 10 up to 99 units it is acceptable to redistribute the minimum 10% additional floorspace requirement throughout the scheme, i.e. to all proposed units, to allow for greater flexibility. The Housing Quality Assessment (Table 4.1) demonstrates compliance with this requirement, and I am satisfied that the level of compliance is further improved by the reduced number of units and higher proportion of larger units included in the further information response, the permitted development, and the amended design option.
- 7.4.16. I have also reviewed the other requirements of Appendix 1 of the Apartment Guidelines for living/kitchen/dining areas, bedrooms and storage. Notwithstanding some minor individual shortfalls, I am satisfied that the quantitative areas required are satisfactorily provided in accordance with the flexibility allowable under the Guidelines. The proposed ceiling heights are 2.5m in all cases, which meets the requirement of at least 2.4m for above-ground floor units.
- 7.4.17. All of the proposed units would also be provided with private amenity spaces which comply with the minimum area requirements. The spaces are at least 1.5m deep and are suitably accessed off the main living areas in accordance with the requirements of the Guidelines. A high majority of the spaces face south, southeast, or southwest and will benefit from good sunlight levels. It is noted that the separation distance from opposing development is less than 10 metres to the east and west. However, having regard to the nature of opposing development (i.e. school and hotel uses), together with the need to maintain building lines in accordance with the traditional pattern of development, I consider that the separation distances are acceptable and will maintain an acceptable level of privacy for the amenity spaces.

Aspect

- 7.4.18. The Development Plan requirements in this regard are consistent with the standards outlined in the Apartment Guidelines. SPPR 4 of the Guidelines outlines that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations. Furthermore, on urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.
- 7.4.19. The proposed development (as per F.I. Response) includes 44 (or 49%) dual-aspect units, with none of the single-aspect units facing north. The permitted scheme would reduce the number of dual aspect units to 41 but would increase the overall proportion of such units to 55%. The amended design option would provide 45 no. dual aspect units (or 53% of the 85 no. units). Accordingly, all versions of the scheme would include a proportion of dual-aspect units which significantly exceeds the 33% requirement as per SPPR 4 (i) and I have no objection in this regard.

Access, security and Lift / Stair Cores

- 7.4.20. The Development Plan requirements in this regard are consistent with the standards outlined in the Apartment Guidelines. The perimeter of the site is bound by active streets which provide existing surveillance. There are no ground floor apartments, and all units will be accessed internally within the site. I would acknowledge that the internal open spaces / access routes are limited in size/width, but this is largely due to the difficult site configuration and could be significantly improved with the future provision of a central open space within the larger block. All versions of the proposed scheme include a maximum of 8 units per floor per core. This would not exceed the maximum of 12 units per floor per core as per SPPR 6 of the Guidelines.

Communal Open Space

- 7.4.21. The Development Plan requirements in this regard are consistent with the standards outlined in the Apartment Guidelines. In accordance with Appendix 1 of the Guidelines, the proposed development (F.I. Response) requires a total communal open space area of 504m². This requirement would be reduced in the permitted scheme and the amended design option. The F.I. Response proposal includes a

total of c.530m² communal open space which is proportionately divided into roof terraces on each of the 3 blocks. The roof gardens will be suitably landscaped and would be easily usable and accessible for all units via the stair/lift cores. The spaces would not be significantly overlooked by surrounding development and would provide acceptable levels of privacy for such communal spaces.

- 7.4.22. Section 4.12 allows for a relaxation of communal space in part or whole on urban infill sites of up to 0.25ha. However, as outlined above, the proposed development exceeds the requirement for 504m², and I am satisfied that the roof terraces are appropriately designed in accordance with local and national policy standards.
- 7.4.23. For schemes of 25+ units with two or more bedrooms, the Guidelines recommend that small play spaces (about 85 – 100 sq. metres) be provided for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building. The proposed development has a maximum of 30 no. 2-bed+ units, which marginally exceeds the threshold for the provision of such facilities. However, given the high proportion of smaller units and the central/accessible location of the site, I am satisfied that the overall communal space proposed is acceptable and there is no specific requirement for children's play facilities. The Board should note that this situation may change if a revised mix of units applied, as previously discussed.
- 7.4.24. The rooftop spaces will enjoy largely unobstructed daylight/sunlight, particularly from the south and west. The application does not include an assessment of wind impacts on the rooftop spaces. However, although the building is significantly taller than existing development on site, it is not an exceptionally tall building such as would be likely to give rise to an acceleration of wind speed or 'downdraft' effects. I am aware that several rooftop gardens have been permitted at higher levels in the city centre. Furthermore, the previous SHD proposal for the site included roof terraces at higher levels and the Wind Microclimate Study submitted for that proposal indicated that the spaces would be conducive to sitting, reading and socialising.

Communal Facilities

- 7.4.25. The *Planning Guidelines for Childcare Facilities* (2001) recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units. Section 4.7 of the Apartment Guidelines outline that one-bedroom or

studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms. Having regard to the high proportion of studio / 1-bed units proposed, I am satisfied that childcare facilities are not required in this case. The Board should note that this situation may change if a revised mix of units applied, as previously discussed.

7.4.26. Regarding refuse storage, proposals include a separate bin store at ground floor level of each block (total area of c. 80m²). These spaces are accessible to each apartment stair/lift core and would be serviced from the adjoining Little Green Street and Mary's Lane. The planning authority has not raised any objection in this regard, and I am satisfied that the facilities can be designed to address the criteria set out in Appendix 7 of the Development Plan and section 4.8 and 4.9 of the Apartment Guidelines. An Operational Waste Management Plan should be agreed in the event of a grant of permission.

7.4.27. I note the provisions of the Development Plan (Policy QHSN48 and s. 15.8.2) regarding a community and social audit for residential proposals in excess of 50+ units. The application was clearly prepared in advance of the current Development Plan adoption and does not include such an assessment. However, the planning authority did not raise any concerns in this regard. I would also highlight the central and accessible location of the site close to a wide range of city centre services/facilities and the potential availability of the ground floor units to accommodate social/community uses. The Apartments Guidelines state that communal or other facilities within apartment schemes should be subject to negotiation and agreement with the developer as part of the planning process and should not generally be imposed as requirements by the planning authority. Accordingly, I am satisfied that no other communal/social facilities should be considered necessary as part of the development.

Public Open Space

7.4.28. In addition to the foregoing open space requirements, the Development Plan (s. 15.8.6) requires a provision of 10% of the site area as public open space, or otherwise a financial contribution in lieu of such provision (as per s. 15.8.7 of the Plan). The applicant has contended that the internal courtyard provides 260m² of

public open space, or 15% of the site area. Although the DCC planner's report expressed concern about the functionality of this area as a public open space, the report ultimately appears to welcome the space and does not recommend any specific financial contribution towards a shortfall. Given the challenging configuration and limited size of the site, together with the need to maintain a strong streetscape / building line around the site perimeter, I would accept that the provision of meaningful public open space is not viable on this site, and I have no objection in this regard. I also note that the DCC Development Contribution Scheme already covers the requirement for a contribution of €4,000 per unit in such cases. Accordingly, section 48 (2)(c) of the Act need not apply.

Conclusion on residential standards

7.4.29. Having regard to the foregoing, I am satisfied that, other than the significant shortfall in terms of the mix of units included, the proposed apartment units would be sized, orientated, and designed in accordance with the requirements of the Apartment Guidelines. Adequate private amenity space has been provided for each unit and communal amenity space would exceed the normal minimum requirements, notwithstanding that such normal requirements can be relaxed in part or whole in the case of small urban infill sites such as this. Other communal facilities have been provided to an acceptable extent and the absence of usable on-site public open space is considered acceptable having regard to the nature and location of the site. Further assessment of development standards, including daylight/sunlight and traffic/transport issues, is outlined in later sections of this report.

7.5. Impacts on surrounding properties

7.5.1. It is contended in the third-party appeals and in other submissions to the planning authority that the proposed development would give rise to adverse impacts on surrounding properties by reason of traffic congestion, overlooking, overshadowing, construction disturbance, and structural impacts. The questions of overshadowing and traffic/access will be dealt with separately in later sections of this report.

Overlooking

7.5.2. The appeal site is surrounded by a road network to the south, east, and west, which maintains a public buffer / separation distance from opposing development. The

recently constructed hotel development to the east of the site is not overly sensitive towards privacy impacts and I have no objection in this regard. Similarly, properties to the south of the proposed development consist mainly of the fruit market building and other commercial uses, with any upper floor uses on the south side of Mary's Lane being setback an acceptable distance of c. 18m from the development.

7.5.3. To the west of the site, I note that the submission on behalf of the school has raised serious concerns about overlooking and privacy. On the eastern façade of the school building there are three windows (two of which appear to be classroom windows), while there is an open recreation space at ground level and the appeal states that the rooftop is also used as recreation space. The application proposes bedroom windows opposite the classroom windows at a distance of c. 8 metres. This is an attempt to mitigate privacy impacts that may be caused as a result of opposing living room windows. Otherwise, it is noted that the existing school recreation areas would be opposed by proposed west facing living rooms and proposed balcony/rooftop communal spaces.

7.5.4. I acknowledge the sensitivity of the school property, but I would also accept that this issue is likely to arise with any redevelopment of Block A due to its proximity and position relative to the school and the need to facilitate increased height and density in central locations such as this. Given the proximity of the proposed bedroom windows opposite the existing school windows, I consider that the provision of additional screening/mitigation would be appropriate. This could be satisfactorily agreed by condition in the event of a grant of permission. Regarding the recreation spaces, I would note that they are external open spaces in the first instance and the ground level space is already overlooked by the 1st floor windows on the western perimeter of the site (Block A). These spaces would only be used for limited periods in the day and would be unlikely to coincide with high levels of usage of the proposed apartments. Therefore, I do not consider that any unacceptable overlooking impacts would occur for the recreation areas. Accordingly, I am satisfied that, subject to further mitigation measures being agreed in relation to the classroom windows, the proposed development would not result in any unacceptable overlooking or privacy impacts for the internal or external spaces of the existing school.

- 7.5.5. The proposed development contains only extremely limited windows / amenity spaces facing the adjoining properties to the north, which consists mainly of warehousing floorspace at present. The proposed rooftop communal amenity spaces are also acceptably setback/obscured in relation to the northern site boundary. Accordingly, I do not consider that the proposal would unacceptably detract the existing amenities or future development potential of properties to the north.
- 7.5.6. The Dubco commercial building is located between Blocks B and C, and to the east of Block A. Block B does not include any north-facing windows onto the Dubco property. The north-facing windows in Block A are adequately setback c. 14 metres from any opposing windows, while the east-facing windows are setback c. 4 metres from the site boundary. However, the Dubco property does not include any opposing west-facing windows and I am satisfied that any future redevelopment at this interface would require a central open space within the overall block.
- 7.5.7. The Dubco appeal concentrates mainly on the impact of the south-facing element in Block C, which I note to include windows setback c. 10 metres and balconies setback c. 8.5m. The Development Plan (s. 15.9.17) acknowledges the traditional separation distance of 22m for opposing upper floor apartment windows and the acceptability of reduced distances in certain instances. Opposing apartment windows are not involved in this case but it is acknowledged that future development potential should be considered. However, I consider that the proposed separation distances are reasonable and that a distance of 22m is not generally feasible within a city centre location such as this.

Construction Impacts

- 7.5.8. I note that 3rd party concerns relate to construction noise, dust, and waste, as well as the potential to cause structural damage to adjoining property and disrupt existing services such as electricity, water and telecommunications.
- 7.5.9. At the outset I would highlight that the temporary disturbance impacts associated with any urban construction project are generally common and inevitable. And notwithstanding the acknowledged sensitivity of the school property, there is also an accepted need to facilitate the redevelopment of central/accessible brownfield sites like this. Ultimately, I consider that impacts relating to noise, dust, and waste etc. are dependent upon construction management practice and I note that the applicant has

submitted a Preliminary Construction & Demolition Waste Management Plan and Construction and Environmental Management Plan (CEMP). I am satisfied that these proposals have been prepared in accordance with best practice and that, subject to the appointment of a contractor and agreement of final plans with the planning authority, construction-related impacts could be satisfactorily mitigated.

- 7.5.10. In relation to the potential structural damage concerns, I note that the CEMP includes an outline construction methodology which includes further site investigations and design team consultation with the relevant authorities and external parties. Secant piling is proposed to form the new basement on Blocks A and C, and piling is also proposed at ground floor level to support the concrete frame for all blocks. I would accept that construction methodology would only be finalised once a contractor is appointed, and the impacts would be largely dependent upon construction methodology and management. At this stage, I am satisfied that the applicant has adequately considered the potential structural impacts on surrounding properties. It will be the developer's responsibility to ensure that suitable monitoring and mitigation measures are implemented and any damage that might occur to adjoining property would be a civil matter for resolution between the relevant parties.
- 7.5.11. I would accept that almost all urban construction projects have the potential to temporarily impact on the operation and capacity of services and infrastructure such as water, electricity, telecommunications etc. However, the subject site is of limited size and there is no reasonable evidence to conclude that utilities will be significantly affected. It will be the responsibility of the developer to ensure that the construction and utility connection processes appropriately protect existing utilities in consultation with the relevant operators.

Orderly Development

- 7.5.12. In addition to the foregoing matters, it is important that the proposed development facilitates the orderly development of surrounding properties in accordance with the proper planning and sustainable development of the area.
- 7.5.13. In this regard, I have previously outlined measures incorporated into the proposed design to protect the amenities of adjoining properties and to facilitate their future development potential. The applicant's Design Statement and the first party response to the appeals (Figure 26.0) have also outlined an indicative development of

the overall block. This demonstrates that the proposed development can facilitate the development of adjoining properties to create a perimeter block with a central open space. Therefore, I am satisfied that the proposal appropriately facilitates the orderly development on surrounding properties.

Conclusion on impacts on surrounding properties

- 7.5.14. Having regard to the foregoing, I am satisfied that, subject to further mitigation of impacts on the school windows, the proposed development would not have any unacceptable impacts on surrounding properties by reason of overlooking or construction stage disturbance. It would also facilitate the future development potential of adjoining properties and the orderly development of the area. Accordingly, I have no objections in this regard.

7.6. Daylight/Sunlight

Policy

- 7.6.1. Although the proposal does not rely on SPPR 3 of the Urban Development and Building Height Guidelines (2018), I note that section 3.2 of the Guidelines states that 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. The Guidelines state that '*appropriate and reasonable regard*' should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE (BR 209) '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.
- 7.6.2. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) also highlight the importance of provision of acceptable levels of natural light

in new apartment developments, which should be weighed up in the context of the overall quality of the design and layout of the scheme and the need to ensure an appropriate scale of urban residential development. It states that planning authorities *'should have regard'* to these BRE (BR 209) or BS (8206-2) standards when quantitative performance approaches are undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. Again, where an applicant cannot fully meet these daylight provisions, 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.

- 7.6.3. The Sustainable Residential Development Guidelines acknowledge that orientation of the dwelling and its internal layout can affect levels of daylight and sunlight and will influence not only the amenity of the occupants but the energy demand for heat and light. It states that the efficiency gains derived from passive solar layouts can be enhanced by designing individual dwellings so that solar collection is maximised, i.e. when living rooms, dining rooms and main bedrooms have a southerly aspect. In relation to adjoining properties, it states that overshadowing will generally only cause problems where buildings of significant height are involved or where new buildings are located very close to adjoining buildings. It states that planning authorities should require that daylight and shadow projection diagrams be submitted in all such proposals and the recommendations of BRE (BR 209) or BS (8206-2) guidance *'should be followed in this regard'*.
- 7.6.4. The Development Plan also acknowledges the importance of daylight and sunlight to the internal and external spaces of both existing and proposed development. Appendix 16 of the Development Plan highlights a lack of clarity in standards and guidance and outlines a guide for the carrying out of daylight/sunlight assessments in an attempt to offer clarity on the required technical approach, appropriate standards, and required information. The guide does not outline exact, city wide, expected/accepted results and states that proposals will continue to be assessed on a case-by-case basis depending on site specific circumstances and location.
- 7.6.5. The Development Plan acknowledges that guidance and standards are going through a transition period, including the superseding of BS 8206-2 with BS EN 17037. It states that BR 209 has not yet been updated and concludes that the planning authority will look to receive relevant metrics from BR 209, BS 8206-2 and

BS EN 17037, as well as any revised version of BR 209 to take precedence when issued.

- 7.6.6. Following the publication of the Draft Development Plan, I note the publication of a new (3rd) edition of the BRE Guide in June 2022. The adopted Development Plan has not been amended to reflect this. I also note the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK). However, I am satisfied that BR 209 and BS 8206-2 remain relevant as they are the standards and guidance referred to in the relevant national guidance documents such as the Building Heights Guidelines and the Apartments Guidelines. Therefore, I consider it appropriate to apply these standards in my assessment.
- 7.6.7. I would also highlight that the standards described in the BRE (BR 209) guidelines allow for flexibility in terms of their application, with paragraph 1.6 stating that *'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'*. It notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

Information & Assessment

- 7.6.8. The application includes a 'Daylight and Sunlight Assessment' prepared by Digital Dimensions consultants. The report states that the standards outlined in the BRE guide 'Site Layout Planning for Daylight and Sunlight' (BR 209) and BS 8206-2 (2008) are referenced in the assessment. It acknowledges the existence of BS EN 17037:2018 but concludes that it is not enforced until such time as confirmed by national/local policy. It also highlights that the BR 209 and BS 8206-2 recommendations are not suitable for rigid application to all developments.
- 7.6.9. I note that the assessment is based on the original proposal submitted to the planning authority. However, I am satisfied that this larger proposal represents a worst-case scenario when compared to the smaller/less dense versions subsequently proposed/conditioned (i.e. the further information response, the permitted development, and the amended design option). I also note that the first-

party response to the appeals contains additional discussion of the shadow diagrams for the play areas associated with the adjoining school property.

- 7.6.10. I have considered the report submitted by the applicant and have had regard to BRE 2009 – 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). I have carried out a site inspection and had regard to the interface between the proposed development and its surroundings, as well as the third-party appeals and submissions which have raised concerns in relation to daylight and sunlight.

Daylight within the proposed apartments

- 7.6.11. Average Daylight Factor (ADF) is the ratio of total daylight flux incident on the working plane to the area of the working, expressed as a percentage of the outdoor illuminance on a horizontal plane due to an unobstructed CIE standard overcast sky. The BRE and the BS guidance sets out minimum values for ADF that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The BRE guide does not give any advice on the targets to be achieved within a combined living/dining/kitchen area. However, BS guidance outlines that where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value. For example, in a space which combines a living room and kitchen the minimum ADF should be 2%.
- 7.6.12. The applicant's study considers the predicted ADF to all the proposed first-floor units. I am satisfied that this provides a worst-case scenario for the lowest level of apartments where access to daylight/sunlight would be most restricted. The assessment adopts the BRE and BS standards, including an ADF target of 2% for kitchen/living/dining (KLD) rooms. I also note that an analysis has been carried out for theoretical buildings on adjoining sites, but I do not propose to discuss that analysis in detail.
- 7.6.13. The study shows that 29 out of the 32 rooms assessed (or 90.6%) exceed the relevant standard. All proposed bedrooms will exceed the 1% ADF target. Three out of the 13 KLD spaces would not meet the 2% standard, but all of these spaces would be in excess of 1%. Furthermore, it should be noted that the further information

response improved this situation by amalgamating two units at 1st and 2nd floor levels of Block B.

- 7.6.14. Given that these results represent a worst-case scenario at 1st floor level, it is likely that the upper floors would achieve higher standards of daylight, thereby ensuring that the vast majority of the development complies with the 2% target for living/dining/kitchen areas and the 1% target for bedrooms. I consider that this higher 2% ADF target is more appropriate in a traditional house layout. In apartment developments, it is a significant challenge for large open plan kitchen/living/dining rooms to achieve 2% ADF, and even more so when higher density and balconies are included and where there is high density development such as the recently completed hotel development to the east. Therefore, there are often challenges in urban schemes in meeting the 2% ADF in all instances. To do so may unduly compromise the design/streetscape quality and an alternate 1.5% ADF target is generally considered to be more appropriate. I acknowledge that some KLD spaces would still not comply with the 1.5% target, but I am satisfied that this would constitute a minor, insignificant portion of the overall development and would be likely to occur in any case of high-density development along the eastern site boundary.
- 7.6.15. Having regard to the information outlined above I am satisfied that the vast majority of apartments are likely to comply with the ADF target of 2% for kitchen/living/dining rooms and 1% for bedrooms. I consider that the overall scheme as a whole would provide acceptable compliance with the BRE and BS standards, particularly given that BRE standards allow for a flexible and reasonable alternative for ADFs and do not specifically stipulate standards for kitchen/living/dining areas.
- 7.6.16. I acknowledge that Section 3.2 of the Building Height Guidelines outlines that where a proposal may not be able to fully meet all the requirements of the BRE and BS daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the Board 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.

7.6.17. In this case it has been clearly identified that the proposal does not comply with the 2% ADF value for kitchen/living/dining areas in a minority of cases. And while the applicant has aimed to justify the shortfalls with regard to the urban context of the site rather than any specific alternative, compensatory design solutions, I consider that it is open to the Board to consider the overall quality of the scheme based on the information submitted. In this regard, I would highlight (with reference to section 7.4 of this report) the absence of any single-aspect north-facing units and the high proportion of dual aspect units proposed (at least 49%). Only 33% of units are normally required to be dual-aspect and even this 33% requirement can be relaxed on urban infill sites less than 0.25ha such as this. The scheme also includes communal open space area which exceeds the normal requirements and, again, such requirements can be relaxed in part or whole on urban infill sites less than 0.25ha such as this. These factors provide compensation within the overall scheme for any marginal daylight shortfalls that may apply to individual units.

7.6.18. With specific reference to the 3 no. kitchen/living/dining spaces at first floor level which are below the 2% ADF requirement, I note that the unit including room B02.1 has been amalgamated in the F.I. response to provide a large, dual-aspect unit. The overall units including rooms C01.1 and B03.1 also exceed minimum apartment sizes by 7% and 14% respectively. I am satisfied that these factors adequately compensate for the marginal shortfalls within this minor proportion of units as compared to the higher 2% ADF requirement. However, I would accept that the further amalgamation of units (e.g. to comply with Development Plan housing mix policy) has the potential to further improve daylight standards.

7.6.19. Having regard to the proposed density and central/accessible location of the site, I consider that the proposal contributes to wider planning aims such as the delivery of housing and regeneration of an underutilised brownfield site. I consider that the shortfalls would not be significant in number or magnitude and in redevelopment sites such as this full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. The ADF for rooms is only one measure of residential amenity and in my opinion the overall scheme would receive adequate daylight. As such, the proposal complies with the daylight criteria as set out under Section 3.2 of the Building Height Guidelines and would provide a satisfactory level of amenity for future occupiers.

Sunlight to proposed amenity spaces

- 7.6.20. The applicant's report deals with sunlight to the proposed external amenity spaces on the rooftops of each block. It is based on BRE guidance that 50% of such areas should receive in excess of 2 hours sunlight on the 21st March. Images have been produced for the proposed amenity areas showing that at least 97.7% of each space would comply with the BRE standard.
- 7.6.21. I do not consider that this situation would be significantly affected by any of the subsequent amendments to the proposed development (i.e. the F.I. Response, the permitted development, or the amended design option). Accordingly, I am satisfied that these amenity spaces will benefit from a high level of sunlight availability when compared to the BRE recommendations.

Sunlight to existing amenity areas

- 7.6.22. Section 6.1 of the applicant's report follows the same BRE test to assess sunlight availability to existing amenity areas. It assesses two spaces within the George's Hill Apartments (GHA), the ground level school yard space, and St Michan's Park. The analysis shows that the GHA and St. Michan's Park spaces would significantly exceed the BRE standards with at least 73.3% of the spaces retaining 2 hours of sunshine on the 21st March.
- 7.6.23. The analysis shows that the existing situation for the ground level school yard space is substandard. Only 2.8% of the space currently complies with BRE standard and this itself is a small tree-planted area which would not be actively used. It is acknowledged that 0% of the space would comply with standards as a result of the proposed development, albeit that the proposed development will only impact on the space in the early morning hours before 11am when it is unlikely to be used. Having regard to the minimal levels of sunlight currently experienced in this area, I do not consider that the proposed development would have any further unacceptable impacts.
- 7.6.24. The applicant's response to the 3rd Party appeals also addresses the impacts on the school's rooftop space. It refers to the Shadow Study which demonstrates that only a marginal portion of the rooftop will be affected at 9am and there will be no impacts after 11am when the space is likely to be used. Accordingly, I do not consider that

the proposed development would have any significant or unacceptable impacts on the sunlight levels to this space.

Daylight/Sunlight to existing buildings

- 7.6.25. The BRE guide acknowledges that, in designing new development, it is important to safeguard the daylight to nearby buildings. The applicant's assessment contains a 'light from the sky' (VSC) analysis for the windows of surrounding properties. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a window) within a structure. The BRE guidelines state that a VSC greater than 27% should provide enough skylight and that any reduction below this level should be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building would notice the reduction in the amount of skylight.
- 7.6.26. The applicant's assessment considers the VSC impacts on surrounding residential properties at GHA (Block G1), Arran House to the south of the site, and the primary school to the west of the site.
- 7.6.27. In the case of the George's Hill Apartments, the assessment considers 25 relevant rooms, 6 of which comply with the BRE recommendations. Of those other 19 rooms which do not comply, 11 would retain more than 70% of the current VSC value and I would agree with the applicant's classification of this as a 'minor impact'. Of the remaining 8 rooms, 6 would retain more than 50% of the current VSC value and are classified as 'moderate impacts', while 2 bedrooms would retain c.48% of the current VSC value and are classified as 'major impacts'. I note that the 'major impacts' (and one of the 'moderate impacts') apply to bedrooms only and I would accept that bedroom windows can accommodate a lower level of daylight compared to living room windows. The remaining 'moderate impacts' on 5 living rooms constitutes a small proportion of the overall block. I would also acknowledge that the block is used for Transitional Support Led Accommodation which would not be as sensitive to daylight impacts as standard long-term residential use.
- 7.6.28. With regard to the primary school building, the assessment considers the impacts on 8 classrooms, 6 of which comply with the BRE recommendations. The other 2 classrooms would retain more than 61% of the current VSC value and are classified

as 'moderate impacts'. These 2 classrooms are dual aspect and an average VSC value has been used. However, in both cases the larger north-facing windows retain high proportions of the existing VSC values (at least 88%) and are not, therefore, significantly affected. The VSC assessment does not take into account these window sizes or room depths and given the very large size of these north-facing windows I am satisfied that the impact of the development to the east of the classrooms would not be likely to have unacceptable daylight effects.

7.6.29. For the Arran House building to the south, the applicant's assessment shows that all upper floor living rooms would retain VSC values greater than c.22% and greater than c.72% of their existing values. Although this does not comply with BRE recommendations, I would accept that these would be 'minor impacts' which would not unacceptably detract from daylight levels to the property.

7.6.30. The 3rd Party appeal on behalf of Dubco also raises concerns regarding the daylight impacts on their property. The applicant's response highlights the commercial nature of the Dubco building and contends that it does not have any particular requirement for daylight or sunlight under the BRE Guidelines. The applicant also contends that daylight to the building is already constrained by the permitted/constructed hotel developments on Little Green St and Little Britain St, but that a suitable level of daylight will still penetrate the building.

7.6.31. Section 2.2 of the BRE guide outlines that the guidelines are intended for light-dependent rooms in adjoining dwellings but may also be applied to existing non-domestic buildings where the occupants have a reasonable expectation of daylight, which would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The Dubco credit union building would appear to comprise standard banking hall space and associated offices, which would have no apparent special requirement for daylight over and above any other office development.

7.6.32. I also note the presence of substantial roof lighting on the Dubco building consisting of a large, truncated conical feature and other mono-pitch rooflights. The lights generally face westwards and have been installed at a relatively low pitch facing upwards towards the sky. Accordingly, they will continue to receive significant levels

of daylight irrespective of the proposed development and I am satisfied that any impacts will be acceptable having regard to the commercial nature of the building.

7.6.33. With regard to sunlight impacts, section 3.2 of the BRE Guidelines highlights the need for care in safeguarding sunlight to existing dwellings and any non-domestic buildings where there is a particular requirement for sunlight. In non-domestic buildings, any spaces which are deemed to have a special requirement for sunlight should be checked.

7.6.34. The BRE Guide states that obstruction to sunlight may become an issue if some part of a new development is within 90° of due south of a main window wall of an existing building and subtends an angle of more than 25° to the horizontal measured from the centre of a window in a vertical section perpendicular to the window. I would accept that there are no such relevant windows within the zone of influence of the proposed development and I am satisfied that no further assessment is required in this regard.

Conclusions on Daylight/Sunlight

7.6.35. In conclusion, I would again highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application. And while the Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the BRE and BS 8206-2: 2008 publications, where it has been identified that a proposal does not fully meet the requirements of the daylight provisions and a rationale for alternative, compensatory design solutions has been set out, the Board can apply discretion having regard to local factors including site constraints and the need to secure wider planning objectives.

7.6.36. I have considered the issues raised by 3rd parties in carrying out this daylight/sunlight assessment and I am satisfied that the applicant has carried out a competent assessment of impacts on the proposed development and neighbouring properties in accordance with the BRE guidance and methodology.

7.6.37. I have acknowledged the instances where BRE recommendations are not fully met for both existing properties and the proposed development. However, having regard to the nature of the existing surrounding development; the relatively minor scale of non-compliance with standards; the overall quality of amenity for the prospective

residents; and the city centre location of the site; I consider that the standard of the proposed development and its impacts on the availability of sunlight and daylight to existing properties would not result in any unacceptable impacts.

7.6.38. I am satisfied that alternative, compensatory design solutions would benefit the proposed development. Furthermore, increased height and density should be encouraged at such locations in order to achieve wider NPF planning objectives relating to compact development and brownfield redevelopment. Accordingly, I am satisfied that the proposed height and scale of development is appropriate at this location and that, on balance, the impacts on the proposed units and surrounding properties are acceptable having regard to the need to achieve wider planning objectives.

7.7. Traffic and Transportation

7.7.1. The application is supported by a Residential Travel Plan / Mobility Management Plan. It outlines the arguments in favour of the zero car-parking approach having regard to the 'maximum' standards outlined in the Development Plan and the support for zero-parking approaches in the Apartments Guidelines. It also outlines low levels of car ownership and car usage in the area according to Census 2016 data and proposes bicycle parking and drop-off/delivery areas to facilitate occasional vehicular traffic associated with the development.

7.7.2. The site is located within Parking Zone 1 as per the Development Plan, where a maximum provision of 0.5 car space per dwelling applies and no car parking applies to retail/service units less than 300m². Accordingly, a maximum of 45 car spaces could be provided within the development.

7.7.3. In considering the proposal for zero car-parking I am conscious of NPO13 of the NPF and the Building Height Guidelines of 2018, which support a performance-driven approach towards land use and transportation. Section 4.19 of the Apartment Guidelines also states that in higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. This is particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such as rail and bus stations located in close proximity.

- 7.7.4. In this regard, I have already concluded in section 7.3 of this report that the site is within a central and/or accessible urban location as described in the Apartment Guidelines. Section 4.27 of the Guidelines also outlines that car-parking provision may be relaxed on part or in whole on urban infill sites up to 0.25ha such as the appeal site. Therefore, I have concluded that the appeal site would be consistent with these criteria, and I have no objection in principle to the absence of car parking within the proposed development.
- 7.7.5. In such cases, the Apartment Guidelines states that it is necessary to ensure, where possible, the provision of an appropriate number of spaces for drop-off, servicing, visitors, and mobility impaired. Provision is also to be made for alternative mobility solutions including car-sharing and cycle facilities, and specific measures that enable car parking provision to be avoided. In this regard I note that drop-off spaces have been proposed and the further information response included an appropriate Delivery and Servicing Plan. And while on-site car-sharing facilities will not be provided, the Travel Plan Strategy will highlight the availability of existing car-share services in the area such as Anne Street North, Greek Street, and Aran Street East. I am satisfied that these measures assist in enabling car-parking provision to be avoided.
- 7.7.6. With regard to cycle parking, Development Plan standards are generally consistent with the Apartment Guidelines in requiring 1 space per bedroom, 1 visitor space per 2 apartments, as well as provision for e-bikes/cargo bikes/bike trailers/adapted bikes. Therefore, the proposed development (F.I. Response) would require a total of 125 long-term spaces, 45 visitor spaces, as well as speciality cycle parking provision.
- 7.7.7. The F.I. Response includes proposals for 124 no. resident cycle spaces, 26 visitor spaces, and 8 no. cargo bicycle spaces. The resident spaces are distributed between the 3 blocks and separate visitor spaces are provided within the pedestrian entrances off Halston St and Mary's Lane. I acknowledge that there is a shortfall of visitor spaces (26) compared to the required standard of 45 spaces. However, it should be noted that the site is centrally located within Zone 1 and is in close proximity to the Luas line and other public transport/walking options. Accordingly, I consider that a reduced level of cycle parking can be accepted at this location compared to standard Zone 1 requirements.

- 7.7.8. In the absence of car-parking on site, I consider that the volume of traffic generated by the proposed development will be largely limited to servicing and drop-off vehicles. This would not be significant, and it should be noted that the existing development on site already generates commercial vehicle traffic. Therefore, I do not consider that the traffic associated with the operational stage of the development would significantly impact on the capacity of the road network or the convenience and safety of road users in the area.
- 7.7.9. I note that concerns have been raised regarding the construction stage traffic impacts, particularly in relation to the school property along Halston St. The applicant's CEMP includes a Preliminary Construction Traffic Management Plan. It indicates that construction site entrances would be envisaged off Mary's Lane and Little Green St and that construction routes to the site would be via Green St and Little Green Street from Bolton Street. It predicts that HGV trip generation would amount to a maximum of 30 per day for one week only. Otherwise, HGV trips are not predicted to exceed 5 per day. It proposes that a Construction Stage Traffic Management Plan will be prepared by the contractor and agreed with DCC to include detailed mitigation of traffic impacts.
- 7.7.10. As previously outlined in this report, I would accept that temporary disturbance impacts associated with any urban construction project are generally common and inevitable. And notwithstanding the acknowledged sensitivity of the school property, there is also an accepted need to facilitate the redevelopment of central/accessible brownfield sites like this. Ultimately, I consider that impacts relating to construction traffic are dependent upon construction management practice and I am satisfied that the Preliminary Construction Traffic Management Plan has been prepared in accordance with best practice. I would accept that detailed proposals can only be finalised upon the appointment of a contractor, and I consider that these proposals could be satisfactorily agreed by condition with the planning authority.
- 7.7.11. In conclusion, I am satisfied that the scheme has been appropriately designed as a 'car-free' development which would promote active travel and public transport usage. There are suitable and sufficient alternative mobility solutions in this central/accessible location, and I am satisfied that appropriate cycle-parking, drop-off, and servicing arrangements can be provided. I also consider that any temporary traffic impacts at construction stage could be satisfactorily addressed through the

agreement of a construction traffic management plan by condition in the event of permission being granted. Accordingly, I do not consider that the proposed development would have any unacceptable impacts on the safety and free flow of traffic or the movements of pedestrians, cyclists and other vulnerable road users.

7.8. Building Height/Scale, Heritage, and Visual Amenity

- 7.8.1. I acknowledge that the question of building height and scale is a key factor in this appeal case. The planning authority decision requires the removal of two floors in Block A and the 3rd Party appeals also request a height reduction, including a reduction of height in Blocks B & C. I also acknowledge that these were significant factors in the Board's decision to refuse permission for the previous SHD proposal (ABP Ref. 308228), which raised particular concerns about the design, scale, bulk and mass of Blocks A & D. However, it should be noted that Block D has been entirely omitted in the current proposal and Block A has been substantially reduced from 9-14 storeys to 6-8 storeys.
- 7.8.2. The DCC decision was based on building height policies contained in the previous Development Plan, which has now been superseded by the DCC Development Plan 2022-2028. I also note the appeal references to the Draft Markets Area Framework Plan 2006 which provided for building heights of 6-7 storeys. I acknowledge that the current proposal for 8 storeys marginally exceeds those provisions but, in any case, I consider that the relevant local building height policy is that as set out in the current Development Plan.
- 7.8.3. Appendix 3 of the Development Plan outlines a general rule that the development of innovative, mixed-use development that includes buildings of between 5 and 8 storeys, including family apartments and duplexes is promoted in key areas including the 'City Centre and within the Canal Ring' and SDRAs. Greater heights may be considered in certain circumstances depending on the site's location and context and subject to assessment against the performance-based criteria. There is also recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors.

- 7.8.4. A default position of 6 storeys will be promoted in the city centre and within the canal ring. Heights greater than 6 storeys within the Canal Ring will be considered on a case-by-case basis subject to the performance criteria. At a more detailed level, Chapter 13 of the Development Plan outlines that scope for enhanced height is somewhat constrained in SDRA 13 and landmark buildings (50+ metres high) are generally not appropriate. However, it is acknowledged that some of the larger regeneration sites have the potential for increased height.
- 7.8.5. In addition to the above, Table 3 of Appendix 3 sets out performance criteria to be used in assessing urban schemes of enhanced density and scale. The criteria are generally consistent with the national guidance outlined in the Building Height Guidelines, the Apartments Guidelines, and the Sustainable Residential Development Guidelines.
- 7.8.6. Having regard to the foregoing, I consider that the proposal for 8 storeys is consistent with Development Plan provisions for development of 5-8 storeys in the City Centre, SDRAs, and public transport corridors. I acknowledge the stated 'somewhat constrained' scope for increased height in SDRA 13, but I also note the identified potential for increased height on some sites and that no specific height provisions apply to the appeal site. Accordingly, I consider that the proposed development of 8 storeys is generally supported in principle and would not materially contravene any specific height objectives of the Development Plan.
- 7.8.7. In terms of national policy, the '*Urban Development and Building Heights Guidelines*' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights.
- 7.8.8. In this regard I would generally concur that the proposal assists in securing the NPF objectives of focusing development on key urban centres and fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres.

- 7.8.9. SPPR 3 of the Building Height Guidelines sets out that where a planning authority concurs that an application complies with the criteria outlined in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant development plan may indicate otherwise.
- 7.8.10. In this case, I am satisfied that the proposal is generally in line with Development Plan policy and does not materially contravene any specific building height objectives. Therefore, the proposal does not rely upon SPPR 3. Notwithstanding this, I acknowledge that the proposed development would be significantly higher than the prevailing building height and I consider it appropriate to apply the criteria outlined in Section 3.2 of the Guidelines in the interests of completeness. Furthermore, together with previous assessments in relation to the Apartments Guidelines and the Sustainable Residential Development Guidelines, I consider that the application of Section 3.2 will adequately cover the criteria set out in Appendix 3 (Table 3) of the Development Plan. Section 3.2 outlines criteria to be assessed at various scales, as discussed in the following paragraphs.

City Scale

- 7.8.11. In relation to public transport services, I have already concluded that the site is within a central/accessible city centre location within 5 mins walking distance of the LUAS stops at the Four Courts and Jervis, as well as a wide range of frequent bus services, particularly along the Liffey Quays. I am, therefore, satisfied that the site is well served by public transport with high capacity, frequent services and good links to other modes of public transport.
- 7.8.12. In terms of integration with the character and public realm of the area, I note that the site is not located within an ACA or other 'conservation area', although it marginally adjoins the Halston Street 'conservation area' to the west. There are no protected structures on the appeal site, but I acknowledge that there are several protected structures in the surrounding area, most notably the Fruit Market building to the south, St. Teresa's College buildings/structures to the west, and several buildings surrounding Saint Michan's Park to the north.
- 7.8.13. The application is accompanied by a Townscape and Landscape Visual Impact Assessment prepared by Kelly and Cogan Architects. It is based on 20 verified

viewpoints (prepared by Digital Dimensions) which compared the proposed and cumulative development to the existing baseline viewpoint.

- 7.8.14. I have reviewed all viewpoints selected and I would concur that the vast majority of baseline views could not be described as highly sensitive. Instances where significant effects are identified are discussed in further detail as follows:

Views 3, 4, 5, and 7: I acknowledge the sensitivities associated with St Michan's Park, St Michan's Church, and other protected structures to the west and north sides of the Park. The proposal will result in some major impacts, but it would still be adequately scaled and distanced from protected structures and would comfortably integrate with the scale of the conservation area. Furthermore, the proposed development would be almost completely screened by the permitted hotel development on Little Britain Street. Therefore, I do not consider that there would be any unacceptable impacts on the character or setting of the St Michan's Park area and surrounds.

View 10: This western approach along Mary's Lane offers a long-distance continuous view towards the proposed development. However, I would acknowledge that it is a low-sensitivity view with only minimal, distant views of the Market Building. The south façade and upper floors of Block A would be visible behind the primary school which currently terminates the view. I would agree that the visual impact would be significant, but I consider that it is of an acceptable scale and massing. Furthermore, I am satisfied that the changes introduced in the further information response, including an increased setback and lighter finish for the upper floors, would successfully integrate the proposed development into this setting.

Views 11 & 12: These close-up views look north along Halston St, with the Bell Tower of St Michan's Church and the gable of 17 Halston Street visible in the distance. Given the scale of the proposed development and the proximity of this viewpoint, it is evident that the impact would be significant. However, the proposal would replace an existing environment of low visual quality and I am satisfied that it is adequately distanced from the protected structures in the background to avoid any unacceptable impacts on their character or setting.

Views 13 & 14: These views show the proposed development in the context of the existing terrace to the east of Block A, as well as a partial view of the northern

façade of the Market Building to the south. I would accept that the proposed development involves a significant increase in height and scale compared to the adjoining 3-storey terrace, which itself has already been significantly compromised by alterations and reconstruction as previously outlined. However, I consider that it achieves an appropriately graduated increase, particularly given the changes introduced in the further information response, including an increased setback and lighter finish for the two upper floors. I am also satisfied that the proposed increase in height/scale is appropriately designed and setback from the Market Building to ensure that it would not have an unacceptable dominating or overbearing impact on the character or setting of this important protected structure.

Views 15-19: These distant views are taken from the Liffey Quays area to the south of the appeal site. The proposed development will largely be screened by existing development in these views, although it is acknowledged that it would rise above existing development in some views, particularly along Arran Street East. However, I am satisfied that the proposed development would appropriately integrate with existing and permitted development and would not result in any unacceptable visual impacts.

- 7.8.15. In addition to the Townscape and Landscape Visual Impact Assessment, the application is accompanied by an Architectural Heritage Impact Assessment. The assessment considers impacts on the wider historic area (including the conservation area), the character of protected structures, and the special interest values of protected structures and their individual elements. It includes an individual assessment of each protected structure, as well as other local fabric such as kerbs and cobble setts.
- 7.8.16. I note that the northwest corner of Site A marginally overlaps the designated conservation area. However, I consider that the proposed development would be peripheral and detached from the conservation area, which is mainly centred around the northern end of Halston Street and St Michan's Park. At its closest point, the western side of Halston Street mainly comprises the school and the modern George's Hill apartments buildings, which are not of built heritage significance.
- 7.8.17. Similarly, the majority of protected structures in the area surround St. Michan's Park. They are a significant distance to the north of the appeal site and would be

separated from the proposed development by existing and permitted development. Accordingly, I am satisfied that the proposed development would not adversely impact on the character and setting of these structures.

- 7.8.18. Closer to the appeal site, I have already noted the protected structure to the west of Block A within the St Teresa's College site consisting of the older part of the convent fronting onto George's Hill and Cuckoo Lane, Chapel, gates, railings, intrinsic stone surround of entrance door north-facing on return to George's Hill. However, I consider that the character and setting of these structures (as they relate to the proposed development) are already affected by the school buildings and the George's Hill apartments along Halston Street. Together with the separation distance involved, I consider that these modern buildings provide a visual buffer to prevent any significant adverse impact from the proposed development on the protected structures or any of their specific elements.
- 7.8.19. I have also noted the importance of the Market Building to the south of the appeal site. I consider that the proposed height and scale of the development will be appropriately setback from this structure to ensure that it does not significantly obscure views or result in any overbearing or overshadowing impacts. The appeal site is part of a wider environment of low-quality development, and I consider that the redevelopment of the site will enhance the appearance of the area and will create an appropriate and vibrant perimeter to integrate with the planned redevelopment of the Market Building and adjoining lands.
- 7.8.20. This approach would be consistent with section 3.2 of the Guidelines which also refers to the potential for larger urban redevelopment sites to make positive contributions to place-making. Given the limited size and challenging configuration of the appeal site, I do not consider that it is suitable to incorporate significant new streets or public spaces within the site itself. However, the proposal does use height to achieve increased density which would form part of an appropriate building perimeter around the planned Markets area development, which would be an important public space for the wider area. The application also demonstrates that the proposed development could form part of the block perimeter around a potential future central open space.

- 7.8.21. The proposal does include a network of pedestrian/cycle spaces which will be publicly accessible during daylight hours but locked at night in the interest of security. I would acknowledge that these spaces are quite confined as a result of the limited site size and difficult site configuration. However, the future development of the larger block could appropriately facilitate the incorporation of these spaces into a larger central open space.
- 7.8.22. I acknowledge that the proposed height exceeds the prevailing building height to the north, south, and west, but I am satisfied that the design incorporates sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

District / Neighbourhood / Street Scale

- 7.8.23. While the historic context of the area is acknowledged, it is accepted that the appeal site is part of a larger block which has been largely redeveloped in modern times. It now mainly consists of warehousing development of low quality which has contributed to the general degradation of the surrounding built environment. The area is now undergoing further redevelopment in the context of recently permitted/constructed developments of significant height/scale as outlined earlier in this report.
- 7.8.24. The proposed development has the potential to facilitate the redevelopment of this city block with a large internal courtyard space. It would also contribute to a new city centre neighbourhood by creating an appropriate 'urban edge' to the northern perimeter of the planned Markets area. The proposed form and height, including setback upper levels, has been designed to respond to the recently permitted/constructed hotel developments on Mary's Lane and Little Britain Street. The stepped approach to the transition of building height helps to facilitate the integration of modern high-density development with the historic low-density built fabric of the area.
- 7.8.25. The proposed ground floor level (Block A) on Mary's Lane sits opposite the Market Building and it incorporates an arcaded frontage which responds to the features of this important protected structure. It forms a signature corner at Mary's Lane and Halston Street which would help to create a new identity for the development and the surrounding area. The streetscape at this location currently lacks vibrancy and the

inclusion of the proposed ground floor commercial units would add to the attractiveness of the area. It would make a positive contribution to the urban neighbourhood and streetscape and presents an opportunity to improve the public realm of the area, particularly in conjunction with the planned redevelopment of the Market Building and adjoining lands.

- 7.8.26. The massing of the development is primarily managed by the creation of 3 separate blocks. The block facades have been divided vertically to reflect the emerging plot widths and elevations are also treated differently at ground level, levels 1-5, and levels 6-7 (i.e. horizontal variation). The ground floor is largely commercial with an arcaded treatment and arched 'pendes' to provide access to the rear of Block A. Openings on floors 1-5 follow a regular, vertically proportioned grid to reflect Georgian proportions. The two upper floors are setback from the main shoulder height and would have a white precast concrete finish. I consider that this use of form and materials helps to break down the overall scale and massing of the development and avoids a monolithic appearance. I acknowledge that some gable ends are devoid of windows, but I consider that this is appropriate given the need to facilitate the future development of adjoining properties.
- 7.8.27. As previously outlined, the proposal enhances the urban design context for public spaces and key thoroughfares, including the planned redevelopment of the Markets area and the future redevelopment of the wider block around a central open space. The additional height proposed can be favourably considered in terms of enhancing a sense of scale and enclosure for these spaces.
- 7.8.28. A flood-risk assessment has been included with the application to confirm that the site is within 'Flood Zone C' and has a low probability of flooding. It also outlines that the floor levels of each block are raised 20% above the recorded rainfall depth to account for climate change and the discharge of water from the development is likely to be less than current site arrangements. It concludes that the risk of flooding is minimal, and I am satisfied that the proposal is in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).
- 7.8.29. I consider that the current substandard quality of development on the appeal site and surrounds results in a lack of legibility. The proposed development would constitute a

distinctive insertion at this location which would help to establish a new sense of identity for the neighbourhood. It would establish a stronger streetscape to frame the markets area, consisting of commercial uses at ground floor level, as well as a significant, legible residential addition on the upper floors. Legibility would also be improved in the wider urban area, with the significant building height providing a focal point for the Markets area.

7.8.30. Compared to the predominant warehousing use on the site, the proposal would introduce a better range of smaller commercial units which would contribute to the mix of uses in the area. I acknowledge that residential is still the predominant use proposed, but I am satisfied that there is a vibrant mix of existing and permitted uses within the wider area, particularly having regard to the significant quantum of recently completed/permitted hotel developments.

7.8.31. However, as previously outlined, it is considered that the mix of units within the predominant residential element itself would fail to provide an appropriate range of housing units to meet the specific local needs identified in Development Plan policy.

Site / Building Scale

7.8.32. As previously outlined, the Guidelines outline that the form, massing and height of the development should be carefully modulated so as to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light. In section 7.6 of this report, I have outlined how appropriate and reasonable regard has been taken of quantitative performance approaches to daylight provision in guides like the Building Research Establishment's '*Site Layout Planning for Daylight and Sunlight*' (2nd edition) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*'.

7.8.33. I consider that the impacts of the proposed development on the availability of sunlight and daylight to both existing and proposed properties would be acceptable having regard to BRE recommendations and would not result in any unacceptable impacts. While some shortfalls have been identified, I am satisfied that alternative, compensatory design solutions would apply for both individual apartments and the overall scheme as a whole. Furthermore, I consider that the proposed standards are justified given the wider planning objectives that exist, including the need for the redevelopment of this under-utilised site and the need to improve the urban

design/streetscape context. I again highlight that the proposed development does not rely on SPPR 3 to justify any departure from Development Plan building height policy.

Specific Assessments

- 7.8.34. Section 3.2 of the Guidelines also states that to support proposals at some or all of these scales, specific assessments may be required.
- 7.8.35. With regard to micro-climatic effects, I have already acknowledged that the application does not include an assessment of wind or down-draft impacts. However, I do not consider this to be an exceptionally tall building such as would be likely to give rise to an acceleration of wind speed or 'downdraft' effects. The proposal is consistent with the scale and design of other permitted developments and the Wind Microclimate Study submitted for the previous and taller SHD proposal indicated that the rooftop spaces would be conducive to sitting, reading and socialising. I am satisfied that no further assessment of micro-climatic effects is required.
- 7.8.36. The site is located within an urban environment and does not contain any significant vegetation. The site is not in proximity to any sensitive bird areas, although it does contain existing buildings which may be used by bats. The application includes a Bat Fauna Impact Assessment which outlines that no evidence of bats was found in surveys. Precautionary measures are proposed during roof removal works. Given the design and location of the development within an urban area with existing lighting, the likelihood of bat collision is not deemed significant, and the impact of the development is rated as negligible in the short and long term. I note that a Site Lighting Analysis report is also included to minimise impacts on ecology. I am satisfied that the above satisfactorily addresses the potential for impacts on birds and bats.
- 7.8.37. The height of the proposed development is generally consistent with permitted development in the area and there is no indication of potential impacts on important telecommunication channels (such as microwave links) or safe air navigation.
- 7.8.38. The application includes a Design Statement and an Architectural Heritage Impact Assessment which outline the design strategy and its impact on the built environment. I am satisfied that there would be no unacceptable impacts in this regard.

- 7.8.39. There are no designated nature conservation sites within c. 1.5km of the appeal site and there is no evidence of ecological sensitivity on the site or in the surrounding area. Accordingly, I am satisfied that an Ecological Impact Assessment is not required. Furthermore, section 8 of this report outlines that Appropriate Assessment is not required and section 5.4 outlines that EIA is not required.

Conclusion

- 7.8.40. In assessing the issues of building height/scale, built heritage, and visual amenity, I have been conscious of the transitioning nature of this area. The proposed development is of a significantly greater height and scale than historic development in the area but is also consistent with the emerging height/scale of development and the relevant Development Plan policies.
- 7.8.41. I have assessed the proposed development (F.I. Response version) in accordance with the policies and criteria set out in the Building Height Guidelines and I am satisfied that the proposed height and scale would be acceptable at this location and can be accommodated without significantly detracting from the built heritage or character of the area. I have noted the potential amendments to the proposed development as outlined in the DCC decision and the amended design option. And while it is open to the Board to apply such amendments, I do not consider that they are necessary on grounds of building height/scale and its impact on built heritage and/or visual amenity.

7.9. **Other Issues**

Archaeology

- 7.9.1. The application is supported by an Archaeological Desk Study Assessment. The site is within the Zone of Archaeological Potential for Dublin (RMP No. DU018-020), in the immediate vicinity of the medieval Broad Street, the possible site of a marketplace and north of the walled precinct of St. Mary's Abbey. It falls within the overlapping areas of archaeological potential for a mill (RMP No. DU018-119), a habitation site (RMP No. DU018-020605), a glasshouse (RMP No. DU018-020150) and a religious house (RMP No. DU018-343, a medieval wall thought to be part of the St. Mary's Abbey precinct). The area forms part of the Viking settlement known as Oxmantown, with St Mary's Abbey (RMP no: DU018-020048) located on its

eastern side. Evidence indicates that the appeal site was located to the immediate northwest of the Abbey precinct, separated by the former course of the Bradogue River (now culverted).

- 7.9.2. The northern area of Block A was investigated in the 1990's, revealing a masonry mill race of medieval date, a ditch associated with the rerouting of the River Bradogue, and a series of 17th century wall footings. These features are likely to continue into unexcavated portions of Block A and similar features are likely to be found in Blocks B and C. The study acknowledges the significant archaeological potential within the appeal site and that excavations of other sites in the vicinity have found that medieval remains have sometimes been incorporated into later basement levels.
- 7.9.3. The study recommends archaeological test trenching at all three blocks during the post demolition stages. Any site investigation works will also require archaeological assessment and monitoring. The results of test trenching will be compiled, and a report will be sent to the National Monuments Service (NMS) and City Archaeologist for discussion. A more detailed impact assessment will then be achievable based on detailed substructure design and construction methodology. Discussion with the NMS and City Archaeologist will determine whether further resolution is required. This may include full archaeological excavation or preservation in situ of archaeological remains. Should significant masonry remains be identified there may be a requirement for them to be put on display within the development.
- 7.9.4. I have noted the archaeological concerns raised in both 3rd party appeals. The report received from the DCC City Archaeologist notes the applicant's study and concludes that the proposed development will likely impact negatively on archaeological substrates and features. It recommends that archaeological excavation be carried out prior to the commencement of development. The Development Applications Unit (DAU) report from the Department of Housing, Local Government, and Heritage indicates no objection to the approach set out in the applicants Archaeological Desk Study Assessment. It recommends that the proposed archaeological mitigation measures, relating to archaeological testing and monitoring are carried out and that this is required as a condition of any grant of planning permission that may issue.

7.9.5. Having considered the applicant's archaeological study and the various submissions received on this matter, I am satisfied that the proposed archaeological testing and monitoring measures are appropriate and that any issues arising will be adequately addressed in accordance with best practice. This can be satisfactorily addressed by way of condition in the event that the Board is minded to grant permission.

River Bradogue

7.9.6. The applicant's Flood Risk Assessment and Engineering Services reports note that this river was converted to a culvert which runs along Halston Street, and that this culvert now acts as a public sewer. The assessments have not identified any concerns in this regard. I note the school's appeal has questioned the capacity and stability of the culvert and potential adverse impacts as a result of the proposed development.

7.9.7. However, the Planning Authority has not raised any objection in relation to drainage arrangements. And while there is no Irish Water submission on file, I note that there was no objection in relation to the larger SHD application on this site, which involved similar drainage arrangements. Ultimately, I am satisfied that the capacity and stability of this asset will not be significantly affected, and the details of this matter will be suitably controlled by DCC and Irish Water in accordance with conditions of any grant of permission.

Ownership

7.9.8. The Dubco appeal contends that there is inadequate information to clarify ownership of the area between the Dubco site and Block C. In response, the applicant contends that all proposed works are within the red line ownership boundary in compliance with legislative requirements.

7.9.9. As outlined in Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007), the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are ultimately matters for resolution in the Courts and the Board should note that, as per section 34(13) of the Planning Act 2000, a person is not entitled solely by reason of a permission to carry out any development. Accordingly, I am satisfied that the

applicant has established sufficient legal interest for the making of the application and for the Board's decision on the appeals.

Documentation Requirements

7.9.10. I note that section 15.2.3 of the Development Plan outlines the development thresholds for some of the documentation that should be submitted in relation to specific planning applications. I am satisfied that the application largely meets the relevant requirements set out in Table 15-1 and that it contains adequate information on the likely impacts of the proposed development. Where any clarification of information/proposals is required, I am satisfied that this could be satisfactorily addressed through the conditions of any grant of permission.

7.10. Assessment Conclusion

7.10.1. I have outlined that the proposed development involves a density of 546 units per hectare (515 UPH as per the amended design option), which significantly exceeds the Development Plan presumption against 300+ UPH. This elevated level of density is largely attributable to the high proportion of smaller studio/1-bed units, which comprise 66% of the proposed units (63% in the amended design option). This significantly exceeds Development Plan policy standards, which apply a maximum of 30% studio/1-bed units. The requirement for 3+ bed units (15%) would also not be met, with the proposed development including only 5% (10% in the amended design option).

7.10.2. I acknowledge that the Development Plan and the Apartments Guidelines allow flexibility and discretion in the application of housing mix requirements. However, given the considerable shortfalls involved in this case, I do not consider that a departure from Development Plan policy has been justified by reason of overriding policy objectives or exceptional design quality.

7.10.3. The Board may consider the question of unit mix to be a new issue, or it may wish to consider conditions/revisions to comply with Development Plan policy. However, I consider that this would require fundamental changes to the proposed development which would significantly alter its nature and may raise consequential issues (e.g. facilities for children's play, childcare, parking etc). Accordingly, I consider that the proposed development should be refused.

8.0. **Appropriate Assessment Screening**

Compliance with the Habitats Directive

- 8.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

Information submitted

- 8.3. The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application. The Screening Report has been prepared by Altemar Marine & Environmental Consultancy. It provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. It concludes that there is no possibility of significant impacts on Natura 2000 sites, qualifying interests, or site-specific conservation objectives, and that a Natura Impact Statement is not required.
- 8.4. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

The need for Stage 1 AA Screening

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

Brief Description of the Development

- 8.6. The applicant provides a description of the project in Section 4 of the Screening Report. The development is also summarised in Section 2 of this Report. In summary, permission is sought demolition of all structures on a site of 0.1648 hectares and the construction of a mixed-use development comprising 3 no. commercial units and up to 94 apartments. The area is characterised by warehousing and distribution uses, residential and institutional uses.
- 8.7. The site is serviced by public water and drainage networks. All sewage from the proposed development will be to a combined sewer, which will drain to the Ringsend WWTP and ultimately outfall to Dublin Bay. The proposed development incorporates attenuation for surface water. The dominant habitat on site is buildings and artificial surfaces, and the level of biodiversity on the site is minimal. There are no surface watercourses within or immediately adjoining the site.

Submissions and Observations

- 8.8. The submissions and observations from Prescribed Bodies and third parties, as well as the reports of the planning authority, are summarised in sections 3 and 6 of this Report. The submissions do not raise any issues in relation to Appropriate Assessment.

European Sites

- 8.9. A summary of European Sites that occur within a 15km radius of the proposed development is presented Figures 15 and 16 of the applicant's Screening Report. I note that the site is not within or immediately adjacent to a Natura 2000 site. The nearest Natura 2000 sites are in the inner section of Dublin Bay. The South Dublin

Bay SAC [Site Code 000210] is located 4.1km from the site. The South Dublin Bay and River Tolka Estuary SPA [Site Code 004024] is located c. 3km from the site. Both sites are c. 540 metres south of the Ringsend WWTP outfall. The North Bull Island SAC [Site Code 004006] and North Dublin Bay SAC [Site Code 000206] are located c. 6.2km northeast of the site and are 2.3km northeast of the Ringsend WWTP outfall.

- 8.10. Table 2 of the applicant's screening report assesses the potential impacts associated with the proposed development for each site taking account of the conservation objectives and qualifying interests.
- 8.11. The indirect hydrological connection between the proposed development and habitats and species of European sites in Dublin Bay is identified due to the combined surface and foul water connection. This is discussed further below. The report does not identify any potential for a hydrological connection to any European site through groundwater. Similarly, the potential for significant impacts such as displacement or disturbance due to loss or fragmentation of habitats or other disturbance is not identified. In this regard, I note the lack of suitable habitat for qualifying interests and the significant intervening distances between the appeal site and European sites.
- 8.12. In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that all sites outside of Dublin Bay can be screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances and the lack of hydrological or other connections. Furthermore, in relation to the potential connection to sites in the outer Dublin Bay area, I am satisfied that the Rockabill to Dalkey Island SAC, Dalkey Island SPA and Howth Head Coast SPA are not within the downstream receiving environment of the proposed development given the nature and scale of the proposed development, the insignificant loading in terms of either surface water or wastewater, the intervening distances and the significant marine buffer and dilution factor that exists between the sites. I conclude that it is reasonable to conclude on the basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.

- 8.13. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are closer to the development site and to the outfall location of the Ringsend WWTP. They could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites should be subject to a more detailed Screening Assessment.
- 8.14. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

Identification of likely effects

- 8.15. The Conservation Objectives (CO) and Qualifying Interests of the relevant sites in inner Dublin Bay are shown in Table 3 below.

Table 3: Summary of relevant European Sites.

European Site	Distance	Conservation Objective	Qualifying Interests
South Dublin Bay SAC (000210)	c. 4.1 km from the proposed development. c. 540 m south of Ringsend WWTP outfall	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide.	Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]
North Dublin Bay SAC (000206)	c. 6.2 km northeast of the proposed development; c. 2.3 km northeast of	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for	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>Glaucopuccinellietalia maritimi</i>) [1330]

	Ringsend WWTP outfall.	which the SAC has been selected.	/ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / <i>Petalophyllum ralfsii</i> (Petalwort) [1395].
South Dublin Bay and River Tolka Estuary SPA (004024)	c. 3 km from the site.	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	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] / 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]

North Bull Island SPA (004006)	c. 6.2 km northeast of the site.	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Light-bellied Brent Goose (Branta bernicla hrota) [A046] / Shelduck (Tadorna tadorna) [A048] / Teal (Anas crecca) [A052] / Pintail (Anas acuta) [A054] / Shoveler (Anas clypeata) [A056] / Oystercatcher (Haematopus ostralegus) [A130] / Golden Plover (Pluvialis apricaria) [A140] / Grey Plover (Pluvialis squatarola) [A141] / Knot (Calidris canutus) [A143] / Sanderling (Calidris alba) [A144] / Dunlin (Calidris alpina) [A149] / Black-tailed Godwit (Limosa limosa) [A156] / Bar-tailed Godwit (Limosa lapponica) [A157] / Curlew (Numenius arquata) [A160] / Redshank (Tringa totanus) [A162] / Turnstone (Arenaria interpres) [A169] / Black-headed Gull (Chroicocephalus ridibundus) [A179] / Wetland and Waterbirds [A999].
--------------------------------	----------------------------------	---	---

- 8.16. Having regard to the foregoing and the potential impacts of the proposed development, I would state that the nature and scale of the proposed development is not exceptional for city centre development in terms of its complexity or magnitude, either at construction phase or operational phase.
- 8.17. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase foul and surface water will drain to

combined sewers. The combined discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to this pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

- 8.18. I have had regard to the planning history of the area and the nature and extent of permitted development in the vicinity. Similar to the proposed development, I consider that the cumulative impact of these other projects would not be likely to have significant effects on any European Sites.

Mitigation Measures

- 8.19. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

AA Screening Conclusion

- 8.20. 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, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

9.0 Recommendation

Having regard to the foregoing, I recommend that permission should be refused based on the reasons and considerations set out below.

10.0 Reasons and Considerations

The Dublin City Development Plan 2022-2028 (Policy QHSN38) seeks to create sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and Housing Need and Demand Assessment (HNDA). Based on a sub-city level HNDA for the North Inner City, Section 15.9.1 of the Development Plan requires that developments of the nature proposed contain a minimum of 15% three or more-bedroom units and a maximum of 25%-30% one-bedroom / studio units. These provisions are considered reasonable in accordance with Specific Planning Policy Requirement 1 of 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' issued by the Department of Housing, Local Government and Heritage (December 2020, updated December 2022). The proposed mix of apartments includes an excessive proportion of studio and one-bedroom units (at least 63%) and a deficit of three or more-bedroom units (maximum of 10%), which would contravene Development Plan policy and would, therefore, fail to adequately address the evidence-based housing needs of the local area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Stephen Ward
Senior Planning Inspector

13th of January 2023