



An
Bord
Pleanála

Inspector's Report

ABP-314822-22

Development	Demolition of structure on site and construction of a 7-storey senior living 'Build-to-Rent' apartment building and all associated site works.
Location	Cambridge House, 22, Cambridge Road, Ringsend, Dublin 4, D04 P635
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4544/22
Applicant	Glencarra Ringsend Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellants	Glencarra Ringsend Limited.
Observers	86 observers (refer to section 6.3)
Date of Site Inspection	18 th September 2023.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site refers to the buildings and plot located at 22 Cambridge Road, Ringsend, Dublin 4. The main building on the site is a two storey property originally conceived as a dwellinghouse but latterly in use as an office, a medical centre and most recently as a childcare facility. The remaining buildings on the site are single storey structures used primarily for storage and a dog grooming business and they are located to the rear of main building. The site itself is roughly rectangular in shape, orientated broadly north/south, and measures approximately 639sqm.
- 1.2. The surrounding area is predominantly residential although the appeal site is located within a cluster of educational uses. Immediately to the north of the site is the four storey flatted development known as Alexandra Quay which fronts onto York Road, this also includes some two storey accommodation within the rear gated courtyard. Also to the north is the cleared development site at 11/11A and 12 York Road. To the east and west the site is bounded by the part two/part three storey Ringsend College and the three storey St Patrick's Boy's National School respectively. To the south of the site on the opposite side of Cambridge Road is the four storey flatted development at Canon Mooney Gardens, as well as the entrance to Cambridge Gardens which provides onward access to Ringsend Park. Further to the west of the appeal site is Pembroke Cottages, a street of single storey cottages that is designated as a Residential Conservation Area.
- 1.3. The area is not located within a controlled parking zone and on street parking is unrestricted. In terms of public transport, the closest bus stop is located on Ringsend Road at a distance of approximately 300m. This provides access to Dublin Bus services C1/C2 (Sandymount to Adamstown) and 47 (Poolbeg Street to Belarmino). Luas Red Line services are available from The Point, which is approximately 950 metres away on the north side of the River Liffey.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of all buildings on the site and redevelopment to provide a seven storey building accommodating 30 one bedroom apartments. The proposed apartments are intended as senior living 'Build to Rent' (BTR) homes for people aged 55+. Each apartment would incorporate a winter garden

amenity space. At ground floor level the development would incorporate a shared indoor amenity space, shared utility space (bulk storage), and a small courtyard garden. A communal roof terrace would be provided as an additional outdoor amenity space. The development is proposed with zero car parking, albeit with one set down space is provided. A total of 45 bicycle parking spaces are proposed within the rear yard, including 15 visitor spaces.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Notification of Decision to Refuse Permission was issued by Dublin City Council on the 20th September 2022. The reasons for refusal are given as follows:

1. Having regard to the Z15 zoning and proposed use, it is considered that the principle of a senior living Build to Rent development of this scale and redevelopment, is not appropriate and would negatively impact on the existing zoned 'Z15' institutional and community lands and availability of these zoned lands in the area. The applicant has not adequately clarified how the proposal for a Build to Rent scheme would accord with the primary institutional and community based objectives of the lands. In addition to this, the applicant has not satisfactorily addressed SPPR 7 of the Apartment Guidelines or provided any comfort to the planning authority that the scheme would be operated by an appropriate body. The development as proposed would reduce the available Z15 zoned lands in the Dublin City Council area and would therefore materially contravene the Dublin City Council Development Plan objectives and SPPR 7 of the Apartment Guidelines (as amended).
2. The proposed development, by reason of its height, bulk, scale, massing, and layout would have a detrimental impact on the amenities, character, and streetscape of the surrounding area. The proposal constitutes overdevelopment of the site and is considered to be contrary to the Dublin City Council Development Plan, insofar

as it will seriously injure the visual amenities of properties located within its immediate vicinity, by reasons of being visually overbearing, visually incongruous and with overshadowing impacts. The height and scale of the development as proposed undermines the urban grain of the area both in close proximity and distant views as demonstrated on the CGI's. The proposed development would set a precedent for similar type undesirable development, would detrimentally impact on the value of property in the vicinity and would therefore materially contravene the Dublin City Council Development Plan and the Building Height Guidelines 2018.

3. It is considered that the location of the site, in Area 3, with limited cycle and pedestrian links to the south docks and further into the city centre, and uncontrolled on-street parking, is not conducive to zero parking provision. The proposed development would lead to further demand for on-street parking and would result in displacement of existing residential parking. As a result, the proposal does not comply with the car parking requirements set out in the Development Plan.

3.2. Planning Authority Reports

- 3.2.1. The Planner's Report was issued on the 16 September 2022 and forms the basis of the Council's assessment and decision. The report notes the various observations made by third parties as well as interdepartmental reports and observations from prescribed bodies. In land use terms, the report notes that whilst residential use is 'Open for Consideration' on Z15 lands, there are concerns regarding the principle of Build to Rent at this location and the resultant loss of community and recreational services. The report notes that the applicant has not satisfactorily demonstrated how the proposed use complies with the overall Z15 objectives.
- 3.2.2. The provision of BTR in this location is not considered to be acceptable in principle and the report notes that the applicant has failed to provide relevant information or comfort that the scheme would be operated by an appropriate body. The report states that there has been no commitment given from Dublin City Council Housing

Department or an Approved Housing Body (AHB) and that the development would not comply with SPPR7 of the Apartment Guidelines.

- 3.2.3. The report raises concerns that the site is not close enough to services, amenities or public transport to justify its scale/density and that the height/massing fail to respond sensitively to the surrounding area and adjoining developments. The Planning Authority consider the proposal to be deficient in publicly accessible space and issues are raised regarding the detailed design of the development, which is considered to generate various amenity impacts. The report considers the proposal to be overdevelopment and that it would have a negative impact on the area.
- 3.2.4. Housing quality has been assessed as acceptable and the report concludes that all rooms would be well lit. The report states that the ground floor amenity spaces would not achieve sunlight standards and as such would not be high quality spaces. The roof garden amenity space is confirmed as being well lit and within the BRE standards. The report confirms that a Part V Exemption Certificate has been granted but that the developer states that the intention is for the site to be operated as social housing.
- 3.2.5. The report raises concerns regarding the estimated walking times provided in the Travel Plan and that these would not be realistic for senior living. Issues are raised regarding the provision of zero car parking. However, the report then concludes that this could be acceptable, subject the provision of an amended Travel Plan. Cycle parking is confirmed as being compliant in terms of numbers but that clarifications are needed regarding type, cover/security, electric charging facilities, and provision of adaptable/cargo spaces.
- 3.2.6. The report concludes that there are a number of significant issues that would need to be addressed in order to provide a reasoned and justified conclusion as to the appropriateness of the development. Ultimately the Planning Authority consider the scheme to be unacceptable in the context of providing BTR homes on Z15 land and the long term impacts of such a development, that the design is unacceptable both in terms of quality and context, that there would be adverse amenity impacts, and finally that the development would not be acceptable in transport terms.
- 3.2.7. **Other Technical Reports**
- 3.2.8. **Drainage Division (08.08.2022):** No objection, subject to conditions relating to compliance with the Code of Practice, incorporation of sustainable drainage systems,

completion of a Flood Risk Assessment, separate foul and surface water drainage, and limitation of surface water run-off.

3.2.9. **Environmental Health Officer:** No objection, subject to conditions relating to noise and air quality.

3.2.10. **Transportation planning Division (09.09.2022):** The report raises concerns regarding the assumed walking times presented in the Travel Plan and that these would not be realistic for senior living. Concerns are raised regarding the provision of zero parking but acknowledges that this could be acceptable subject to a revised Travel Plan tailored to the specific use and which promotes zero parking from the outset. Issues are raised regarding access and sightlines, including access for fire tenders. The report raises concerns that the cycle parking does not consider the requirements of the residents and notes that whilst acceptable in number, there is outstanding information regarding type and form of cycle parking.

3.2.11. The Transportation Planning Division recommended that further information be sought regarding the use of the set down parking space, fire tender access, a revised Residential Travel Plan, information on the type and form of cycle parking, a revised Operational Waste Management Plan, Construction Management Plan and Outline Construction Traffic Management Plan. This information was not requested given the substantive reasons for refusal.

3.3. **Prescribed Bodies**

3.3.1. **Transport Infrastructure Ireland (TII) (12.08.2022):** The site is within the Section 49 Supplementary Development Contribution Scheme (Luas Red Line Docklands Extension C1) and, unless exempt, a Section 49 Luas Levy condition should be applied if permission is granted.

3.3.2. **Irish Water:** No response.

3.4. **Third Party Observations**

3.4.1. A total of 111 observations were made on the planning application by third parties, local groups, elected representatives, and the adjoining institutions. Many of the

observations had multiple signatories. The issues raised are similar to those submitted in response to the appeal and are summarised in section 6.3 below.

4.0 Planning History

Subject Site

- 4.1.1. **Planning Authority Reference 2843/11:** Permission was granted in September 2011 for the change of use of the building from an office to a childcare facility.
- 4.1.2. **Planning Authority Reference 5359/07:** Permission was granted in March 2008 for the removal of the extension and outhouses to the rear and construction of a new two storey extension with car parking in connection with the continued use of the property as a medical centre.
- 4.1.3. **Planning Authority Reference 5700/06:** Permission was granted in January 2007 for the change of use of the premises from an office to a health centre.

Adjoining Sites

11, 11A and 12 York Road, Ringsend, Dublin 4

- 4.1.4. **Planning Authority Reference 2043/20:** Permission was granted in June 2020 for the redevelopment of the site to provide 26 new homes in a seven storey building with associated amenity space and bicycle parking.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The planning application was considered by the Planning Authority for compliance with the policies and objectives of the Dublin City Development Plan 2016 – 2022, which was the relevant policy document in force at the time. A new City Development Plan came into effect on 14th December 2022 for the period 2022 – 2028, which will be considered herein.

Dublin City Development Plan 2022-2028

- 5.1.2. The appeal site is located within Strategic Development Regeneration Area 6: Docklands, and is zoned Z15: Community and Social Infrastructure, the stated

objective of which is to protect and provide for community uses and social infrastructure. Z15 lands comprise a variety of sites, often consisting of long established complexes of institutional/community buildings and associated open grounds. The existing uses on these lands generally include community, social or institutional development such as schools, colleges, sports grounds, residential institutions, and healthcare institutions, such as hospitals.

5.1.3. Such facilities are considered essential in order to provide adequate community and social infrastructure commensurate with the delivery of compact growth and the principle of the 15-minute city. It is the policy of the Council to promote the retention, protection and enhancement of the city's Z15 lands as they contribute to the creation of vibrant neighbourhoods, healthy placemaking and a sustainable well connected city.

5.1.4. The CDP notes that in recent years, Z15 lands have come under increased pressure for residential development. However, protecting and facilitating the ongoing use of these lands for community and social infrastructure, as well as their use in some instances for charitable purposes, is a key objective of the Council. The CDP states that the Council are committed to strengthening the role of Z15 lands and will actively discourage the piecemeal erosion and fragmentation of such lands.

5.1.5. Chapter 3: Climate Action, contains the Council's policies and objectives for addressing the challenges of climate change through mitigation and adaptation. The relevant policies from this section are:

- CA3: Climate Resilient Settlement Patterns, Urban Forms and Mobility
- CA8: Climate Mitigation Actions in the Built Environment
- CA9: Climate Adaptation Actions in the Built Environment
- CA24: Waste Management Plans for Construction and Demolition Projects
- CA27: Flood Risk Assessment and Adaptation

5.1.6. Chapter 4: Shape and Structure of the City, sets out the Council's strategy to guide the future sustainable development of the city. The objective is to ensure that growth is directed to and prioritised in the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport. The relevant policies from this chapter are:

- SC5: Urban Design and Architectural Principles

- SC9: Key Urban Villages, Urban Villages and Neighbourhood Centres
- SC10: Urban Density
- SC11: Compact Growth
- SC12: Housing Mix
- SC13: Green Infrastructure
- SC14: Building Height Strategy
- SC16: Building Height Locations
- SC19: High Quality Architecture
- SC20: Urban Design
- SC21: Architectural Design

5.1.7. Chapter 5: Quality Housing and Sustainable Neighbourhoods, seeks the provision of quality, adaptable homes in sustainable locations that meet the needs of communities and the changing dynamics of the city. The delivery of quality homes and sustainable communities in the compact city is a key issue for citizens and ensuring that Dublin remains competitive as a place to live and invest in. The relevant policies from this chapter are:

- QHSN1: National and Regional Policy
- QHSN2: National Guidelines
- QHSN6: Urban Consolidation
- QHSN10: Urban Density
- QHSN17: Sustainable Neighbourhoods
- QHSN18: Needs of an Ageing Population
- QHSN22: Adaptable and Flexible Housing
- QHSN23: Independent Living
- QHSN34: Social, Affordable Purchase and Cost Rental Housing
- QHSN36: High Quality Apartment Development
- QHSN37: Homes and Apartments
- QHSN38: Housing and Apartment Mix
- QHSN39: Management
- QHSN40: Build to Rent Accommodation
- QHSN41: Built to Rent Accommodation
- QHSN42: Built to Rent Accommodation

- QHSNO11: Universal Design

5.1.8. Chapter 8: Sustainable Movement and Transport, seeks to promote ease of movement within and around the city, an increased shift towards sustainable modes of travel, and an increased focus on public realm and healthy placemaking, while tackling congestion and reducing transport related CO2 emissions. The relevant policies of this section include:

- SMT7: Travel Plans for New and Existing Developments
- SMT25: On-street Parking
- SMT27: Car Parking in Residential and Mixed Use Developments

5.1.9. Chapter 9: Sustainable Environmental Infrastructure and Flood Risk, aims to address a broad range of supporting infrastructure and services including water, waste, energy, digital connectivity and flood risk/surface water management. The relevant policies of this section are:

- SI14: Strategic Flood Risk Assessment
- SI15: Site Specific Flood Risk Assessment
- SI22: Sustainable Drainage Systems
- SI25: Surface Water Management

5.1.10. Chapter 15: Development Standards, contains the Council's Development Management policies and criteria to be considered in the development management process so that development proposals can be assessed both in terms of how they contribute to the achievement of the core strategy and related policies and objectives. The relevant policies of Chapter 15 include:

- 15.4: Key Design Principles
- 15.5: Site Characteristics and Design Parameters
- 15.6: Green Infrastructure and Landscaping
- 15.7: Climate Action
- 15.8: Residential Development
- 15.9: Apartment Standards
- 15.10: Build to Rent

5.1.11. Relevant Appendices include:

- Appendix 1: Sets out the Housing Strategy and the Dublin City Housing Need Demand Assessment (HNDA).
- Appendix 3: Achieving Sustainable Growth sets out the height strategy for the city, with criteria for assessing higher buildings and provides indicative standards for density, plot ratio and site coverage.
- Appendix 16: Sunlight and Daylight provides direction on the technical approach for daylight and sunlight assessments.

5.2. Regional Policy

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

- 5.2.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth, targeting at least 50% of all new homes to be built to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

5.3. National Policy and Guidance

Project Ireland 2040, National Planning Framework (2018) (NPF)

- 5.3.1. The NPF addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Section 28 Ministerial Guidelines

5.3.2. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2020).
 - Circular Letter: NRUP 07/2022 detailed amendments to the guidelines to effectively remove SPPR7 and SPPR8, with the effect that BTR is no longer a distinct class of development for planning purposes, and that planning standards for BTR development are required to be the same as those for all other generally permissible apartment types.
 - The circular specified that all current appeals or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8. As such these policy requirements will continue to apply to the proposed development.
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)

5.4. Natural Heritage Designations

5.4.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (004024) (c. 1.2km), South Dublin Bay SAC (000210) (c. 1.2km), North

Dublin Bay SAC (000206) (c.3.56km), and the North Bull Island SPA (004006) (c.3.56km). The site is also close to the South Dublin Bay and North Dublin Bay Proposed Natural Heritage Areas which are 1.2km and 1.5km from the site respectively.

5.5. EIA Screening

- 5.5.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal has been lodged by Tom Phillips and Associates of 80 Harcourt Street, Dublin 2, for and on behalf of Glencarra Ringsend Limited, against the decision of DCC to refuse planning permission for the proposed development. I consider that the grounds of appeal can be summarised into four broad categories as follows:

Zoning and Build to Rent

- The principle of a senior living Build to Rent development is supported by the Dublin City Development Plan.
- The CDP Housing Strategy refers to Z15 land in terms of calculating the potential for the development of residential units.
- There is currently no Z15 compatible use on the site, nor is there likely to be in the future.
- The proposed development is both an 'open for consideration' land use and adjacent in concept to a 'permissible' land use (residential institution) and so its construction would 'protect and provide for institutional community uses' to a greater extent than the current uses on the site.
- Residential is deemed possible on Z15 land as a vacant city centre site.

- The report on submissions received to the material alterations to the Draft Dublin City Development Plan 2022-2028, contain statements from the Chief Executive that are supportive of senior living development on Z15 land.
- The draft plan also supports the use of Z15 land, in some instances, for charitable purposes such as is proposed by having an AHB operate the proposed development.
- The applicant has engaged with a number of parties to develop the site for institutional related uses, including the adjacent school and Department of Education but there has been no interest. The expansion of the adjacent Z15 uses has been demonstrated as being unlikely to occur.
- Development with a use that is 'Open for Consideration' would not constitute a material contravention of the development plan.
- The lands would remain Z15, the development of a senior living residential scheme would be in line with the objectives of the Z15 Zoning and would not require rezoning in the next iteration of the CDP.
- Development would not represent the piecemeal erosion of a large Z15 site but rather the development of the entirety of a single site zoned Z15 to provide a senior living scheme that would benefit the local community.
- Z15 lands exist approximately 1km to the south that consist of open space ancillary to educational uses and these sites could likely better cater for expansion of other institutional and community uses if and when required.
- The Build to Rent designation was deemed most appropriate to the characteristics of the development whereby no occupant would be purchasing and where unit mix reflects single person households.
- The site is an ideal location for the development given the physical infrastructure that is in place, services and facilities and the proximity to Dublin City Centre where additional services and facilities exist to serve future residents.
- There has been substantial engagement with the local community, representatives, and bodies in the development of the proposal. DCC advised that there was significant need for senior housing in the local community.
- In terms of SPPR7 of the Apartment Guidelines, an AHB has expressed interest in becoming involved with the project subject to planning permission.

- Social Housing exemption was secured on the basis that the site area is less than 0.1 hectares. However, the development is intended to be run as a Senior Living BTR development by an AHB as social housing to people on the Dublin City Council housing list. This could be secured by a Section 47 Agreement by way of a condition to ensure that the scheme will be operated either by DCC or an AHB.
- In terms of SPPR7, resident support facilities, services, amenities, have been provided and the development would be in accordance with the guidelines.
- Engagement with the local community was very positive and supportive of the proposed concept.
- A large number of submissions were made to the Planning Authority, many of which were identical lodgements of the same submission from differing parties.

Design and Density

- Pre-application discussions were held with DCC discussing a range of issues and were broadly positive. The reason for refusal is at odds with these discussions.
- The immediate area has a varied streetscape and character. The increased height will add to the existing variety in the street.
- It is recognised that the development is an increase in height, however, it is considered that it adds to the existing variety in the street, reflects aspects of the adjacent buildings and acts as an integrating point between them.
- The south side of Cambridge Road has a taller prevailing height against which the proposed development is more comparable in scale and height.
- The height and scale of the development has regard to the surrounding low rise structures and the adjoining permitted 7 storey development.
- With regard to blank facades, the building has been modulated into three pavilion like parts to break up the mass of the building in addition to the detailed design of the corners and breaking up the glazing to reduce the lengths of unbroken facades. The design is necessitated to prevent excessive overlooking of the adjacent institutional lands.

- The proposal is considered to be in compliance with the assessment criteria for taller buildings in the Dublin City Development Plan 2016-2022 and in accordance with the Building Height Guidelines 2018.
- Materials have been chosen to compare and contrast between the two adjacent educational buildings and to relate to ground level planting and adjacent trees.
- The TVIA states that the proposal will bring a building of notable quality to Cambridge Road, that it is generally in keeping with recently granted and built development in Ringsend and Grand Canal, and that it will enhance Cambridge Road and its surrounding neighbourhood.
- The building has been designed to provide a mix of materials, to be visually attractive and to have regard to adjacent structures to ensure no overlooking or visually overbearing impact.
- There are several notable precedent developments including the adjacent scheme on York Road which has a functionally identical context to the application site and yet was granted planning permission.
- The adjoining site to the north has permission for a seven story apartment building which exists in the same context and is similar in terms of height and materials, and this is a planning precedent.
- The proposed development would not be injurious to the area, nor would it represent an overdevelopment over and above that permitted on the adjacent site.
- Section 14.8.14 of the CDP states that the 25% open space requirement on Z15 lands does not apply if the footprint of the existing buildings on the site exceeds 50% of the total site area.
- Noncompliance of amenity space 1 and 2 in terms of sunlight is noted but this is unavoidable due to the site constraints and a large compliant rooftop garden has been provided to compensate.
- Public open space is not provided due to site constraints, but high quality communal space and amenity areas are provided for future residents which will facilitate and encourage social interaction.
- Ringsend Park is close by and can provide excellent public amenity space in the vicinity of the site.

- Should the Board be minded to alter the scheme, a six storey option, reducing the height and unit numbers, has been presented as part of the appeal.

Amenity

- The daylight and sunlight assessment demonstrates that there is no significant overshadowing impact on adjoining existing development. Effects in terms of VSC are also limited with nine windows experiencing a 'not significant' effect, and two windows each having slight and moderate effects.
- There is no adverse impact on property values. The development is similar to that permitted on York Road and property values were not included for comment in that Planner's Report.
- The levels of privacy at St Patrick's National School will not be significantly altered by the development.

Transport

- The Council's transport assessment is at odds with the assessment of the adjoining York Street development which also proposed zero car parking and was assessed as acceptable, subject to the submission of an updated travel plan, which was included as a condition.
- The transport issues raised by the Council could have been dealt with by condition rather than a refusal of permission.
- The walking times given in the travel plan are considered to be appropriate for senior living and DCC have provided no evidence to the contrary.
- The reduction in car parking is appropriate at this location given the proximity of the site to public transport, proximity to Dublin city centre, and the services/facilities of the local area.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority request that the Board uphold the decision to refuse permission, but request conditions regarding section 48 and 49 development contributions and the payment of a bond in the event that planning permission is granted.

6.3. Observations

6.3.1. A total of 86 observations have been submitted. Details of the observers and a summary of the relevant observations are included below:

1. Arthur Nagger and Others
2. Stephen McCann
3. Joe Forsythe
4. Link Bui Thie and Others
5. Colm Doolin and Others
6. Alecia Fleming and Others
7. John Hawkins and Others
8. Margaret Brannock and Others
9. David Donohue
10. Claire Power and Others
11. Cllr. Danny Byrne
12. Chris Andrews TD
13. Nicola Coughlan
14. Amanda Kelly
15. Debra and Aiden Sloan
16. Catriona Gannon and Others
17. Lily Rose Watelle
18. Jonathan Walker
19. Sandra Johnston
20. Saint Patrick's BNS
21. Barry Benson
22. Karen Weafer and Others
23. Pauline Memory
24. Veronica Millhaune
25. Albert Hannon
26. Shay Connolly and Others
27. Patrick and Derek Walsh
28. Ringsend and District Historical Society
29. Cllr. Daniel Céitinn
43. Tadhg Clifford-Brannock
44. Turlough Kelly
45. Michael Mario Sherlock
46. Rosemary Donohue and Others
47. Keith Clarke
48. Geraldine Byrne and Others
49. Leila and John Young
50. Rose Sunderland and Others
51. Tom Bohan (Oarsmen public house)
52. Paul Brannock and Others
53. Joanne Moran and Others
54. Peter Hannigan and Others
55. Bernadette Egan
56. Larkin Family
57. Danika Hopkins
58. Edel Gannon
59. Dean and Gary Young
60. Larkin Family (2)
61. Billy Ryan and Others
62. Fiona Brannock
63. James Murray and Others
64. Ann Smith
65. Avril Murphy
66. Carol O'Neil and Others
67. Jamie Hamilton
68. Saint Patrick's Rowing Club
69. John Gromley
70. Margaret and Lisa Scalon
71. Patrick McDonnell
72. Martina Curtis and Others

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| 30. Ringsend Community Development Group | 73. Margaret Rooney |
| 31. Father Ivan Tonge | 74. Bobby Joe McMillan and Others |
| 32. McCartan Opticians | 75. Brian Murray |
| 33. Catherine Connolly and Others | 76. Susan Farrell |
| 34. Paul Keane | 77. Liam Bawable |
| 35. Jason Redmond | 78. Catherine Desay |
| 36. Ann O'Brien and Others | 79. Thomas McDermott |
| 37. Peter Donaldson | 80. Patrick G. Lucey |
| 38. People Before Profit Dublin South East Area | 81. Ciaran Connolly |
| 39. Martin Byrne and Others | 82. Marlene Byrne and Others |
| 40. Karen Byrne and Others | 83. Michael Kelly |
| 41. Margaret Dunne and Jacqui Nolan | 84. Dylan Clayton |
| 42. Margaret Keane | 85. Orla Twomey and Caroline Byrne |
| | 86. Cllr. Claire Byrne. |

6.3.2. The main points raised in the various observations can be summarised under relevant headings as follows:

Zoning and Build to Rent

- The cluster of sites Zoned Z15 is so zoned in to provide community uses for the surrounding residential sites in order to provide sustainable neighbourhoods.
- If the site is to be developed it should be for a use that falls within the primary objectives of Z15 land.
- The proposal does not protect and provide for institutional and community uses and is contrary to the zoning objectives of the site.
- Development would represent the piecemeal erosion of community and institutional zoned lands and removes the potential for expanding the existing facilities.
- The suggestion that that community development be displaced to Sandymount is not acceptable.
- The proposal would result in the irretrievable loss of community use land with no community benefit and no ability for existing facilities to expand.

- No information has been provided on the operator of the proposed development, contrary to Z15 objectives.
- The existing building stopped being used as a creche because a government agency deemed the building to be in an inadequate condition. The creche now has a waiting list of 35 families and there is no afterschool facility for the community.
- The existing dog minding business represents local entrepreneurship by local people who were trained up and educated in the business and now provide training to other locals and this facility would be lost if permission was granted.
- The applicant has put forward the suggestion that Dublin City Council or an AHB will either construct, purchase or lease the building, but neither Dublin City Council Housing Department or an AHB have provided any such commitment.
- The development is set up to appear as though supporting community objectives, however they have received a social housing exemption certificate.
- Community space is increasingly limited and is being eroded by ad hoc development.
- Current educational facilities are at capacity, there is no ASD or special needs facilities in the area.
- The proposal offers no community gain and is a speculative use of community land.
- SPPR7 does not include senior living as a residential support facility and or residential services and amenities.
- There is no evidence of any research to identify that BTR for older persons is in high demand in the area.
- Legal judgements state that if a particular development or type of development is not in accordance with proper planning and sustainable development, then permission should be refused with preclusion of any inappropriate category of development in terms of the zoning.

Design

- New development must be sympathetic, in character with the area and be of benefit to residents and the wider community.

- The proposal is an example of ad hoc developer led scheme with commerciality prioritised over plan led, objective master planning for the site and the wider Ringsend/Irishtown area.
- The height, scale, density, and massing are entirely inappropriate, and the proposal represents overdevelopment.
- The development is out of character and inconsistent with the educational uses on these lands as well as being inconsistent with the character of the wider area.
- The development would result in the loss of Ringsend's unique village character, riverside vista and architectural profile.
- The applicant's precedent examples are inadmissible, irrelevant and in some cases are in a wholly separate Strategic Development Zone.
- The proposal would set an unwelcome precedent in the area.
- The proposal does not respond to the scale of its surroundings, nor does it respond to the natural and built environment.
- The development would be inconsistent with the prevailing character of the street and the wider village surroundings and would make a negative contribution to the neighbourhood and streetscape.
- The development would have an adverse impact on Pembroke Cottages and the surrounding conservation area, impacting on views and on visual and residential amenity.
- The development fails to provide any public open space. The applicant is relying on Ringsend Park as a substitute for the provision of open space and this is a dangerous precedent.
- The plot ratio and site coverage fail to meet the relevant standards.
- The proposed amenity spaces are insufficient.

Transport

- The site has limited cycle and pedestrian links to the south docks and further into the city centre.
- The local area does not have controlled parking, and this is not conducive to zero parking provision.

- The development would lead to an increase in cars, congestion, and parking requirements and would displace existing residential parking.
- The development would put increased transport pressures on Cambridge Road which would be contrary to the Ringsend Improvement Plan 2017.

Amenity

- The development would be overbearing, visually incongruous, would fail to integrate into its surroundings, and would impact on visual amenities.
- The development would result in noise and disturbance to the school.
- The development is inappropriate given the location of the site between a school and a college.
- The development would overlook the open space and communal areas of Alexandra Quay.
- The development would overlook the school, this raises GDPR issues and future residents may try to wave, contact or shout at the children when using the rooftop amenity space.
- The development would result in overshadowing and the loss of daylight and sunlight to adjacent properties and open spaces, including the school.

Other Matters

- The community of Ringsend want to develop a Local Area Plan and has sought proactive engagement with Dublin City Council through Cllr's and TD's in order to achieve this. The community needs a plan led development at LAP scale.
- Over 100 observations were made on the planning application, reflecting concern and fear at piecemeal erosion and fragmentation of the community from ad hoc developer led proposals and an attack on Z15 land.
- There has been no engagement/consultation with the applicant/developer and the community has a right to say how these lands will be developed as they are directly impacted by the loss/erosion of removal of these facilities.
- The applicant has made claims that are not supported by evidence.
- The proposal has caused undue stress and worry to the community.
- The applicant has no understanding of the community, local geography, or demographics.

- The site should be developed in consultation with and for the benefit of the local community.
- The applicant makes references to the draft 2022-2028 CDP, if this plan is to be referred to then it should be final draft.
- The applicant has failed to provide an environmental impact assessment report, and this is vital for all developments in this locality.
- There were 42,725 un-commenced planning permissions for build to rent at the end of 2021.
- The school didn't object to the adjoining York Road application because it was submitted in the first week of lockdown in 2020.
- The development fails to comply with objective QH4 as there is no evidence of support from the housing authority or other AHB or Voluntary Housing Bodies and the development fails to comply with QH14 and QHO3 of the CDP (2016-2022).

6.4. Further Responses

6.4.1. None.

7.0 Assessment

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

- Zoning
- Build to Rent
- Design
- Amenity
- Transport

- Other Matters
- Appropriate Assessment

7.2. Zoning

- 7.2.1. The primary issue in the appeal relates to zoning and the appropriateness of developing Z15 lands for residential use. The objective of Z15 lands is to protect and provide for community uses and social infrastructure. The CDP states that the Council will promote the retention, protection, and enhancement of Dublin's Z15 lands and that the piecemeal erosion and fragmentation of such lands will be discouraged. The proposal is for BTR homes for the over 55's age group and is referred to by the applicant as senior living. Whilst residential use is not listed as permissible under the zoning objective, the applicant submits that residential use for senior living is adjacent in aim, concept, and operation to a residential institution such as an assisted living/retirement home, both of which are listed as permissible uses for Z15 lands. Additionally, the applicant states that residential use is open to consideration.
- 7.2.2. The provision of care is an integral part of an assisted living facility or a retirement home. The proposed senior living development is homes restricted to occupation by people over the age of 55. I note that the applicant has provided correspondence from Home Instead, regarding the provision of care packages. As such, I acknowledge that care may be provided, however, no facilities or accommodation is provided on site for staff which indicates that this would be on an individual basis via an external provider rather than care provided as an integral service as part of the development. On that basis I do not consider that the development would be closely adjacent in concept, use or operation, to a residential institution such as a retirement home or an assisted living facility as suggested by the applicant.
- 7.2.3. The CDP lists residential under the 'Open to Consideration Uses' and states that limited residential/commercial development on Z15 lands will only be allowed in highly exceptional circumstances where it can be demonstrated by the applicant that the proposed development is required in order to maintain or enhance the function/operational viability of the primary institutional/social/community use on the lands. The following criteria must also be adhered to:

- In proposals for any limited residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.
- Any such residential/commercial development must demonstrate that it is subordinate in scale to the primary institutional/social/community use.
- Where appropriate, proposals should be subject to consultation with the relevant stakeholder e.g. Department of Education/Health Service Executive.
- The development must not compromise the open character of the site and should have due regard to features of note including mature trees, boundary walls and any other feature(s) as considered necessary by the Council.
- In all cases, the applicant shall submit a statement, typically in the form of a business plan, or any other relevant/pertinent report deemed useful and/or necessary, as part of a legal agreement under the Planning Acts, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands.
- In all cases the applicant shall be the landowner or have a letter of consent from the landowner.

7.2.4. The primary established use on the appeal site is a childcare facility. I acknowledge that the childcare facility is currently vacant. However, this appears to be due to accommodation issues rather than a lack of demand for the service. A secondary use on the site is a dog grooming and daycare business that operates from one of the units within the rear yard. I note observations on the appeal that consider this to be an important local facility that provides training to other locals, but I do not consider that this would fall within a Z15 use, as any training that takes place would be secondary to the main commercial use. The primary institutional use on the remainder of the surrounding Z15 lands is educational use, including St Patrick's Boys and Girls National Schools and Ringsend College. The first part of the above test for exceptional circumstances states that residential development will only be allowed where it is demonstrated that it is required in order to maintain or enhance the function/operational viability of the primary institutional/social/community use on the lands.

- 7.2.5. I accept that the childcare facility is vacant however this is not due to a lack of demand for the service, and observations made by the adjacent school on the planning application expressed interest and support for the site being used for future education facilities. The exceptional circumstances outlined in the CDP are essentially that any residential use should play a supporting role to the existing Z15 use in order to help maintain and enhance its operational viability. Developing the site for the sole purpose of providing residential use would remove the established but vacant childcare facility as well as any potential for it to return, or for the site to be redeveloped for Z15 purposes. I am therefore satisfied that the applicant has not met the exceptional circumstances set out in the CDP.
- 7.2.6. Noting the vacant nature of the existing childcare facility on the appeal site, the applicant considers that the provision of housing should be considered as it is a vacant city centre site. Whilst I would not agree that the site is located within the city centre, the CDP does make provision for potential development on Z15 lands following cessation of a Z15 use. The CDP notes that the cessation of an existing Z15 institutional/social/community use on a site or change in land ownership does not in and of itself extinguish/negate the purpose of these lands for community and social infrastructure use. It is the objective of the Council that such lands should be retained for a use in accordance with the zoning objective unless exceptional circumstances prevail.
- 7.2.7. The zoning policy notes that in such circumstances, a variation or material contravention to the development plan will be required to develop such lands for residential/commercial purposes and that this would need to be supported by a detailed community and social infrastructure audit which should clearly demonstrate why the land is not viable/suitable for social and community use. I am mindful that the social infrastructure audit is a new aspect of the Z15 zoning policy that was not in place under the previous CDP, against which the planning application was assessed. The Board may therefore wish to request this information should it be minded to grant permission. However, given that the appeal site has a long history of being in Z15 use and that the adjacent sites are in suitable and continued Z15 use, it is unlikely that it could be satisfactorily demonstrated that the site is no longer viable for Z15 use, particularly if it was redeveloped for Z15 purposes or a development that incorporates

an element of Z15 use in line with the exception test. Furthermore, it has been established that no exceptional circumstances are in consideration.

- 7.2.8. The applicant has raised the fact that the CDP Housing Strategy refers to Z15 lands in terms of calculating the potential for the development of residential units, the inference being that the principle of housing on Z15 lands is therefore acceptable. I consider the fact that the Housing Strategy refers to Z15 lands in calculating housing numbers to be entirely reasonable, given that Z15 lands can accommodate residential institutions as well as general needs residential subject to the exceptional criteria previously referred to. I note the applicant's comments regarding the permitted use of Z15 lands in some instances for charitable purposes and that this would be fulfilled by having an AHB operate the development. However, in my opinion the general thrust of the policy indicates that this is distinct from residential use and having an AHB operate the development would not overcome the wider zoning issues.
- 7.2.9. The grounds of appeal state that the development would not represent the piecemeal erosion of a large Z15 site but rather the development of the entirety of a single site zoned Z15 in to provide a senior living scheme that would benefit the local community. Contrary to the applicant's assertion, the development refers to a plot within a larger, contiguous urban block zoned Z15 and the development would sever the wider Z15 lands into two unconnected parcels.
- 7.2.10. I note that the applicant has provided details of other Z15 lands further south of the site and considers that these would be more appropriate for the expansion of Z15 facilities if required. This fails to take account of the need to provide community based infrastructure within the communities in which it serves, and I do not consider it an appropriate justification for the proposed redevelopment. I also note the applicant's point that the report on submissions received to the material alterations to the Draft Dublin City Development Plan 2022-2028 contain statements from the Chief Executive that are supportive of senior living development on Z15 land. The statements from the Chief Executive relate to the zoning of a piece of land in north Dublin during the submissions stage of the drafting of the current CDP. The statement gave no indication as to what type of senior living development was being referred to, such as whether it was a residential institution or care home. As such, I do not consider that the conclusion can be drawn that this comment from the Chief Executive indicates support for the type of senior living that is the subject of the appeal. In any event, all cases will

need to be determined on an individual basis, having consideration for the site specific circumstances as well as the criteria set out in the zoning policy referred to previously.

- 7.2.11. The applicant contends that the development would not result in a material contravention of the development plan as residential is listed as an open for consideration use. Ordinarily I would be minded to agree with this principle however, the CDP makes clear in the zoning objective that residential is open for consideration 'only in accordance with the highly exceptional circumstances set out above'. On the basis that the development does not accord with the exceptional criteria set out in the zoning objective, I would conclude that residential use would indeed be contrary to the development plan.
- 7.2.12. In zoning terms, I am therefore satisfied that the applicant has failed to justify the proposed development of residential use on Z15 lands, that the development would result in the loss of community and social infrastructure lands and that the development would result in the piecemeal erosion and fragmentation of such lands.

7.3. Build to Rent

- 7.3.1. The principle of BTR accommodation in this area is established through Policy QHSN40 of the CDP which facilitates the provision of BTR within Strategic Development Regeneration Areas and the site is located within SDRA6. I am also satisfied that the development would not result in the overconcentration of one housing tenure in this particular area. Further requirements for BTR housing are set out in SPPR7 of the Apartment Guidelines.
- 7.3.2. The Planning Authority consider that the applicant has not satisfactorily addressed SPPR7 of the Apartment Guidelines, or provided comfort that the scheme would be operated by an appropriate body. This issue was also raised by observers, who were concerned at the lack of engagement and raised additional concerns regarding the social housing exemption certificate obtained by the applicant.
- 7.3.3. SPPR7 requires that an application for a BTR housing development be accompanied by a covenant or a legal agreement to secure the terms of the development including that it remains owned and operated by an institutional entity, that this will apply for a minimum period of 15 years and that no homes are sold or rented separately to this.

- 7.3.4. The applicant has stated that there has been substantial engagement with the local community, representatives, and relevant bodies in the development of the proposal. It is stated by the applicant that DCC advised that there was significant need for senior housing in the local community and the application states that an AHB or DCC themselves would operate the development. A draft legal agreement was provided as part of the application.
- 7.3.5. In support of SPPR7 of the Apartment Guidelines, the applicant states that the development provides appropriate resident support facilities. Although the suitability and extent of these facilities seems to be questioned by the Planning Authority. Communal support facilities provided by the development are limited to a bulk storage area and a resident lounge on the ground floor. Both of these facilities are services that are becoming more common in general flatted developments as opposed to BTR and it is reasonable to expect that, as a senior living facility, a concierge type service would be provided as a minimum which isn't the case on the proposal. Overall, whilst the proposed facilities aren't extensive, they are in my opinion generally commensurate to the provision of 30 homes and further details could be requested by the Board regarding resident support facilities, such as a concierge, should the Board be minded to grant permission.
- 7.3.6. A pre-application consultation was undertaken with DCC, which advised that clarification and evidence of discussions/agreements with an AHB or DCC Housing would be required in support of the development. Whilst the applicant has stated that DCC Housing Department are supportive of the proposed development and that the development would be operated either by DCC or an AHB, the Planner's Report states that no such commitment has been given by either party. Details of correspondence between DCC Planning and DCC Housing have been provided by the applicant as part of the application. However, this correspondence relates to design details, unit mix and other issues regarding the principle of redevelopment of the site and no commitments are given regarding the operation of the end development. The applicant has also provided details of their correspondence with Alone, who are an AHB. Again, this correspondence makes clear the benefits of the site and the development, that it meets the AHB's base model, and that the AHB would be open to seeing if the applicant can make the site work for their needs, but it does not result in any firm commitment from the AHB regarding the future operation of the development. The

draft legal agreement provided by the applicant does not provide any additional security regarding future operation, nor does it make any reference to the requirement to retain the homes as BTR for a period of 15 years.

7.3.7. I note the concerns raised by observers that the applicant has secured a Part V exemption as well as the applicant's claim that this was based on site area and that the scheme would ultimately be operated as social housing by an AHB. However, for the reasons set out above, I am minded to agree with the Planning Authority that the application does not provide sufficient security that the scheme would be operated by an appropriate body on the terms set out in the application.

7.3.8. I acknowledge the additional points made in the grounds of appeal regarding the overall CDP support for age appropriate housing, the benefits that would come from this in terms of allowing people to downsize their homes and remain in the community, and the benefits of the developing a site that is in an area with appropriate connections, facilities and services. However, in my opinion this does not override the current lack of compliance with SPPR7 regarding the operation of the BTR scheme and I am not satisfied that this issue, or a Section 47 Legal Agreement, would be appropriate to be dealt with by condition given the current lack of a firm commitment from either DCC or an AHB.

7.4. Design

7.4.1. Various concerns have been raised by the Planning Authority regarding the design of the development, notably that the height, scale, massing, bulk and layout would have a detrimental impact on the amenities, streetscape and character of the area and would represent overdevelopment as well as being overbearing and incongruous. These concerns have been echoed by observers on the appeal who also consider that the development would be inconsistent with the prevailing character of the area, that the development fails to provide open space and relies on Ringsend Park, that plot ratio and site coverage standards are not met, and that the precedent examples provided by the applicant are inadmissible or irrelevant.

7.4.2. The site is generally well located to take advantage of the services and facilities available within Ringsend and public transport (Dublin Bus) is located 300m away on Ringsend Road, in addition to a Luas station approximately 950 metres to the north east. The site is therefore well connected in terms of public transport and services.

The site is also located within SDRA6 in the CDP. As such I would consider that development of the site with a taller building and at a higher density than currently established is acceptable in principle.

Context

- 7.4.3. I note that planning permission has been granted for a seven storey residential building on the immediately adjoining York Road site to the north. The applicant considers this to be a precedent example, alongside other more distant developments. The Planning Authority consider this approved development to be in a very different site context and as such not comparable with the proposed development. The approved development has not yet been commenced. In terms of context, the approved development sits on York Road, immediately bounded by the four storey Alexandra Quay development to the west, with an open outlook onto the River Liffey to the north. As such, this site is not as enclosed as the appeal site and the open aspect onto the River Liffey, in some respects, affords this site a greater ability to accommodate height.
- 7.4.4. The immediate area around the appeal site has a range of building heights and typologies, with four storey flatted dwellings directly opposite the site and to the rear, the educational establishments which range from two to three storeys which bookend the site, and the surrounding dwellings which are a mix of two storey semi-detached/terraced dwellings on Cambridge Road and single storey terraced cottages on Pembroke Cottages, which is also designated as a residential conservation area. Whilst taller buildings are visible across the River Liffey at the Point Village, I would consider the immediate surrounding area to have a general shoulder height of two to three storeys.
- 7.4.5. I would agree that their respective immediate contexts are different in terms of how they are viewed, the York Road site being viewed primarily in the context of the open outlook to the north and the appeal site being viewed within the more enclosed context of Cambridge Road and the surrounding built form. That being said, it should be acknowledged that as adjoining sites, they ultimately form part of each other's context. As such, whilst their immediate contexts may be different, they will be viewed within the same wider context, particularly from the east.

Height, Scale, Massing

- 7.4.6. A key objective of the NPF is to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated, but actively sought out and brought forward by our planning processes, and particularly so at local authority and An Bord Pleanála levels. The Building Height Guidelines (2018) advise that it is inappropriate for a development plan to include generic height limits across its functional area. It is considered that this approach undermines wider national policy objectives to provide more compact forms of urban development. It is also considered that such blanket limitations can hinder architectural innovation and urban design. The Dublin City Development Plan 2022-2028 does not set prescribed height limits and notes that the key factors that will determine height will be the impact on adjacent residential amenities, the proportions of the building in relation to the street, the creation of appropriate enclosure and surveillance, the provision of active ground floor uses and a legible, permeable and sustainable layout.
- 7.4.7. The proposed development is designed as a linear block rising to seven storeys (c. 23m). The elevation onto Cambridge Road is slender at 10.2m, although this increases to 14.6m at the middle of the site before again reducing to 10.2m on the northern elevation. The linear east and west elevations are broad at 30.95m. The building has been designed with subtle nods towards the architectural features of the adjacent educational buildings which is welcomed in design terms. I consider the northern and southern elevations to be well designed, engaging, and appropriately high quality for a building of this scale. The materials proposed are high quality and the green glazed porcelain tiles would add a richness to the detailing on these elevations. However, I have significant concerns regarding the east and west elevations which are stark by comparison. Due to the restricted nature of the site, the east and west elevations have been designed to avoid overlooking. Whilst this has been successful in amenity terms, it results in large blank expanses on what are arguably the most visible parts of the building when viewed from the surrounding area.
- 7.4.8. I accept the rationale behind this design approach, however a building of seven storeys within an immediate context characterised by a shoulder height of two to three storeys will very much be viewed in the round. The east elevation would be approximately 83% solid and the west elevation would be approximately 77% solid. I have no objections to a taller building on an inner city site, including the appeal site,

and the provision of increased height would be entirely in accordance with national and local policy to intensify the use of serviced, well connected urban sites in order to achieve compact growth. However, I consider the high solid to void ratio on a building of this scale and form, and within this immediate context, to be an inadequate design solution, resulting in a monolithic appearance that would be contrary to the Building Height Guidelines. This would be most evident in views from the east (VVM 4 in the applicant's photomontage document) and to a lesser extent in views from the west (VVM 1) where the modulation of the building is significantly more successful in articulating the mass, particularly in views as one moves eastward along Cambridge Road.

7.4.9. Nevertheless, given the otherwise high quality design and materials being employed, I consider that the issues regarding the blank facades on the east elevation could be satisfactorily addressed by way of an amending condition should the Board be minded to grant permission. The building has a consistent floorplan from first floor through to seventh floor level. On the east side of the building, both flats have bathrooms that currently do not have windows. The installation of windows in these bathrooms, fixed shut and obscure glazed to protect neighbouring amenity, would suitably break up the mass of the two large blank sections on the east flank of the building. This would provide increased articulation and visual interest on this façade and reduce the potential for it to appear monolithic. Subject to these amendments being secured by condition, I would have no objection to the height, scale or massing of the proposed building and I would consider the materials and overall design to be acceptable. The proposed building would, in my view, comply with the requirements of Section 3.2 of the Building Height Guidelines and the relevant criteria set out in Table 3 of Appendix 3 of the CDP, and would make a positive contribution to the surrounding area and streetscape.

7.4.10. The Board should be advised that the applicant included a potential amendment within the grounds of appeal that would reduce the height of the proposed development to six storeys in order to overcome the concerns of the Planning Authority. As set out above, I have no objections to the proposed height at seven storeys, and I consider that the detailed design concerns relating to the blank facades can be suitably overcome by condition.

Overdevelopment

7.4.11. The issue of overdevelopment has been raised by both the Planning Authority and observers. The site has a recommended plot ratio of between 1.5 and 3 and a site coverage of between 50%-60%. The proposed site coverage is 43.3% which is in line with the CDP standards, however the plot ratio is 5.94 which is well in excess of the specified range. The CDP notes that any development with a plot ratio in excess of 3 must be accompanied by a compelling case. Having regard to the location of the subject site within the inner city, together with the brownfield nature of the site and the recent planning history of sites immediately adjacent, I am satisfied that the principle of high-density residential development is acceptable and in accordance with the aims of national policy. In the absence of any significant amenity impacts and given the acceptability of the height, scale and massing of the proposed development, as well as its connectivity to public transport and access to services and facilities, I do not consider that the plot ratio or density indicate that the site is being overdeveloped.

Open Space

7.4.12. The Planning Authority note that no publicly accessible open space would be provided as part of the development and observers have raised this as an issue on the basis that relying on Ringsend Park is not acceptable. The development would provide communal open space on site for residents in the form of two small ground floor amenity spaces and a rooftop garden. The ground floor spaces are located to the front of the building and within a small courtyard. The courtyard garden has limited value as an amenity space due to the constrained and enclosed nature of the space. The garden to the front is somewhat more appropriate as an amenity space, although I would question how much this would be used by residents given its location immediately adjacent to the street. The rooftop garden on the other hand would be more successful, providing a high quality outdoor amenity space with planting, seating and terraces that would receive high levels of daylight and sunlight. Subject to conditions regarding landscaping, I consider the overall provision of communal amenity space to be acceptable.

7.4.13. In considering the issue regarding the lack of publicly accessible open space being provided I have given consideration to the clear constraints in developing this site, the fact that suitable communal and private amenity spaces would be provided and the proximity of the site to Ringsend Park and I am satisfied that, given the site specific circumstances, it would be appropriate to secure a financial contribution in lieu of

public open space and this could be dealt with by condition, should the Board be minded to grant permission.

7.5. Amenity

- 7.5.1. Specific amenity concerns are that the development would result in overshadowing impacts, and that the development would lead to a depreciation of property values. Observers have also raised concerns that the development would be inappropriately located between two educational establishments, would result in noise impacts, overlooking and could impact on the privacy of the school.

Location

- 7.5.2. In terms of location, I do not agree that residential use being located between two educational establishments would be inappropriate as this is a long established relationship in urban areas. With regards to overlooking and loss of privacy, given the protective design of the east and west building facades, I am satisfied that there would be no significant or harmful overlooking of the adjacent schools or their grounds either from the new homes or from the rooftop amenity space. Whilst I note the proximity of the proposed building to the schools, I would emphasise the point that schools alongside housing, including flats, is an established urban relationship. Given the separation distances involved, I do not consider that there would be any detrimental overlooking of the courtyard at Alexandra Quay or of the permitted but as yet unbuilt flats on the adjacent York Road site.

Noise

- 7.5.3. I consider potential noise impacts to be temporary, largely being related to the demolition and construction period, and whilst I accept that noise from construction can be disruptive, these transient impacts are in many cases unavoidable if sites are to come forward for development. I am satisfied that noise impacts could largely be mitigated by way of conditions, including conditions limiting hours of work and setting specific times for noise generating heavy construction activities to take place, should the Board be minded to grant permission.

Property Values

- 7.5.4. The Planning Authority consider that the proposed development would result in a depreciation of property values within the area. Whilst this forms part of the second

reason for refusal, there is no commentary on the issue in the Planner's Report nor has any reasoning been given to support this claim. The grounds of appeal state that there would be no adverse impact on property values and notes that the development shares similarities with the approved scheme on York Road, where property values were not raised as an issue. Whilst I consider the development to result in amenity impacts due to the design, scale and massing of the proposal as set out earlier in this report, I do not consider that this would have any significant bearing on property values in the area.

Daylight and Sunlight

- 7.5.5. Daylight and sunlight impacts have been raised by observers, including impacts on adjacent properties, open spaces and the school. The applicant states in the grounds of appeal that the daylight and sunlight assessment demonstrates that there would be no significant overshadowing impact on adjoining existing development. A daylight and sunlight report has been submitted that assesses the scheme based on the Building Research Establishments (BRE) guidelines on daylight and sunlight. The BRE sets out the detailed daylight tests. The first is the Vertical Sky Component test (VSC), which is the most readily adopted. This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the buildings which look towards the site. The target figure for VSC recommended by the BRE is 27% which is considered to be a good level of daylight and the level recommended for habitable rooms. The BRE have determined that the daylight can be reduced to 0.8 times its former value (or 20%) before the loss is noticeable.
- 7.5.6. The daylight and sunlight assessment submitted by the applicant considers the potential impacts on a range of surrounding properties and amenity spaces. Most of the assessed properties would remain fully compliant with the BRE. Those properties where impacts have been identified are:
- Saint Patrick's Boys National School
 - Nos. 33A and 34A Alexandra Quay
 - Ringsend College
 - Approved Development at York Road

Saint Patrick's Boys National School

- 7.5.7. The BRE is primarily designed to assess daylight and sunlight impacts on residential properties and as such cannot be strictly applied to non-residential uses. However, the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools and it is considered useful in helping to gauge the level of impact on daylight and sunlight as a result of the proposed development.
- 7.5.8. A total of 24 windows have been assessed for VSC at this property of which 16 would remain fully compliant with the BRE. Five of the windows would experience losses of VSC of between 20% and 27% which is not significantly beyond the 20% threshold set out in the guidance. Additionally, these windows would retain VSC levels of 23% to approximately 26% and as such I consider that they would retain good access to daylight. The remaining three windows are located on the east elevation and would directly face the proposed development. These windows would experience losses of between 40% and 43% of the baseline VSC values which is significant. This would result in retained VSC levels of 15.36% on the affected ground floor window, 17.64% on the first floor window and 20.30% on the third floor window. However, these windows are located in classrooms that are served by additional large windows on the western elevation and these windows would remain unaffected by the development in terms of VSC.
- 7.5.9. Sunlight has been assessed at windows facing within 90 degrees of due south and I note that all windows tested would remain compliant with the BRE both on an annual basis and in a winter scenario. Sunlight to the playground amenity spaces has also been considered in the assessment and I note that these spaces would also remain compliant with the BRE, with good access to sunlight. In conclusion, whilst I note that three windows would experience significant losses of VSC, I am mindful of the urban location and the flexibility with which the BRE should be applied, the fact that the affected windows are located in classrooms that are served by additional unaffected windows, that the windows themselves are very large, that the overall number of windows affected is low, and that the school would remain compliant in terms of sunlight to windows and amenity spaces, and on balance I do not consider that the development would have a significant adverse impact on the school in terms of a loss of daylight or overshadowing.

Nos. 33A and 34A Alexandra Quay

7.5.10. Two windows have been assessed at these properties. In terms of daylight, both of the windows assessed would experience VSC levels dropping below 27% however the VSC losses would be 24% and 26% respectively which is not significantly beyond the BRE guidance, and these windows would retain VSC of at least 21%. In terms of sunlight, only one of the windows would experience a loss of sunlight in both annual and winter terms, However I do not consider that significant adverse amenity impacts would occur. I note that the amenity spaces at Alexandra Quay would remain compliant in terms of sunlight.

Ringsend College

7.5.11. A total of 12 windows have been assessed. Only one window would experience a loss of VSC beyond the BRE recommendations with VSC being reduced from 31.48% to 21.52%, representing a total loss of 32%. I consider the retained level of 21.52% to be acceptable in this instance, given the locational characteristics of the site. I note that Ringsend College would remain compliant in terms of sunlight to windows and amenity spaces.

Approved Development at York Road

7.5.12. The daylight and sunlight assessment considers the impact of the proposed development on the approved York Road scheme on the adjoining site to the north. A total of 27 windows have been assessed for VSC of which 16 would remain compliant with the BRE. The remaining 11 windows would see losses of more than 20% of the baseline figures with losses ranging from 20% to 38%. Many of the affected windows have low VSC values in the baseline and as such, a loss of VSC can result in a higher percentage reduction as a proportion. For example, window Ga on the ground floor has a VSC of 8.7% at baseline and a proposed VSC of 6.28%. This is effectively a real terms loss of VSC of 2.42% but a reduction in proportion terms of 28%. Overall, I am satisfied that the VSC impacts on the unbuilt York Road scheme are acceptable and that the quality of residential accommodation would not be compromised. Sunlight has also been assessed at this property and 23 of the 27 windows assessed would remain compliant on an annual basis and all windows would remain compliant on a winter basis which is acceptable. The amenity space for this block has been tested for sun on the ground and would remain compliant with the BRE.

7.5.13. In conclusion, whilst the daylight and sunlight assessment has identified some impacts, both in terms of VSC and sunlight, I am satisfied that the level of impact and the limited number of windows affected is acceptable on balance and that planning permission should not be withheld on this matter.

7.6. Transport

7.6.1. The third reason for refusal relates to transport issues. The Planning Authority have raised concerns regarding the provision of zero car parking. However, the report then concludes that this could be acceptable, subject the provision of an amended Travel Plan. Cycle parking is confirmed as being compliant in terms of numbers but that clarifications are needed regarding type, cover/security, electric charging facilities, and provision of adaptable/cargo spaces. Concerns have also been raised that the walking times are not realistic for senior residents.

7.6.2. The issues raised by the Planning Authority regarding walking times are reasonable in my opinion, this would be particularly evident regarding the walk to the Luas at The Point which is 950m distant and is, in my opinion, an inhospitable walking environment with narrow pavements and a large volume of HGV vehicles on the carriageway. However, bus services are located much closer to the appeal site within Ringsend Village (approximately 300m) and the site is located in close proximity to the preferred route of the Ringsend to City Centre BusConnect Route and the proposed River Dodder Bridge. As such, I consider that there would be appropriate access to local services and transport for future residents.

7.6.3. On the matter of parking, I note that the immediate site surroundings have uncontrolled on street parking, that many of the dwellings on Cambridge Road to the east have off-street parking, and that there is some controlled parking further to the west. At the time of my site inspection parking levels were moderate. Whilst there would be an increase in on-street parking associated with the development, I do not consider that it would be so significant that it would impact on the ability to park or that it would displace large numbers of existing residential parking. The Planning Authority acknowledge that the provision of zero parking could be acceptable, subject to a revised Travel Plan tailored to the specific use, which promotes zero parking from the outset. This would mirror the approach taken on the adjoining York Road site and as noted by the applicant, I am satisfied that this could be appropriately secured by way of a condition.

- 7.6.4. An additional issue raised by observers is that the development would increase transport pressure on Cambridge Road and that this would not be compliant with the Ringsend Irishtown Local Environmental Improvement Plan. I note that the plan refers to parking at section 3.4.1 and details, as part of a project action plan, the aspiration to allocate parking to the south side of Cambridge Road as well as to allocate perpendicular parking to the north side of the street, associated with the educational institutions. The stated benefit of these works is that this would structure on street parking as well as cater for more parking. I do not consider that the proposed development would be contrary to these aspirations.
- 7.6.5. As noted by the Planning Authority, insufficient information has been provided regarding the type of cycle parking proposed. From my assessment of the plans, this appears to be two tier cycle parking which could be difficult for some senior residents to use. I consider that a higher proportion of Sheffield stands should be provided and that the two tier cycle parking should be hydraulically assisted. Although not raised by the Planning Authority, as a senior living development, at least some provision should be made for the parking of mobility scooters on site and this is currently absent from the proposals. I am however satisfied that all of these matters, including access for fire tenders, could be secured by condition should the Board be minded to grant permission.

7.7. Appropriate Assessment

- 7.7.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European 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 sites in view of the sites' Conservation Objectives. The Board is the competent authority in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.
- 7.7.2. The applicant has submitted an Appropriate Assessment Screening Report (dated 7th July 2022). This report considers the closest European sites to the appeal site and evaluates and screens the proposed development to assess if full Appropriate Assessment is required. This assessment examines the implications of proceeding with the project in view of the conservation objectives for the protected habitats.

- 7.7.3. The applicant's AA Screening Report concludes that the project would have no direct or measurable indirect impacts on any European sites in close proximity to the appeal site and that no significant impacts of the qualifying interests of any SPA or SAC is likely. Having reviewed the AA Screening Report, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European Sites.
- 7.7.4. 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.
- 7.7.5. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (004024) (c. 1.2km), South Dublin Bay SAC (000210) (c. 1.2km), North Dublin Bay SAC (000206) (c.3.56km), and the North Bull Island SPA (004006) (c.3.56km). The site is also close to the South Dublin Bay and North Dublin Bay Proposed Natural Heritage Areas which are 1.2km and 1.5km from the site respectively. The River Liffey is located approximately 100m to the north. The site is not therefore located within or adjoining any European sites and there are no direct pathways between the site and the European site network.
- 7.7.6. I acknowledge that there are potential indirect connections to the European sites within Dublin Bay via watercourses and the wider drainage network such as the indirect connection via the Ringsend Waste Water Treatment Plant. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.
- 7.7.7. There are no surface watercourses in the immediate vicinity of the site that would provide a pathway to the European Site network although I note that the River Liffey is located approximately 100m to the north of the site and the River Dodder is located further to the west. I note that surface water and foul water would discharge to the combined sewer on Cambridge Road for onward treatment at the Ringsend WWTP. Whilst this would result in an increased loading on the Ringsend WWTP, the scale of the development is minor in context. Therefore, having regard to the limited scale of the development, the absence of any hydrological pathways, the dilution capacity of

Dublin Bay and the insignificant additional loading on the Ringsend WWTP, I am satisfied that there is no potential for the development to result in significant effects on European Sites within Dublin Bay.

- 7.7.8. Conditions have been recommended by the Council's Drainage Team in the event of a grant of planning permission, requiring a separate foul and surface water drainage scheme incorporating a sustainable drainage system, however this is standard best practice as opposed to mitigation. As such, I am satisfied that any proposals incorporated within the development, or required by condition, such as surface water management proposals, constitute standard best practice and that no mitigation measures are relied upon for Appropriate Assessment screening. Having regard to the above, I am satisfied that no Appropriate Assessment issues arise, and I do not consider that the proposed development, either individually or in combination with other plans or projects, would be likely to have a significant effect on a European site. Accordingly, a Stage 2 Appropriate Assessment is not required.

8.0 Recommendation

- 8.1.1. I recommend that the Board uphold the decision of Dublin City Council and that planning permission be refused for the proposed development for the following stated reason.

9.0 Reasons and Considerations

1. Having regard to the Z15 zoning of the site, the objective of which is to protect and provide for community uses and social infrastructure and the failure to satisfy the exceptional criteria for 'Open for Consideration Uses' on these lands, it is considered that the proposed development, which is entirely residential in nature, would contravene materially the said zoning objective. Additionally, it has not been satisfactorily demonstrated that the scheme would be operated by an appropriate body and as such the development fails to comply with SPPR7 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2020). As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Terence McLellan
Senior Planning Inspector

26th October 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314822-22		
Proposed Development Summary	Demolition of structure on site and construction of a 7-storey senior living 'Build-to-Rent' apartment building and all associated site works.		
Development Address	Cambridge House, 22, Cambridge Road, Ringsend, Dublin 4, D04 P635		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	X	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	
Yes	X	Class 10 (b) (i), threshold >500 dwellings.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-314822-22	
Proposed Development Summary	Demolition of structure on site and construction of a 7-storey senior living 'Build-to-Rent' apartment building and all associated site works.	
Development Address	Cambridge House, 22, Cambridge Road, Ringsend, Dublin 4, D04 P635	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for a residential scheme in a built up area with a range of uses that includes educational in the immediate site surroundings and residential within the wider area.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.
<p>Size of the Development</p> <p>Is the size of the proposed</p>	<p>The development would be higher than existing developments, but it would not be considered exceptional in the context of the existing environment.</p>	No.

<p>development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would be located in a built up, serviced urban area and would not have the potential to significantly impact on an ecologically sensitive site or location.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	<p>No.</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____