



An
Bord
Pleanála

Inspector's Report

ABP-317935-23

Development	Construction of 128 apartments, a childcare facility, retail unit, healthcare unit, and café/restaurant
Location	No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	LRD6022/23-S3
Applicants	Donard Properties Limited
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Grant Permission
Type of Appeal	First against Conditions & Third Party
Appellants	Donard Properties Limited Residents of Upper Jamestown Road
Observers	Cllr Sophie Nicoullaud and TD Joan Collins
Date of Site Inspection	24 th October 2023
Inspector	Margaret Commane

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1.0 Site Location and Description

- 1.1. The area surrounding the site, at No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8, comprises a transitional area featuring a mix of residential, commercial, and industrial land uses. From a residential perspective, Jamestown Road is generally characterised by double storey terraced and semi-detached houses. The subject site is located c. 500 metres north-west of the Blackhorse Luas Stop and proximate to Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. The subject site is located approximately c. 7km north-west of Dublin's City Centre, c. 1.3km south of the Phoenix Park and c.1.1km south-west of Inchicore Village.
- 1.2 The site comprises a 0.646ha irregular shaped site (made up of 2 no. land parcels and part of the Jamestown Road/Kylemore Way) on the southern side of Jamestown Road, north-west of the junction with Jamestown Avenue in Dublin 8. The easternmost of the 2 land parcels, No. 86 Jamestown Road, currently contains 1-2 storey industrial/warehouse buildings and associated areas of hardstanding. Vehicular access to this land parcel is provided off Jamestown Road via an access located in the north-eastern corner. The westernmost land parcel, Nos. 90-96 Jamestown Road, also features 1-2 storey industrial/warehouse buildings and associated areas of hardstanding. Vehicular access to this land parcel is provided off Jamestown Road via an access located in the north-western corner and an access located in the south-eastern corner which is accessible off an existing 5.65-6.6 metre wide private laneway (a right-of-way) accessible off Jamestown Road. This private laneway separates the 2 no. subject land parcels and provides access to existing commercial/industrial units featuring to the south. Jamestown Road terminates adjacent to the north-western corner of Nos. 90-96 Jamestown Road. Kylemore Way is located immediately west, separated from Jamestown Road by a wall/fencing and a pedestrian entry gate.
- 1.3 To the east of the subject site is the Jamestown Industrial Centre which comprises of a no. of single and double storey industrial/warehouse units accessible via a shared access road off Jamestown Road which runs centrally through the site. More specifically, a car parking area serving the centre immediately flanks the subject site's eastern boundary and part of the southern boundary. To the south, accessible via the aforementioned private laneway running between the two subject land parcels, are a

series of 1-2 storey commercial/industrial buildings with associated hardstanding/car parking areas. More specifically, the access road serving this site and an area used for storage immediately flanks the appeal site's southern boundary. There is a difference in level across this southern abuttal and the subject site, the southern abuttal sitting slightly above the westernmost of the two parcels. To the west of the subject site is the Jamestown Industrial Estate which comprises of 5 no. double storey industrial/warehouse units accessible via a shared access road off Kylemore Way. To the north, on the opposite side of Jamestown Road, lies a row of 12 no. two storey terraced and semi-detached dwellings, Nos. 89-111 Jamestown Road. To the east and west of these dwellings, feature a 1-2 storey industrial/warehouse building and a double storey industrial/warehouse building, respectively. These buildings sit partially opposite the subject site and the easternmost of these sites features a vehicular access immediately opposite the vehicular access currently serving Nos. 90-96 Jamestown Road.

2.0 Proposed Development

2.1 7-year planning permission was sought for the following:

- Demolition of the existing warehouse/industrial buildings (approximately 4,450sqm) on site and the wall, railing and gate at the interface between Jamestown Road and Kylemore Way, to facilitate the provision of new pedestrian and cyclist connections, bollards and surface treatments.
- Construction of a 12,452sqm (excluding the 755.1sqm podium/undercroft car park) mixed-use development comprising: 128 no. residential apartments (63 no. 1-bed, 57 no. 2-bed and 8 no. 3-bed apartments); childcare facility (438.2sqm); retail unit (282.7sqm); healthcare unit (50.4sqm); and café/restaurant (188.2sqm), in 4 no. blocks ranging in height from 1 to 10 storeys. The development will be served by 31 no. car parking spaces (28 no. in the podium/undercroft car park and 3 no. at the lane between No. 86 and Nos. 90-96 Jamestown Road); 3 no. car club/share spaces; 2 no. public parking/set-down bays; 324 no. cycle parking spaces; 2 no. motorcycle parking

spaces; and 2 no. bin stores. On the rooftop level on Block 1, it is proposed to affix 8 no. 300mm microwave link dishes mounted on 4 no. steel support poles.

- Works to Jamestown Road, to provide water services infrastructure and connections, carriageway resurfacing and the reconfiguration of footpaths and public parking/set-down bays.

2.2 A summary of the key site statistics/details of the proposed are provided in the table below:

Site Area	0.646ha (net area is 0.628ha, excluding parts of Jamestown Road and Kylemore Way included in redline boundary).
Demolition Works	4,450sqm
Total Gross Floor Area	12,452sqm (excluding podium/undercroft car park; 13,207sqm including podium/undercroft car park)
No. of Residential Units	128 no. apartments (63 no. 1-bed units, 57 no. 2-bed units and 8 no. 3-bed units), comprising 11,446sqm
Non-residential uses	Childcare facility (438.2sqm) located on the ground floor of Block 4; retail unit (282.7sqm) located on the ground floor of Block 4; healthcare unit (50.4sqm) located on the ground floor of Block 3; and café/restaurant (188.2sqm) located on the ground floor of Block 3.
Open Space	810sqm of public open space (comprising of a 660sqm area located centrally along the southern boundary and a 150sqm area located in the north-eastern corner) and 920sqm of communal open space (comprising of 330sqm atop the childcare facility and 590sqm atop the podium car parking area between Blocks 1, 2 and 3)
Car Parking	34 no. in total, comprising of 31 no. resident car parking spaces (28 no. in the podium/undercroft level

	car par and 3 no. in the laneway between No. 86 and Nos. 90-96) and 3 no. car share spaces
Bicycle Parking	324 no. in total, comprising of 224 no. internal spaces and 100 no. 'on-street' spaces
Density	203.8 units per hectare (based on net site area of 0.628ha)
Height	1-10 storeys, more specifically: <ul style="list-style-type: none"> • Block 1, located in the north-western corner of the site, is 1-6 storeys; • Block 2, located in the south-western corner of the site, is 1-7 storeys; • Block 3, located centrally on site, is 1-5 storeys; and • Block 4, located in the east of the site, is 1-10 storeys.
Site Coverage	58.6%
Plot Ratio	2.1
Dual Aspect Apartments	62.5%
Part V	27 no. units within the scheme

2.3 The mix of units across the 4 no. Blocks will be as follows:

Apartments				
Block	1 Bed	2 Bed	3 Bed	Total
1	6	9	3	18
2	24	14	0	38
3	6	7	9	22
4	27	18	5	50
Total	63	48	17	128

3.0 Planning Authority Opinion

- 3.1 The Planning Authority and the Applicant convened a meeting under Section 32C of the Planning and Development Act, 2000 (as amended), for the proposed Large-scale Residential Development on 13th December 2022. The record of that meeting is attached to the current file.
- 3.2 Further to that meeting, the Planning Authority issued an opinion under Section 32D of the Act stating that the documents that had been submitted constitutes a reasonable basis on which to make an application for permission for the proposed LRD.
- 3.4 The Opinion stated that, in the event that the applicant proceeds to submit a planning application, the LRD application should include:
- A statement of response to the issues set out in the LRD Opinion.
 - A statement that in the applicant's opinion, the proposal is consistent with the relevant objectives of the development plan for the area.
- 3.5 The detailed assessment contained within the Opinion also highlights those areas in which the particulars submitted are lacking, or those issues which remain to be reconsidered or addressed by the applicant in any documents submitted with a future planning application. These can be summarised as follows:
- Compliance with Table 15-1 (Thresholds for Planning Applications) set out within Chapter 15 of the Dublin City Development Plan 2022-2028.
 - Justification that the proposal meets the Z10 zoning requirements in relation to the 70/30% split.
 - Compliance with Policy QHSNO11, regarding Universal Design, and Policy QHSNO15, regarding Community Safety Strategy.
 - Compliance with Objective CUO25, which requires that all new regeneration areas (SDRAs) and large-scale developments above 10,000sqm in total area must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage.

- Justification for and/or reduction of the height of the proposed 10 storey development having regard to Section 4.5.4 and Policies SC14, SC16 and SC17 and Appendix 3.
- A demonstration of how the proposed height, scale, massing and materiality of the scheme will be designed to complement and respect the height, scale, massing and materiality of the predominantly lower two storey well established-established dwellings in the immediate vicinity.
- A detailed Daylight and Sunlight Assessment of the proposed development.
- Clarity on the private gardens at ground level that will serve Units No. 3, 4 & 5 within Block 2, ensuring that these gardens are not overshadowed.
- Clarity that south facing units (bedrooms) on Block 1 and north facing units on Block 2 do not directly oppose each other, given the separation distance of 7 metres between the two blocks.
- A survey of the Popular trees located adjacent to proposed public open space and a tree survey plan of the same.
- Consideration of the introduction of further active recreational component, such as basketball half court, in the proposed Public Open Space area.
- Review provision of play-space for younger children in the proposed Communal Open Space, having regard to the apartment guidelines.
- Indicate satisfactory Daylight/Sunlight for Public and Communal Open Space Areas.
- Inclusion of Biodiversity Enhancement Plan.
- The following inconsistencies identified in/issues with the Engineering Report, design and drawings need to be addressed: - proposed discharge rate; inclusion of climate change allowances in calculations; evidence of soil characteristics absent; adherence to the Greater Dublin Regional Code of Practice for Drainage Works; queries regarding how areas along the northern boundary are being drained and who will be responsible for the same; queries regarding the existing road and footpath on access road between sites and

where new footpaths either side of it are being drained to; and absence of a conclusion in the Flood Risk Assessment that the proposed development will not impact on third party lands and/or have an affect downstream.

- The following items are required to be addressed/considered further: - works within the public road/footpath; proposed indented parking and loading bay proposals; areas proposed to be taken in charge; the transition between public/proposed areas to be taken in charge/private areas require further review/clarity; opportunities to open up the link to Kylemore Way for pedestrians/cyclists only; clarity on works proposed within the public road and a Letter of Consent for the same; discrepancies in submitted drawings and documentation; the proposed car parking provision (a ratio of 0.24)/the resulting overspill impact on Jamestown Road; additional detail in regards to mobility management, parking management and impact on Jamestown Road; and detailed design of the main vehicular entrance proposals, including clarity on sightlines, pedestrian priority and details of cycle access via the main entrance.
- The Traffic Assessment needs to consider the following: - potential impact the proposed crèche development in terms of trip generation would have on peak hours; restricted access along Jamestown Road as a result of existing on street car parking patterns in terms of trip generation, but also the potential for increased overspill parking from the development thereby restricting access further; and estimated construction trip generation shall be provided and consideration given to the potential overspill of demolition and construction onto the public road in regards to parking and loading. The CMP should be updated in this regard.
- The following aspects of car parking provision require review/the provision of additional information: - car share space allocation within the public domain; car parking space numbering; motorcycle parking provision; EV charging proposals; and car-parking management strategy.
- The following aspects of cycle parking provision require review/the provision of additional information: - the quantum, type and distribution of visitor spaces; provision of non-standard bike parking spaces e.g. cargo bike spaces; residents

and visitor space allocation, in particular for the crèche; provision of a clearance headroom of minimum 2.4m wherever cyclists can be expected to be cycling their bikes; and detailed drawings of the bicycle stores.

- The following aspects of the servicing of the development requires review/the provision of additional information: - the servicing requirements of the development, including deliveries; collection and drop-offs at the crèche facility; the Operational Waste Management Strategy; and auto tracking to demonstrate waste collection feasibility.

4.0 Planning Authority Decision

4.1. Decision

Dublin City Council granted planning permission on 8th August 2023, subject to 33 conditions, including Conditions No. 4 and 5, which are the subject of the First Party Appeal, and Condition 9, which is referenced in the Third Party Appeal.

Condition No. 4 reads as follows:

4. *Revisions shall be made to west-facing units in Block 4, to maximise their compliance with guideline values for daylight (BRE 209:2022). These units shall be reconfigured in such a way as to maximise the length of the main living rooms along the exterior wall, and to reduce the depth of those rooms, without alterations to the envelope of each unit or the proposed building, and such revisions shall be agreed in writing with the Planning Authority prior to commencement of development.*

Reason: To improve the standards of residential amenity.

Condition No. 5 reads as follows:

- 5.(a) *The permitted development shall contain 5% provision for arts/cultural use and community uses. Aside from the permitted community uses (crèche and healthcare), arts/cultural uses shall be provided. The Arts/cultural use shall be provided in the proposed café/restaurant unit unless agreed in writing with the*

Planning Authority that it should be located elsewhere within the scheme at the same or similar scale.

(b) Prior to the occupation of the residential units, the applicant shall provide details of the uses and groups which will be availing of the sites 5% community, arts and culture spaces within the development for the written agreement of the Planning Authority.

(c) The arts and culture space provided shall be retained in such use and shall not be let, sold or occupied separately. All such facilities shall be freely available by means of a booking system to be administered by the on-site management company unless otherwise agreed in writing by the planning authority.

Reason: To provide for community and cultural uses in accordance with objective CUO25 of the City Development Plan.

Condition No. 9 reads as follows:

9. The final layout and specifications for the interface between Kylemore Way and Jamestown Road shall be agreed with the Planning Authority in writing prior to commencement of development, and following consultation with An Garda Síocána, the Environment & Transportation Department, and the Parks, Biodiversity and Landscape Services Division. The final layout of the public realm works to the front of the scheme, west of the laneway through the scheme, shall also be agreed in writing.

Reason: In the interests of permeability, sustainable transport, and community safety.

4.2. Planning Authority Reports

Planning Report

- The proposed uses are all permissible in principle under the zoning objective. The proposed mix of uses does not meet the 70%/30% requirement set down for a Z10 site in the City Development Plan for residential and non-residential uses, with approx. 85% of the total floor area provided as residential. However, the Z10 zoning objective allows flexibility in the context of the mix requirement

for small sites, typically less than 0.5ha. It may be considered on a case-by-case basis, where it can be demonstrated that the proposal would not result in an undue concentration of one particular land-use on the Z10 landholding as a whole. The subject site is 0.5583Ha and so is marginally above the stated characterisation of very small sites and can be considered on its own case basis. It is considered that providing a lower amount of non-residential but with delivery of, crèche and medical uses is an appropriate land use mix and is acceptable and consistent with the zoning objective. Alternatively, the residential component could be reduced until the existing scheme meets the 70/30% requirement; however, this would reduce the density of the scheme to an extent that is not considered desirable.

- The proposed development is located outside the inner city but is well connected by way of public transport and is appropriate for the proposed residential density.
- The proposed development has a residential density of 203d/ha, a plot ratio of 1.98, and site coverage of 59%. The development is within the density outlined for the 'city centre and canal belt' and falls within guidelines for maximum plot ratio and site coverage as per Table 2 of Appendix 3.
- The scheme provides for 4 blocks of 5, 6, 7 and 10 storeys. Table 3 of Appendix 3 of the Plan provides performance criteria attaining greater building height. On balance, the proposed development is considered to be a major intervention on the site given the local 2-storey residential development. It is however noted that the site is itself of a scale that it can provide a transition, and at a location where it can avoid detrimental impacts from overshadowing and loss of aspect. The site is also immediately adjacent to other commercial sites, which may be redeveloped in the future. The ten-storey tower is positioned so as to terminate the views down Jamestown Road from the direction of Tyrconnell Road, and so establishes a local landmark.
- Given the current context of the site, and the abrupt transition of uses at this location from residential to commercial and industrial, and the also considering the plans to redevelop the industrial sites in the future under the auspices of the

'City Edge' strategic framework, I consider that the impact on local views as illustrated in the applicant's photomontages to be a positive impact, save for sites closest to it. At this more immediate scale, setbacks to the development on its northern side, and the progressive more slender profile of the blocks as they rise, contributes to a scheme that would not have a monolithic appearance. Subject to the use of the proposed materials, the scheme would represent an efficient use of this site, and a sustainable intervention in this urban area. The proposed development is considered to satisfy the criteria set down in table 3, Appendix 3 of the City Development Plan.

- The applicant's Sunlight / Daylight analysis confirms that impacts on adjoining dwellings and their rear gardens will be within guideline levels and that residential amenity will not be detrimentally impacted in a material manner. In the context of the proposed apartments, there is a high rate of compliance for daylight, however, Block 4 has a 9% fail rate, concentrated on lower levels on its western side. Compensatory measures include the good exposure to sunlight in the rooms, which is noted. Given the concentration of the failing rooms, a design revision is justified. Revisions can be agreed by condition, and these should be possible without alterations to the envelope of each unit or the proposed building.
- The proposed development would present 3 and 4-storey facades to Jamestown Road, though the taller elements will plainly be visible. The frontage on Jamestown Road provides for active uses such as a café, retail unit and crèche, although there is a concentration of inactive frontage for services and cycle storage around the car park entrance.
- The proposed units are overwhelmingly compliant with the 2022 apartment guidelines and would provide a satisfactory standard of residential amenity.
- The proposed public and communal open space areas comply with the 2022 Apartment Guidelines standards and would achieve adequate sunlight penetration individually and collectively. There are concerns about the access (being accessed by way of the private laneway, the carriageway of which is not in the red line) and siting of the main area of public open space to the south of

the development. Concerns previously raised by the Transportation Planning Division about this laneway have been addressed. Private gardens are provided for ground floor units to the west of the development. These are also adequately lit as per the guidance. Overall, an adequate standard of amenity is proposed.

- Given the scale of the development itself, the provision of public open space, and the neighbouring employment lands, it is considered that the proposed childcare facility, healthcare, café/restaurant and retail uses may be appropriate/viable; furthermore, future office-based or other employment on the site could increase such viability.
- Objective CUO25 sets out that large developments and SDRA schemes should provide for 5% cultural/arts and community uses, and that large developments in particular should provide for both cultural/arts and community uses within this 5%. The proposed development provides 3.5% of its floor area for the community uses of childcare and healthcare facilities. Implementation of the objective can be achieved with a condition requiring agreement of the café/restaurant unit for use as an arts/cultural facility, or otherwise that a facility of similar size is provided within the development and agreed in writing with the Planning Authority.
- Given the history of anti-social behaviour which has taken place close to or across the interface between Jamestown Road and Kylemore Way, the final layout of public realm works to the front of the development, and including Jamestown Road and Kylemore way, should be subject to agreement by condition with the Planning Authority following consultation with An Garda Síocána and the City Edge team in Dublin City Council.
- The proposed development is considered likely to have a low impact on local ecology, and the proposed enhancement measures are welcomed. Mitigation measures in the Ecological Impact Assessment and Bat Report should be conditioned.
- The applicant has provided an Appropriate Assessment Screening Report, and the development has been screened for appropriate assessment. It has been

found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

- The planning authority has completed an environmental impact assessment screening of the proposed development. Having regard to the information which accompanied the application including, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment, the Construction and Environmental Management Plan, and other assessments, it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required.
- Having regard to the Z10 land-use zoning objective, other relevant provisions of the Dublin City Development Plan 2022 – 2028, in particular Appendix 3 and Chapters 4 and 5 of the Plan, and considering the design approach, density, layout, materials and provision of a mix of uses in the proposed development, it is considered that the proposed development would not be seriously injurious to the residential amenities of the area, would constitute an efficient use of land and a positive intervention in the area, and would therefore be consistent with the proper planning and sustainable development of the area, subject to conditions.

4.3. Other Technical Reports

Drainage Division (26/07/2023): No objection, subject to conditions.

Transportation Planning Division (20/07/2023): No objection, subject to conditions.

City Archaeologist (27/07/2023): No objection, subject to conditions.

4.4. Prescribed Bodies

Health and Safety Authority (17/07/2023): No objection.

4.5. Third Party Observations

5 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- The changes proposed to Kylemore Way are of concern due to potential anti-social behaviour resulting from improved access. Preferred that existing situation remains.
- Commercial units proposed are unviable. Instead, these units should be designated for community use.
- Unsuitable height.
- Negative impacts on adjacent residential amenity.
- Insufficient car parking and resultant overspill of cars on the surrounding streets.
- Negative impact on local schools.
- The proposed development creates a harmful precedent for developments in the wider area.
- Negative impact on daylight received by neighbouring houses. Concerns exist over accuracy of daylight/sunlight analysis.
- This application is premature in the absence of a master plan for the City Edge Project.
- Suitability of mixed-use development at this location.
- Negative impacts during construction and demolition phases.
- Negative impact on property values.
- Lack of community gain
- Photomontages don't illustrate the impact on the houses directly opposite.
- Traffic/street network issues need to be resolved before this site can be developed.
- The site is within a Seveso Consultation Zone.

- Inconsistent with the objectives of the Dublin City Development Plan 2022-2028 and the National Climate Action Plan.

5.0 Planning History

5.1 Subject Site

The following previous applications pertaining to the subject site (or part thereof) are of relevance:

90-96 Jamestown Road, Inchicore, Dublin 8 (western part of the site)

PA Reg. Ref. 4319/16

Permission was granted by Dublin City Council in February 2017 for use as an indoor market of Units 1 and 2 Jamestown Park, operating at weekends only, with public hours on Saturdays and Sundays of 10am - 5pm both days, with trader activity an hour earlier and later each day; provision of on-site parking, and 2 no. associated non-illuminated signage boards on the north and east elevations (3m² & 5m² respectively), for a period of five years. This use was previously granted temporary permission under Reg. Ref. 3662/11.

This use continues to operate on site.

PA Reg. Ref. 3662/11

Retention permission was granted by Dublin City Council in February 2012 for temporary permission for a period of five years for the retention of the change of use as an indoor market at Units 1 and 2 Jamestown Business Park, operating at weekends only, with public hours on Saturdays and Sundays of 10am - 5pm both days, with trader activity an hour earlier and later each day, provision of on site car parking, and retention of 2no. associated non-illuminated signage boards on the north and east elevations (3sqm & 5sqm respectively).

86 Jamestown Road, Inchicore, Dublin 8 (eastern part of the site)

PA Reg. Ref. 4146/18 (ABP Ref. ABP-303376-19)

Permission was refused by Dublin City Council in December 2018 for a change of use of the existing property from industrial and warehousing to residential, partial demolition of the existing structure and construction works, resulting in new northern and southern building components (3 no. storeys) and an additional floor on the remaining, existing structure (Increase from existing 2 no. storeys to 3 no. storeys) to provide 23 no. apartment units (1 no. studio, 11 no. 1-bed, 7 no. 2-bed and 4 no. 3-bed). The reasons for refusal were as follows:

- 1. The development of an entirely residential development at this location would contravene the zoning objective Z10 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed uses with residential the predominant use in suburban locations and office/ retail/ residential the predominant use in inner city areas' as set out under Section 14.8.10 of the Dublin City Development Plan 2016-2022. Therefore, the proposed development would be seriously injurious to the amenities of the area and contrary to the proper planning and sustainable development of the area.*
- 2. The proposed redevelopment and extension of the existing structure would result in substandard residential development with regard to the minimum required floor to ceiling height and the percentage of dual aspect apartments as required under Specific Planning Policy Requirements 5 and 4 (respectively) of the 'Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities (2018)'. Therefore, the proposed development would be seriously injurious to the residential amenity of potential residents and contrary to the proper planning and sustainable development of the area.*

The decision was appealed to An Bord Pleanála by the applicant (ABP Ref. ABP-303376-19) but this was subsequently withdrawn.

PA Reg. Ref. 3206/14

Permission was granted was granted by Dublin City Council in December 2014 for conversion and subdivision of a former industrial unit to 7 no. live work units and alterations to existing commercial units. The proposed works to be carried out include: provision of a further storey and roof terraces along the eastern and western facades above part of the main building; a second storey over a single storey element of the existing north end of the building including a new access stairs; partial demolition of structures along the eastern facade; alterations to the facades; signage along the eastern facade; provision of 15 no. designated car parking spaces; rain water harvesting with water tanks and heat pumps on the southern roof, and associated site works.

5.2 Adjacent Sites

The following recent application on the sites immediately adjacent to the subject site that are pertinent to the current proposal.

Site at Kylemore Way and Jamestown Road, Inchicore, Dublin 8 (north-west of the appeal site)

PA Reg. Ref. 3532/23

Retention permission was granted by Dublin City Council in May 2023 for temporary permission for demolition of the existing vacant commercial buildings on site (gross floor area of c. 3,620sqm), comprising a part one and part two storey warehouse building in the centre and southern area of the site, and two single storey commercial buildings to the northeast and northwest.

6.0 Policy Context

6.1 National Policy

6.1.1 Project Ireland 2040 - National Planning Framework

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note in this instance:

NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO11 - In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 13 - In urban areas, planning, and related standards, including height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

NPO 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 - To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2 Housing for All – A New Housing Plan for Ireland to 2030 (2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

6.1.3 Climate Action Plan 2023

The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The

reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.1.4 Section 28 - Ministerial Guidelines

The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

- Framework and Principles for the Protection of the Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Cycle Design Manual (2023).

6.2 Regional Policy

6.2.1 The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area, 2019 – 2031

The RSES provides a framework for development at regional level. It encourages the regeneration of our cities, towns and villages by making better use of under-used land

and buildings within the existing built-up urban footprint. The site is located within the identified 'Dublin City and Suburbs' area. The following Regional Policy objectives are noted in particular:

RPO 3.2 Promote compact urban growth - targets of 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.

RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

A Metropolitan Strategic Area Plan (MASP) has also been prepared for Dublin and guiding principles for the area include compact sustainable growth and accelerated housing delivery; Integrated Transport and Land use; and the alignment of growth with enabling infrastructure.

6.2.2 Greater Dublin Area Transport Strategy 2022-2042 (NTA)

The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

6.3 Local Policy

6.3.1 Dublin City Development Plan 2022-2028

Land Use Zoning

The site is zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' in the Dublin City Development Plan 2022-2028 with a stated objective '*to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses*'. 'Café/ tearoom', 'childcare facility', 'primary health care centre', 'residential', 'restaurant', 'shop (local)' and 'shop (neighbourhood)' are listed as 'permissible uses' in Section 14.7.10 of the Development Plan. In order to ensure that a mixed-use philosophy is adhered to on

Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. There is a requirement that a range of 30% to 70% of the area of Z10 zoned lands can be given to one particular use, with the remaining portion of the lands to be given over to another use or uses (e.g. residential or office/employment). There is a requirement that for any significant scheme (on Z10 zoned lands greater than 0.5ha in size) seeking to increase densities and/or height, a masterplan is prepared.

The land to the immediate south, east, west and north (in part) of the subject site is zoned 'Z6 - Employment/Enterprise' in the Dublin City Development Plan 2022-2028 with a stated objective '*to provide for the creation and protection of enterprise and facilitate opportunities for employment creation*'. The land to the immediate north of the subject site is zoned 'Z1 - Sustainable Residential Neighbourhoods' in the Dublin City Development Plan 2022-2028 with a stated objective '*to protect, provide and improve residential amenities*'.

Other Relevant Sections/Policies

The appeal site is also within c. 80 metres of the Iarnród Éireann Seveso site which is located to the north of the site. According to Appendix 8 of the Development Plan, this is a Lower Tier SEVESO Site and consultation with the Health and Safety Authority is required for developments within a distance of 300 metres of the subject site. The following policy is relevant in this regard:

Section 9.5.10 - Policy SI44: COMAH Establishments/SEVESO

To have regard to the provisions of the SEVESO III Directive (2012/18/EU) relating to the control of major accident hazards involving dangerous substances and its objectives to prevent major accidents and limit the consequences of such accidents. Dublin City Council will have regard to the provisions of the Directive and recommendations of the HSA in the assessment of all planning applications located on, or impacted by, COMAH establishments in accordance with Guidance on Technical Land-use Planning Advice: for planning authorities and operators of COMAH establishments (2021).

The following policies are also considered relevant to the consideration of the subject proposal:

Section 4.5.3 – Policy SC11: Compact Growth

In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:

- *enhance the urban form and spatial structure of the city;*
- *be appropriate to their context and respect the established character of the area;*
- *include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents;*
- *be supported by a full range of social and community infrastructure such as schools, shops and recreational areas;*
- *and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.*

Section 4.5.3 – Policy SC12: Housing Mix

To promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive.

Section 4.5.4 - Policy SC16: Building Height Locations

To recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre, Strategic Development Zones, Strategic Development Regeneration Areas, Key Urban Villages and other locations as identified in Appendix 3, provided that proposals ensure a balance with the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.

Section 5.5.2 – Policy QHSN10: Urban Density

To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites,

having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Section 5.5.7 – Policy QHSN36: High Quality Apartment Development

To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood

Section 12.5.3 - Objective CUO25: SDRAs and Large Scale Developments

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage.

*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.

Section 14.6 Transitional Zone Areas

While zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties.

Section 15.5.1 Brownfield, Regeneration Sites and Large Scale Development

Dublin City Council will seek to ensure the following considerations are incorporated in proposals for large-scale, regeneration and brownfield development:

- *To encourage innovative, high quality urban design and architectural detail in all new development proposals.*
- *To analyse and review the surrounding built environment to ensure the new development is consistent with the character of the area.*
- *To respect and enhance existing natural features of interest.*
- *To contribute to the streetscape creating active and vibrant public realm.*
- *To create animation and create activity at street level and vertically throughout the building.*
- *To provide for appropriate materials and finishes in the context of the surrounding buildings.*
- *To ensure land contamination is appropriately dealt with and mitigated against.*
- *To provide high-quality new streets and open spaces connecting into the surrounding street pattern/ open space network.*
- *To create new compositions and points of interest.*
- *To provide an appropriate mix of uses comprising retail, residential, recreational, cultural, community- and/or employment generating uses to improve the existing range of uses and facilities in the area.*
- *To carefully integrate appropriate landscape planting and trees and retain and ecological features on the site.*
- *To prioritise pedestrian and cycle movements in connection with public transport infrastructure.*
- *To retain existing and create new features to make an easily navigational urban environment, including active building frontages with clearly defined edges and safe public routes.*
- *To build in capacity to incorporate services to meet changing demands including pipe subways and infrastructure to allow future connection to district energy networks.*
- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts on users of highways in the surrounding neighbourhood.*

Section 15.5.5 Density

Dublin City Council will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the Section 28 guidelines which seek to consolidate development within existing urban areas. Higher density development allows land to be used more efficiently, assists in regeneration and minimises urban expansion. Higher densities maintain the vitality and viability of local services and provide for the critical mass for successful functionality of public transport facilities.

New development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity.

Section 15.8.6 Public Open Space

In the context of new residential developments, 10% of the site area shall be reserved for public open space provision. Section 15.8.8 goes on to state that applications which include the provision of public open space shall be subject to a requirement to provide for appropriate playground facilities. In schemes of 25 or more units, small play spaces of 85-100 sq. m. are considered suitable for toddlers and children up to the age of six, with suitable play equipment, seating for parents/ guardians, and within sight of the apartment building. For larger schemes of 100 or more apartments, play areas of 200-400 sq. m for older children and young teenagers should also be provided in addition.

Section 15.9.17 Separation Distances (Apartments)

Traditionally a minimum distance of 22m is required between opposing first floor windows. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Separation distances between buildings will be assessed on a case by case basis.

Appendix 3 – Section 3.2 Plot Ratio and Site Coverage

The development plan sets indicative requirements of 1.5-3.0 for plot ratio and 50-60% for site coverage for Regeneration Areas. Higher plot ratio and site coverage may be permitted in certain circumstances such as:

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed.
- To facilitate comprehensive re-development in areas in need of urban renewal
- To maintain existing streetscape profiles.
- Where a site already has the benefit of a higher plot ratio.
- To facilitate the strategic role of institutions such as hospitals.

Appendix 3 – Section 4.0 Density

The general principle is to support increased height and higher density schemes in the city centre, Strategic Development Regeneration Areas, Key Urban Villages, areas close to high frequency public transport and some other areas (as identified) considered as suitable for increased intensity of development.

Appendix 3 – Section 4.0 Height

As a general rule, the development of innovative, mixed use development that includes buildings of between 5 and 8 storeys, including family apartments and duplexes is promoted in the following key areas – City Centre and within the Canal Ring (inner suburbs); Strategic Development Zones (SDZ's); Local Area Plans (LAPs); Strategic Development Regeneration Areas; Key Urban Villages; Former Z6 Industrial Lands; and Public Transport Corridors.

In the context of Public Transport Corridors (a category relevant to the subject site), there is recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors including:

- Bus connects/Core Bus Corridors (CBC's)
- Luas

- Metrolink
- DART

Development proposals will primarily be determined by reference to the proximity of new public transport infrastructure and to the area character. Locations for intensification must have reasonable access to the nearest public transport stop. In line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan. Highest densities will be promoted at key public transport interchanges or nodes. Greater heights may be considered in certain circumstances depending on the site's location and context and subject to assessment against the performance based criteria set out in Table 3.

Key criteria which all proposals for increased urban scale and height must demonstrate include:

- The potential contribution to the development of new homes, economic growth and regeneration in line with the compact urban growth principles set out in the NPF and Project Ireland 2040.
- Proximity to high quality public transport connectivity, including key public transport interchanges or nodes.
- Proximity to a range of employment, services and facilities.
- Provision of adequate social and community infrastructure.
- The availability of good walking, cycling and public transport infrastructure.
- Appropriate mix of uses, housing typologies and tenures.
- The provision of high quality public open space and public amenities.
- The resilience of the location from a public access and egress perspective in the event of a major weather or emergency or other incidents.
- That the ecological and environmental sensitivities of the receiving environments have been adequately assessed and addressed.

- Appropriate design response that considers the characteristics of the site, any development constraints and prevailing character.
- Adequate infrastructural capacity

Appendix 5 - Section 3.1 Bicycle Parking Standards for Various Land Uses

A minimum bicycle parking rate of 1 long term space per bedroom and 1 short stay space per 2 apartments is specified for residential apartment developments; 1 long term space per 5 staff and 1 short stay space per 10 children for Crèche/Childcare Services; 1 long term space per 5 staff and 1 short stay space per 10 seats for café/restaurants; and 1 long term space per 5 staff and 1 short stay space per 100sqm. GFA for retail.

Appendix 5 - Section 4 Car Parking Standards

A car parking rate of 1 space per dwelling for houses & apartments/duplexes; 1 space per 100sqm GFA for Crèche/Childcare Services; 2 spaces per consulting rooms for Medical Clinics and Group Practices; 1 space per 150sqm seating area for café/restaurants/takeaways; and 1 space per 275sqm GFA for retail; is specified for sites located within Zone 2, as identified within Map J of the Dublin City Development Plan 2022-2028.

6.3.2 Dublin City Edge Project

The subject site forms part of a 700 hectare parcel of land located in the Naas Road, Ballymount and Park West areas east of the M50 that straddle the border between Dublin City and South Dublin, comprising the Dublin City Edge Project Area. The Dublin City Edge Project is a large urban regeneration proposal funded by the Urban Regeneration and Development Fund (URDF). This project comprises of 3 no. phases: - Phase 1 - Baseline Analysis, Phase 2 - Plan Making and Phase 3 - Implementation.

Phase 1 has been completed. On foot of Phase 1's completion, a Strategic Framework Document was published in August 2022 which sets out a high-level approach and transformational trajectory for the regeneration of the City Edge Project Area. This is a non-statutory document and does not form a basis for development consent. Section 3.4 of this document sets out the following overarching vision for City Edge: - "to

support the long-term, resilient growth of the Dublin region by making the most of City Edge. Create a major new Urban Quarter on the edge of Dublin City, providing much needed new homes and employment space for the city, whilst ensuring the area's rich industrial history can continue to play an important role into the future. Five new neighbourhoods, based on 15-minute city principle, will celebrate the area's existing qualities such as the Grand Canal, the River Camac and Lansdowne Valley Park. Whilst a network of new biodiversity rich parks, green and blueways, public transport, local high streets, community facilities and energy networks will help to meet our shared climate challenges." A preferred scenario for development is outlined in Section 3.6 of this document. The subject site is located within an area identified for 'Residential Led Mixed-Use' development.

Phase 2 has commenced and is currently ongoing. This phase will result in the publication of a more comprehensive Statutory Plan which will guide development at a finer level of detail. It is envisaged that the plan will either take the form of a Local Area Plan or Urban Development Zone Planning Scheme (should legislation providing for this be enacted). Until such time as a transboundary statutory plan and/or variations are in place, development and planning proposals will largely continue to be assessed on a case-by-case basis against the South Dublin County Council and Dublin City Council Development Plans.

6.4 Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European site is North Dublin Bay SAC (Site Code 000206) located c. 7 kilometres east.

6.5 Environmental Impact Assessment

This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended), provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units; and
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere ('business district' means a district within a city or town in which the predominant land use is retail or commercial use).

The site to which this appeal pertains is a brownfield site currently comprising a series of 1-2 storey industrial/commercial buildings and associated areas of hardstanding. It is proposed to construct a mixed-use development, comprising of residential, childcare, retail, healthcare unit, and café/restaurant uses, on a 0.646Ha site located within an existing built-up area. Therefore, it is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations, 2001 (as amended), in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

Regarding sub-threshold EIA, I note that the site is located within the built-up urban area of Inchicore. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development would not give rise to significant or hazardous waste, pollution or nuisances and would not give rise to a risk of major accidents or risks to human health. Wastewater and surface water would both drain to the public network, upon which their effect would be marginal. I refer to Section 9.0 which addresses Appropriate Assessment.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site on lands that is zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' in the Dublin City Development Plan 2022-2028 with a stated

objective ‘to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses’;

- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended);

I have concluded that, by reason of the nature, scale and location of the subject site proposed in conjunction with the environmental sensitivity of the geographical area, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an Environmental Impact Assessment Report for the proposed development is not necessary in this case (see Preliminary Examination EIAR Screening Form included as an appendix).

7.0 The Appeal

7.1. Grounds of the Third-Party Appeal

A third party appeal has been submitted by Residents of Upper Jamestown Road. The main points raised can be summarised as follows:

- The provision of additional housing in Dublin City and the redevelopment of this particular site, which is virtually derelict, is welcomed. However, the development of an LRD ranging in heights from 5 to 10 storeys on a quiet residential road that currently comprises of a maximum height of two storey is considered inappropriate.
- The building heights proposed are inconsistent with Appendix 3 of the current Development Plan, particularly Objectives 1 and 3. Jamestown Road is a well-

established cul-de-sac that does not require a 'marker' tower that is out of place with its surrounds. Further to this, the subject site is within a zone of the City Edge Project that is identified as 'Residential Led Mixed Use' which excluding industrial use, would be at the lowest position for proposed urban density and building height.

- It is inappropriate to use Lansdowne Hall when justifying the height of the Jamestown Road LRD for the following reasons: - no buildings directly facing Lansdowne Hall as is the case on the subject site; the density of Lansdowne Hall is not comparable in scale or heights as proposed for the Jamestown Road LRD nor does it create the same overshadowing; Lansdowne Hall's proximity to the 2-storey housing south and north is not comparable to the proximity of Jamestown Road LRD to 2 storey housing directly opposite it; and unlike the subject site, Lansdowne Hall is located on the main throughfare from the N7(Limerick/ Cork Roads) into Dublin City and a busy T-junction between the Naas Road and Davitt Road.
- The Jamestown Road and Kylemore area will be developed in line with the aims of the City Edge project and new buildings may be high-rise but these will likely be in strategic key locations within the City Edge area. Jamestown Road LRD does not have any key urban element which would justify for it to be high and in detriment of its immediate surroundings.
- Houses immediately opposite on Jamestown Road are south facing and therefore will be severely impacted by the overshadowing of the new development as well as suffer a loss of sunlight/daylight. It will also be visually dominant/overbearing.
- The scale, form, and design of the development will seriously impact on the residential and visual amenities of adjacent residents.
- The overshadowing and resultant reduction on the potential for alternative power sources to be introduced is contrary to the Climate Action objectives as well as the City Economy and Enterprise objectives set out in the Dublin City Development Plan 2022-2028.

- The planners failed to have appropriate regard to the City Edge project when assessing the planning application. There is minimal reference to City Edge in the Planners Reports. Such a decision should not be made in the absence of a City Edge statutory plan and the necessary stakeholder engagement having occurred. It is premature to provide planning to the Jamestown Road LRD as it only encompasses approx. 0.646 Hectares, of the entire City Edge area of 700 Hectares yet will set precedence for the City Edge project.
- Safety and security concerns, relating to the demolition of the existing boundary wall between Jamestown Road and Kylemore Way, exist in the context of the subject application. Several acts of anti-social behaviour occurred previously when bollards similar to those proposed were previously in place. While Condition No. 9 has been applied to the planning approval, we do not believe that it goes far enough to address concerns.
- An Architectural Review has been undertaken by C41 Architecture and it is asked that the suggestions contained therein are taken on board. This document aims to address the concern of the Jamestown Road residents by focusing on ways to minimise the impact of the development scale on the referred existing terraces, and ensure that the public realm is safe and of high quality. It includes the following commentary:
 - The biggest issue with this development is considered to be the high-rise typology proposed which fails to address the existing terraces to the north. In this development, lower proposed buildings would be more appropriate for the sensitive edge of existing two-storey terraced houses.
 - Inchicore does not yet have a masterplan, but other masterplans currently being prepared in Dublin City have been adopting a lower rise approach on contexts similar to the Jamestown Road LRD. These similar new developments are limited to two-three storeys. Reference is made to the Belmayne & Belcamp Lane Masterplan and the draft Jamestown Masterplan (Finglas), both of which have a similar context. As it would be reasonable to expect, their recommendations are exactly for a lower approach (up to three-storeys) for the new developments along edges where existing low-

rise terraces are located. It would be reasonable to expect that the same policy would apply to Inchicore, especially in the absence of a detailed statutory plan for the area.

- The high rise approach adopted by the proposed development, if adopted by other developments on the surrounding site of the existing terrace on upper Jamestown Road, would be highly detrimental to the existing houses and the streetscape. Allowing such approach would set a harmful precedent which would be even more damaging to the residents in the future. The height strategy of the current proposal seems to aim at enhancing its legibility and urban function at a broader scale, while the existing context and established residential areas are not appropriately respected.
- The Jamestown Road LRD fails to adequately contribute to the public realm enhancement and it would be a missed opportunity to leave it as it currently is, especially when it is particularly vulnerable to anti-social behaviour. The proposed streetscape lacks adequate intervention to enhance Jamestown Road and be a positive addition to a safe and overlooked streetscape. There is a high concentration of blind ground level facade in the proposal at the critical western section of Jamestown Road. The excessive shop frontages have a high risk of remaining vacant.
- While a higher density would be appropriate to the site, adequate density could be achieved by a lower rise building approach which allows the sun to reach the houses across the road all year long and keep their potential for energy generation reasonably unaffected.
- Constraints making this site a relevant “gateway”, which would justify a landmark building or a beacon seen from a distance, were not identified. A perimeter block approach, as recommended in the previously referred Dublin City master plans, would support a stronger street edge.
- It is worth noting that the density for a certain zone in a master or development plan may not be applicable to all sites within it. The density objective is an overall target which will vary according to each site context. Certain sites may be able to go higher, and others may not. Best practice

would see the density limit as when it jeopardizes other constraints such as social and environmental contexts.

- The streetscape amendments to Jamestown Road and Kylemore Way are unsuitable given the area's history of anti-social behaviour. A more appropriate approach is to treat the stretch of Jamestown Road immediately in front of the development as a place for local residents to play, socialise and meet.
- The street frontage of the proposed west block is dominated by retail and 'blind' elevations and the proposed public space is too removed from the Jamestown Road streetscape.
- While there is a larger presence of residential areas to the east, the most relevant houses to this site are to its north. The latter should prevail over an attempt to create a tall landmark building to be seen from the east axis.
- The existing north-south laneway between the east and west blocks of the development, which is under separate ownership, has a negative effect on the development and the area. It would be beneficial if Dublin City Council used its power as local authority for this lane to be regenerated together with the rest of the development.

7.2. Grounds of the First Party Appeal

A first party appeal against Conditions No. 4 and 5 of the decision to grant permission was received from the applicant. The following is a summary of the main issues raised:

- In the context of Condition No. 4, implementation of this condition may marginally improve MDF for the living rooms but does so at the expense of reduced MDF in the adjoining bedrooms. It therefore does not improve overall unit MDF performance. Its attachment to the Grant is despite the BRE 209 (3rd Edition) explicitly stating that its contents are "guidelines" and not definitive scores that must be met, with a very high overall Median Daylight Factor (MDF) compliance rate of 95% achieved for the entire development. Therefore, the

Applicant requests that a decision be made by An Bord Pleanála to Grant Planning Permission but that Condition No. 4 be omitted.

- In light of Condition No. 4's inclusion, the design team have prepared various reconfigurations of the room and unit designs to assess how improvements from daylighting perspectives could be attained. With regards to the location of storage areas (as suggested in the Planner's Report), these have already been internalised. Maximising the length and reducing the depth of main living rooms was investigated, as per the Condition wording, but uplifts to the living rooms' lighting compliance was achievable only at the expense of reduced compliance (and more compromised layout – narrower with poor internal arrangement) in the adjoining bedrooms. Other internal reconfigurations were also considered as a means of improving the daylighting in the identified units and their main living rooms in particular. However, the changes resulted in the loss of en-suite bathrooms and compromises to the size and quality of other bathrooms/shower rooms, but with limited MDF improvements.
- It is argued that Condition No. 4 is unwarranted and unnecessary given: - it relates to just 10 no. rooms in 7 no. units (5% of the 128 no. apartments proposed); each of the 10 no. rooms benefit from compensatory design measures/solutions; half of the 10 no. rooms are within 10-percentage points of meeting the MDF target; Block 4 as a whole achieves a 91% 'pass' rate in respect of the MDF targets; the overall development achieves a 95% 'pass' rate in respect of the MDF targets; and the explicit wording set out in BRE 209 makes it clear that its content should be considered as guidelines and that flexibility should be employed, rather than rigid application of its standards.
- In the context of Condition No. 5, the proposed development wholly complies with Objective CUO25, thereby making the condition unnecessary and additionally onerous. Therefore, the Applicant seeks its omission from a revised Grant of Planning Permission from An Bord Pleanála.
- This condition and its specific wording was informed by the Planner's assessment of the proposed development, including its mix of uses and the incorporation of community uses specifically, in accordance with the requirements of Objective CUO25. In the Applicant's opinion, the Planner

assessed and accepted the café/restaurant and retail uses, noting that the public open space, neighbouring employment lands and future office-based development locally would support their viability. It is argued that the first 'phase' of redevelopment of industrial lands in this part of the City Edge area needs to include uses that are in-demand and that can support a local population and workforce until such time as the softer 'cultural' uses are sought and required. In addition, the cafe/restaurant and retail uses bring economic and employment benefits, and will generate vibrancy and vitality in this quieter part of Inchicore; activating the streetscape throughout the day, rather than in a potentially ad hoc manner based on the wording of the condition.

- It is first worth clarifying how the 5% 'culture, community, arts' floor area is calculated for the proposed development, as the Council's assessment incorrectly refers to a figure of 3.5%, yet it was evident from the Planning Application materials that the 5% requirement was exceeded. As presented in detail in the Planning Report and Statement of Consistency, a total of 488.7sqm of community uses are proposed (childcare facility at 438.2sqm and healthcare unit at 50.4sqm). Based on the net floor areas (a methodology used in other Planning Applications and accepted by the Council) of all the proposed uses, this equates to 5.3% of the floor area thereby exceeding the 5% quantitative requirement set by Objective CUO25. If the outdoor play space serving the childcare facility (136.7sqm) is included in the calculations, it increases the provision rate to 6.7%.
- The use of net floor areas in calculating the 5% requirement was adopted in the following recent planning applications:
 - Reg. Ref. LRD6019/22-S3 – Oscar Traynor Road LRD;
 - Reg. Ref. LRD6006/23-S3 – Leyden's LRD; and
 - Reg. Ref. LRD6026/23-S3 – Sandford LRD.
- It is noted that the method of calculating the Objective CUO25 5% requirement used in the Jamestown Road LRD was not questioned during the LRD Meeting or noted in the Council's Record of LRD Meeting, Planning Report on Recommended Opinion or Notice of LRD Opinion. Given its importance to the

design and mix of uses, it would have been expected that this would have been raised by the Council so that the Applicant and Design Team could modify or justify the development accordingly. Without this guidance/instruction, it was understood that the approach was acceptable.

- With regards to satisfying the requirements of Objective CUO25, a development does not necessarily need to provide both community and cultural/arts uses and development can be designed, proposed and assessed on a case-by-case basis.
- The subject development was informed by a Culture and Social Infrastructure Audit, prepared by Thornton O'Connor Town Planning, which revealed a lack of childcare facilities and healthcare facilities/providers in the immediate environs of the subject site. Both childcare and healthcare uses fit under the broader categorisation of 'community', and were the uses deemed to be most appropriate at the subject site. Therefore, they were prioritised to meet the required 5% floor area discussed above and optimised on the basis of 400-500sqm being the preferred minimum size for commercial childcare providers and approximately 50sqm accommodating a small healthcare clinic.
- Based on the findings of the Culture and Social Infrastructure Audit; the paucity of modern, purpose-built childcare facilities locally; the lack of the healthcare facilities locally; the subject site's location on the edge of both Inchicore and City Edge; the need to prioritise meeting the basic needs of the evolving and future community; and ensuring the operational viability of uses, it is firmly contended that providing community uses as healthcare and childcare specifically, is the most appropriate means of complying with Objective CUO25 at the subject site and as part of a broader mix of uses to comply with the site's Z10 land-use zoning designation.
- Notwithstanding the robust justification put forward above, should An Bord Pleanála deem it necessary for a culture/arts space to be provided, the Applicant suggests that a Condition could be attached that sees the 50.5sqm healthcare unit committed to such a use.

- With regards to the Planning Report's commentary that the proposed mix of uses does not meet the 70%/30% requirement set down for a Z10 site in the City Development Plan for residential and non-residential uses, it is noted that the proposed development in fact complies, and the flexibility afforded sites less than 0.5Ha is not needed in this instance.
- With regards to the Planning Report's commentary that a 7-year permission is not required, it is firstly noted that no such condition was attached, and it is asked that no such condition be attached by the Board. A 7-year permission is justified as judicial reviews, if they were to be brought, would lengthen the timeframe for completion dramatically.

7.3. Appellant Responses

7.3.1 *First Party Response to Third Party Appeal*

The applicant's response to the third party appeal can be summarised as follows:

- The changes to the wall and railing configuration at the interface between Jamestown Road and Kylemore Way are proposed following a specific request from the Council. The applicant is open to the Board omitting the proposed changes to Jamestown Road and Kylemore Way if they see fit. This can be required by way of condition. Similarly, if the Board considered improvements appropriate, the applicant welcomes the inclusion of a condition requiring engagement with the representatives/entities listed.
- The applicant contends that the proposed development as a whole will improve safety in the local area through passive surveillance from the residential units and commercial uses operating throughout the day.
- The masterplans referenced in the document, prepared by C41 Architecture, are not applicable/appropriate in the context of the subject application as the cited masterplan areas are substantially greater than the subject site and intended for significant development of large tranches of land.
- It is argued that the key principles of complimentary/respectful transitions in height with nodes of greater height at prominent junctions/fulcra, outlined by the

third-party appellant in the context of the masterplans, have in fact been adopted in the context of the subject development. In this regard, the buildings immediately fronting Jamestown Road comprise of 1, 3 and 4 storey elements and then increase in height further south, at a considerable distance from the building line. The masterplans also place emphasis on siting the tallest structural elements at key junctions/fulcra in the road network/other prominent locations. Contrary to the appellants contention, it is argued that the subject site constitutes a prominent location, and the proposed 10 storey element is appropriate.

- The appellants argue that the proposed development is not compliant with Table 3 of Appendix 3 of the Development Plan. The applicant refutes this claim and notes that the Planning Authority deemed it to comply with the same. It is argued that the proposed development will play a role in defining and supporting the creation of a sense of place/character at the subject site/its environs and the community will benefit in a variety of ways – through an increase in passive surveillance/vibrancy, visual/aesthetic improvements resulting from the replacement of the existing dilapidated structures with new buildings, the provision of services and the introduction of some much needed public open space/vegetation in this area.
- The proposed development includes heights/massing that are progressive but appropriate in the context of the site's location/immediate environs and planning policy.
- In the context of the arguments made by the appellants regarding overshadowing, it is noted that the assessment of the development carried out found that the existing dwellings would remain compliant with the guidance set out in BRE 209 (3rd Edition) in relation to vertical sky component, annual probable sunlight hours and sun lighting of private rear amenity. The height and design of the tallest element was suitably reduced/reconsidered in response to feedback received at the LRD pre-planning meeting. The site shading diagrams, included in the IN2 report, relied on by the appellants are simply

intended to be pictorial representation and do not give quantifiable metrics for assessment.

- In relation to potential renewable energy options, it is noted that none of the houses to the north currently have solar/PV panels fitted. This aspect of the appeal is based on the possibility of such fittings but without any certainty that they will be delivered. It is argued that the possibility should not be adequate justification to require a reduction in height or scale.
- The following points are made in the context of the arguments made regarding the City Edge Project, no statutory plan has been adopted or is even out for active consultation with the public, Dublin City Council have not commenced the necessary land-use zoning variation process, there is no clarity on what planning mechanism will be used to deliver the City Edge area, the potential that a possible future statutory plan may dictate or alter the current pattern of development in an area should not be used as a justification to stymie development, and the proposed development is consistent with current local, regional and national levels.
- Notwithstanding the foregoing, the proposed development aligns with the non-statutory City Edge Project Strategic Framework in relation to the following key principles: - it has a mixed-use composition that aligns with the 'residential-led mixed-use' development identified for the subject site; it has a maximum height of 35.7 metres, which effectively aligns with the 'indicative' 30-35 metres height range set for this location; and at 200uph, the development appropriately exceeds the minimum gross density of 100-200uph for 'transport corridors and centres'.

7.4. Planning Authority Response

- It is requested that the Board uphold the decision of the Planning Authority and that if permission is granted conditions be attached requiring payment of a Section 48 contribution, payment of a bond, payment of a contribution in lieu of public open space, agreement regarding social housing provision, agreement regarding naming and numbering and regarding a management company.

7.5. Observations

An observation on the first party appeal was lodged by Cllr Sophie Nicoullaud and TD Joan Collins. The issues raised therein can be summarised as follows:

- Redevelopment of the site is welcomed but it is argued that the proposed development should be refused as it is part of the City Edge area and to grant permission would be contrary to good urbanism practice.
- The City Edge Statutory Plan needs to be in place prior to permission being granted here and elsewhere to deal with public consultation, traffic, safety, Seveso site and retail strategy.
- The proposed building height is unsuitable, particularly in the context of the adjacent 2-storey dwellings. Height to a maximum of 5 storeys should only be permitted. The proposed buildings will overshadow the adjacent houses and restrict their ability to install solar panels/have electric vehicles, contrary to Government climate action plans.
- The proposed development will cause traffic issues, given the narrowness of Jamestown Road and the street network has not been ironed out for the wider area in the absence of the plan.
- The proposed development will have a negative impact on the surrounding streets in terms of car parking given the low number of spaces provided and the limited provision of visitor spaces.
- The proposed development will make the area unsafe given the changes proposed to the streets adjacent.
- The planning application has failed to have regard to the loss of Bus Routes No. 13, 68 and 69, as part of the BusConnects, which will reduce public transport availability.
- The proposed commercial units/creche are likely to lay idle and are premature pending the adoption of a retail strategy as part of the City Edge roll out.

- This site is within the Seveso Consultation Zone associated with the Iarnród Éireann Lands to the north. The application/Planners Report has failed to consider this.

7.6. Further Responses

None.

8.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Principle of Development, Mix of Land Uses and Appropriateness of Condition No. 5.
- Residential Density.
- Design, Layout and Height/Impact on Visual Amenities.
- Residential Amenity of Adjoining Properties.
- Residential Amenity of Proposed Development/Appropriateness of Condition No. 4.
- Access/Traffic, Parking and Streetscape Works.
- Open Space Provision.
- Other Matters.

8.1 Principle of Development, Mix of Land Uses and Appropriateness of Condition No. 5

8.1.1 The appeal site is located within an area featuring a mix of residential, commercial, and industrial land uses, with the immediate abutments to the south, east and west comprising industrial/commercial units and the sites on the opposite side of Jamestown Road comprising residential properties. As previously discussed, the development site lies within an area zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' with a stated objective '*to consolidate and facilitate the development of inner*

city and inner suburban sites for mixed-uses. The table included in Section 14.7.10 of the Development Plan identifies 'café/ tearoom', 'childcare facility', 'primary health care centre', 'residential', 'restaurant', 'shop (local)' and 'shop (neighbourhood)' as permissible uses under Zoning Objective Z10. I am satisfied that the mixed-use development proposed is generally acceptable in principle.

8.1.2 In terms of specific requirements, Section 14.7.10 requires that a range of 30% to 70% of the area of Z10 zoned lands can be given to one particular use, with the remaining portion of the lands to be given over to another use or uses (e.g. residential or office/employment), in order to ensure that a mixed-use philosophy is adhered to. The Planning Authority formed the view that the proposed mix of uses does not meet the 70%/30% requirement set down for a Z10 site (85% of the total floor area comprising residential use) but that this is appropriate in this instance given the size of the subject site and the provision of crèche and medical uses on site. The first party appellant refutes this point, noting that the proposed development in fact complies, and the flexibility afforded sites less than 0.5Ha is not needed in this instance. In my opinion, the 70%/30% use split outlined for Z10 zoned lands in the current Development Plan and how this is to be applied in relation to the consideration of development proposals is quite ambiguous. The Chief Executive (in the Chief Executive's Report on Draft Plan Consultation Process, dated 29th April 2022) stated that "*...it is intended that the land use mix requirements relate to site area not GFA and relate to the Z10 landholding as a whole, rather than individual sites within*". Applying this logic, the proposed development needs to be considered in the context of the entire area of land to the south of Jamestown Road zoned Z10, which I calculate to equate to 0.753ha (made up of the subject site, part of the car parking area associated with the Jamestown Industrial Centre, measuring c. 1,050sqm, and part of the site immediately south, measuring c. 650sqm). While I appreciate the reasoning for considering the mix of uses across the Z10 zoned land bank in its entirety, I find the practical application of this specific requirement problematic, particularly in the context of assessing planning applications for sites which comprise a very small part of a wider Z10 landbank (where it would be particularly difficult to accurately ascertain the application in question's contribution to the wider mix firstly, given the no. of sites needing to be factored in to the calculation, and secondly, where compliance would require the provision of an

disproportionately large non-residential component, purely due to the Z10 landbanks large area, thus undermining the overall mixed-use philosophy being pursued). Having reviewed the plans/planning statistics included with the application, the non-residential uses featuring in the proposed development (i.e. the childcare facility, commercial retail unit, café/restaurant space, healthcare space and associated circulation space along the Jamestown Road street frontage) equate to 0.175Ha. This equates to 23.2% of the 0.753Ha Z10 zoned landholding featuring to the south of Jamestown Road, thus falling short of this specific requirement. I am inclined to adopt an alternate, more pragmatic approach to applying this specific requirement in the context of this application by also assessing the proposal in the context of the Z10 zoned land contained within the application boundary. The 0.175Ha of non-residential uses proposed equates to 30% of the 0.583Ha Z10 zoned land featuring within the application boundary. I consider the mix of uses proposed to be consistent with the mixed-use philosophy sought/zoning objective applying to the site.

8.1.3 In terms of specific requirements, Section 14.7.10 also requires that for any significant scheme (on Z10 zoned lands greater than 0.5ha in size) seeking to increase densities and/or height, a masterplan is prepared. The criteria outlined in Appendix 3 refers to the need for a masterplan to provide a vision for the development of the entire site area. The first-party appellant has outlined a Site Masterplan Approach for the appeal site in Chapter 4 of the Architectural Design Statement, prepared by Seán Harrington Architects, which accompanies the application. I am satisfied that this satisfies this specific requirement.

8.1.4 Further to the above requirements, Objective CUO25 requires that large scale developments above 10,000sqm in total area must provide at a minimum for 5% community, arts and culture spaces as part of their development. Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector. The Planning Authority deemed 3.5% of the proposed developments floor area to constitute community uses, i.e. the childcare and healthcare facilities. In light of this, they saw fit to include a condition (Condition No. 5) requiring that provision be made for 5% arts/cultural use and community uses and aside from the permitted community uses

(crèche and healthcare), arts/cultural uses be provided for. These arts/cultural uses are to be provided in the proposed café/restaurant unit unless agreed in writing with the Planning Authority that it should be located elsewhere within the scheme at the same or similar scale. The first party appellant contends that the proposed development wholly complies with Objective CUO25, thereby making the condition unnecessary and additionally onerous, and asks that this condition be omitted.

8.1.5 Turning my attention firstly to the quantum of community, arts and culture space provided. The first party appellant argue that the Council's assessment incorrectly refers to a figure of 3.5% and it was evident from the application material submitted that the 5% requirement was in fact exceeded. Upon review of the plans/planning statistics included with the application, a total of 625.4sqm of community uses are proposed, comprising of a childcare facility, featuring 438.2sqm of internal floor space and a 136.7sqm external playspace, and a 50.4sqm healthcare unit. I think it appropriate to include the external playspace associated with the childcare facility, given the inclusion of the following text in the policy: - '*predominantly internal floorspace*'. This equates to 5% of the gross internal area, thereby complying with the 5% quantitative requirement set by Objective CUO25.

8.1.6 With regards to the specific requirement that both community and cultural/arts uses be provided for, the first party appellant argues that a development does not necessarily need to provide both community and cultural/arts uses and development can be designed, proposed and assessed on a case-by-case basis. The subject development was informed by a Culture and Social Infrastructure Audit, prepared by Thornton O'Connor Town Planning, which identified a lack of childcare facilities and healthcare facilities/providers in the immediate environs of the subject site. I would form a contrary view to the Planning Authority in relation to the need that both community and cultural/arts uses be provided for. From my reading of Objective CUO25, it is a requirement that both community and cultural/arts uses be provided for, save for in instances where appropriate evidence exists to justify the provision of community uses only or cultural/arts uses only. This is due to the inclusion of the following sentence therein: - '*such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base*

to justify the 5% going to one sector, which in my view affords flexibility regarding this requirement where appropriate justification exists. Having reviewed the Culture and Social Infrastructure Audit accompanying the application, I am satisfied that appropriate justification exists in this instance for the provision of community uses only. Having regard to the foregoing, the inclusion of Condition No. 5 is not required in this instance, the proposed development having satisfied the requirements of Objective CUO25 in my view. I am satisfied that the mix of non-residential uses, including community uses, proposed as part of this development is appropriate.

8.2 Residential Density

8.2.1 In terms of residential density, the National Planning Framework recommends compact and sustainable towns/cities, brownfield development and densification of urban sites. More specifically, National Policy Objective 35 contained therein seeks an increase in 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. National policy, including the Sustainable Residential Development in Urban Areas (2009), promotes residential densities in urban areas in close proximity to services and public transport. This sentiment is echoed in the Dublin City Development Plan, 2022–2028, with Policy SC11 promoting sustainable densities particularly in public transport corridors. In this regard, the appeal site is currently well served by public transport as it is located c. 500 metres north-west of the Blackhorse Luas Stop and proximate to Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. Moving forward, the Bus Connects Network Bus Route 58 is proposed to run along Tyrconnell Road. In light of this, under the Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities, 2022, (the Apartment Guidelines), the site would be categorised as a ‘Central and/or Accessible Urban Location’. Such locations are deemed to be suitable for small-to-large-scale (will vary subject to location) and higher density development that may wholly comprise apartments.

8.2.2 The 128 apartments proposed on this 0.628ha site (excluding parts of Jamestown Road and Kylemore Way forming part of the application site), equates to a density of 203.8 units per hectare. Given the site’s location in a serviced area, its proximity to

public transport services and the infill nature of the subject site, the proposed density is considered appropriate in this instance. The proposed density for the application site complies with the provisions of the Development Plan and Government policy seeking to increase densities and, thereby, deliver compact urban growth.

8.2.3 In terms of consistency with 'Plot Ratio' and 'Site Coverage' standards, the proposed development would equate to a plot ratio of 2.1 (I note this figure differs from that detailed in the application material, the ground floor level car parking area having been incorrectly omitted from the calculation) and a site coverage of 58.6%. Therefore, the proposed development is compliant with the Development Plan policy in this regard.

8.3 Design, Layout and Height/Impact on Visual Amenities

8.3.1 At present, the subject site comprises of 2 no. land parcels occupied by 1-2 storey industrial/warehouse buildings fronting Jamestown Road and associated areas of hardstanding. These buildings extend to a maximum of 8.6 metres and adopt staggered building lines along their Jamestown Road frontages. The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. There are no structures or features of historic importance such as Protected Structures/Conservation Areas in the immediate vicinity. The proposed development includes four apartment blocks (Blocks 1-4) across the 2 no. land parcels. More specifically, the westernmost land parcel features 3 no. block (Blocks 1, 2 and 3), arranged around a ground floor public open space area and podium level communal open space area, and the westernmost land parcel features one block (Block 4). The blocks adopt the following height and feature the following uses:

- Block 1 in the north-western corner fronting Jamestown Road is part-1/part-4/part-6 storeys and features 18 no. apartments;
- Block 2 in the south-western corner fronting the proposed primary public open space area is part-1/part-5/part-7 storeys and features 38 no. apartments;
- Block 3 located centrally south-west of the intersection of Jamestown Road and the private laneway is part-1/part-3/part-5 storeys and features 22 no. apartments, a healthcare unit (50.4sqm); and a café/restaurant (188.2sqm); and

- Block 4 located to the east is part-1/part-4/part-5/part-10 storeys and features 50 no. apartments, a childcare facility (438.2sqm) and a retail unit (282.7sqm).

8.3.2 The site is surrounded by a mix of residential, commercial, and industrial land uses. To the east is the Jamestown Industrial Centre which comprises of a no. of single and double storey industrial/warehouse units. To the south are a series of 1-2 storey commercial/industrial buildings. To the west is the Jamestown Industrial Estate which comprises of 5 no. double storey industrial/warehouse units. To the north, on the opposite side of Jamestown Road, is a row of 12 no. two storey terraced and semi-detached dwellings, Nos. 89-111 Jamestown Road. To the east and west of these dwellings, feature a 1-2 storey industrial/warehouse building and a double storey industrial/warehouse building, respectively.

8.3.3 The third party appellants argue that the proposed building height would be inappropriate for this location and be inconsistent with Appendix 3 of the current Development Plan, particularly Objectives 1 and 3. They argue that lower buildings would be more appropriate given the sensitivity of the adjacent two-storey terraced houses. Similar concerns are raised by the observer, and they contend that a maximum of 5 storeys should only be permitted. The applicant contends that the proposed development has been carefully considered and will sit comfortably on Jamestown Road/adjacent to lower rise structures, 1, 3 and 4 storey elements being adopted along the street frontage with taller elements being setback a considerable distance from the building line/positioned in a prominent location. They refute the claim made that the proposed development is not compliant with Table 3 of Appendix 3 of the Development Plan and argue that the heights/massing is appropriate in the context of the site's location/immediate environs and planning policy.

8.3.4 The proposed development is part-one, part-three, part-four, part five, part-seven and part-ten storeys and extends to a maximum height of 35.34 metres. In terms of building height, Section 4.0 of Appendix 3 of the Dublin City Development Plan 2022-2028 specifies building heights of between 5 and 8 storeys for mixed-use development featuring in key areas, including Public Transport Corridors. Further to this, the Urban Development and Building Heights, Guidelines for Planning Authorities (2018), also promote buildings of increased height in our town/city cores and in other urban

locations with good public transport accessibility. In the context of the key criteria outlined for increased urban scale/height, I am satisfied that the proposed development is consistent with these for the following reasons:

- The proposed development will provide 128 no. new homes, as well as a childcare facility, retail unit, healthcare unit, and café/restaurant, which will aid economic growth in and the regeneration of this area.
- The proposed development is proximate to the Blackhorse Luas Stop as well as bus services running along Tyrconnel Road. The subject site is also highly accessible in terms of walking and cycling infrastructure.
- The proposed development is proximate to Inchicore Village, as well as Dublin City Centre, which offer a range of employment, services and facilities.
- As outlined above, the proposed development comprises of a mix of uses, as well as a mix of apartment types.
- The proposed development features two areas of public open space.
- The subject site has limited ecological and environmental sensitivities, as discussed in the Ecological Impact Assessment and Screening for Appropriate Assessment accompanying the application. The proposed development has been designed having regard to its frontage with Jamestown Road/the laneway featuring between the two land parcels (the streetscape presentation discussed in detail in subsequent sections) and the buildings featuring on adjoining sites. The proposed development steps down to 1, 3 and 4 storeys along its northern boundary proximate to the neighbouring dwellings and taller built form elements are provided centrally in the blocks/recessed from Jamestown Road so as not to overwhelm the surrounding low-rise built form.
- The subject site is located in a serviced urban area and so no limitations on infrastructural capacity is anticipated.

8.3.5 Blocks 1, 2 and 3 are consistent with the above Development Plan guidance. Having regard to Block 4's partial exceedance of the recommended 5-8 stories (part of this block extending to 10-storeys), assessment against the performance based criteria

set out in Table 3 is also required in the context of the proposed development. This is provided in the below table:

Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale	Assessment
<p>1. To promote development with a sense of place and character</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints,</i> • <i>have a positive impact on the local community and environment and contribute to ‘healthy placemaking’,</i> • <i>create a distinctive design and add to and enhance the quality design of the area,</i> • <i>be appropriately located in highly accessible places of greater activity and land use intensity,</i> • <i>have sufficient variety in scale and form and have</i> 	<p>The proposed development adopts a modulated footprint in response to the site’s irregular shape/frontage to these roads/lanes which reduces the overall massing/bulk of the proposed building. The massing of the proposed development is reduced further by way of the varying materials/finishes palette proposed and the curved nature of some of the external walls featuring which softens the buildings appearance. Where dwellings feature on the opposite side Jamestown Road, the proposed building steps down/reduces in height to one, three and four stories with the tallest part of the proposed development adopting generous separation distances from the edges of the site/neighbouring dwellings.</p> <p>Although the buildings featuring on the opposite side of</p>

	<p><i>an appropriate transition in scale to the boundaries of a site/adjacent development in an established area,</i></p> <ul style="list-style-type: none"> • <i>not be monolithic and should have a well-considered design response that avoids long slab blocks,</i> • <i>ensure that set back floors are appropriately scaled and designed.</i> 	<p>Jamestown Road comprise of double storey dwellings, having regard to the foregoing and in the context of the mixed architectural style of the surrounding area, in my view the proposed development will sit comfortably within the existing Jamestown Road streetscape, as illustrated in the contextual elevations accompanying the application. The proposed building will provide for a modern insertion in this streetscape, which is of a scale and design appropriate to the site.</p> <p>As well as activating this part of Jamestown Road, the proposed development also features uses/public open space areas which will benefit the local community.</p>
<p>2. To provide appropriate legibility</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>make a positive contribution to legibility in an area in a cohesive manner,</i> • <i>reflect and reinforce the role and function of streets</i> 	<p>The proposed development includes streetscape upgrade works along/adopts generous setbacks from Jamestown Road, as well as the laneway featuring between the two land parcels, which will improve legibility/permeability.</p>

	<i>and places and enhance permeability.</i>	
3. To provide appropriate continuity and enclosure of streets and spaces	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>enhance the urban design context for public spaces and key thoroughfares, provide appropriate level of enclosure to streets and spaces,</i> • <i>not produce canyons of excessive scale and overbearing of streets and spaces,</i> • <i>generally be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3,</i> • <i>provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street-level activity, animation and visual interest.</i> 	<p>The proposed development has been designed to address both its Jamestown Road and laneway frontages, while Block 4's proposed 10-storey component appropriately responds to its prominent position on Jamestown Road.</p> <p>The building steps down to 1, 3 and 4 stories along its Jamestown Road frontage. Further to this, white bricks are utilised in the façade design of non-residential uses proposed which helps to further breakdown the building's scale/massing at streetscape level.</p> <p>Both apartments and entrances to proposed non-residential uses are provided with an outlook across Jamestown Road, the laneway and public amenity spaces proposed, thus ensuring an appropriate level of passive surveillance/visual interest.</p>
4. To provide well connected,	<i>Enhanced density and scale should:</i>	The proposed development includes streetscape works,

<p>high quality and active public and communal spaces</p>	<ul style="list-style-type: none"> • <i>integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport,</i> • <i>be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards,</i> • <i>ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities – see Appendix 16,</i> • <i>ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development,</i> 	<p>including at the intersection of Jamestown Road/Kylemore Way, which will improve pedestrian/cyclist movement in this area and enhance the public realm.</p> <p>The proposed primary public open space area is positioned adjacent to the southern boundary, thus maximising solar access. Block 4's communal open space area is similarly positioned. Sufficient separation distances are provided between Blocks 1, 2 and 3/they are positioned to ensure appropriate solar access to the communal amenity space featuring in the intervening space.</p> <p>As discussed in the Wind MicroClimate Modelling Report accompanying the application, the proposed development has been designed in such a way as to avoid potential negative wind impacts.</p> <p>Generous setbacks are adopted from Jamestown Road and the laneway to allow for the provision of generously</p>
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	<ul style="list-style-type: none"> • <i>ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated,</i> • <i>provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability.</i> 	<p>proportioned footpaths/circulation spaces.</p>
<p>5. To provide high quality, attractive and useable private spaces</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>not compromise the provision of high quality private outdoor space,</i> • <i>ensure that private space is usable, safe, accessible and inviting,</i> • <i>ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16,</i> • <i>assess the microclimatic effects to mitigate and avoid negative impacts,</i> • <i>retain reasonable levels of overlooking and privacy in</i> 	<p>As will be discussed in detail in Section 8.5 of this report, the private amenity spaces serving, and levels of natural light received by apartments are considered appropriate, as well as the level of overlooking/privacy. The application is accompanied by a Wind MicroClimate Modelling Report which concludes that <i>‘the proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings. Moreover, in terms of distress, no critical conditions were found for “Frail persons or cyclists” and for members of the “General Public” in the</i></p>

	<i>residential and mixed use development.</i>	<i>surrounding of the development’.</i>
6. To promote mix of use and diversity of activities	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>promote the delivery of mixed use development including housing, commercial and employment development as well as social and community infrastructure,</i> • <i>contribute positively to the formation of a ‘sustainable urban neighbourhood’,</i> • <i>include a mix of building and dwelling typologies in the neighbourhood,</i> • <i>provide for residential development, with a range of housing typologies suited to different stages of the life cyclez.</i> 	<p>The proposed development comprises a mixed-use development comprising of 128 apartments (in a variety of different types), a childcare facility, a retail unit, a healthcare unit, and a café/restaurant. These uses, as well as the public open spaces featuring in the development and the streetscape works proposed will contribute <i>positively to the formation of a ‘sustainable urban neighbourhood.</i></p>
7. To ensure high quality and environmentally sustainable buildings	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise overshadowing</i> 	<p>The blocks and apartments proposed have been positioned/ orientated in such a way as to maximise access to natural daylight/ventilation and minimise overshadowing/loss of light, particularly in the context of residential abuttals. Taller built form elements have been</p>

	<p><i>and loss of light – see Appendix 16,</i></p> <ul style="list-style-type: none"> • <i>not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain,</i> • <i>ensure a degree of physical building adaptability as well as internal flexibility in design and layout,</i> • <i>ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive,</i> • <i>maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage,</i> • <i>be constructed of the highest quality materials and robust construction methodologies,</i> • <i>incorporate appropriate sustainable technologies,</i> 	<p>recessed from the proposed developments Jamestown Road frontage/side boundaries. Roof plant has been kept to a minimum and where proposed, it has been positioned centrally on the roof so as to restrict views of the same.</p> <p>Of the 128 no. apartments proposed, 80 no. comprise dual or triple aspect.</p> <p>The proposed development will be constructed primarily of brick.</p> <p>Daylight/Sunlight access is considered in detail in Section 8.5 of this report.</p> <p>The proposed development incorporates an Integrated Surface Water Management Strategy, as outlined in the Engineering Services Report and associated drawings.</p> <p>The application is accompanied by a Site Specific Flood Risk Assessment and a Climate Action and Energy Statement, which includes an assessment of embodied energy impacts.</p>
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	<p><i>be energy efficient and climate resilient,</i></p> <ul style="list-style-type: none"> • <i>apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not possible in the context of a particular site (See Appendix 16),</i> • <i>incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions are in place – see Appendix 13,</i> • <i>include a flood risk assessment – see SFRA Volume 7.</i> • <i>include an assessment of embodied energy impacts – see Section 15.7.1</i> 	
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<p>8. To secure sustainable density, intensity at locations of high accessibility</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>be at locations of higher accessibility well served by public transport with high capacity frequent service with good links to other modes of public transport,</i> • <i>look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design.</i> 	<p>The subject site is located c. 500 metres of the B/ckhorse Luas Stop and proximate to Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. The majority of the car parking spaces serving the development are provided within an undercroft car parking area provided centrally between Blocks 1, 2 and 3.</p>
<p>9. To protect historic environments from insensitive development</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments – see section 6 below.</i> • <i>be accompanied by a detailed assessment to establish the sensitives of the existing environment</i> 	<p>The subject site is not in close proximity to any Architectural Conservation Areas, Protected Structures or National Monuments. The application is accompanied by the following, which consider the proposed development's potential environmental impacts: - a Construction & Environmental Management Plan; an Ecological Impact Assessment. a Screening for Appropriate Assessment; and a Bat Emergence/ Re-entry Survey.</p>

	<p><i>and its capacity to absorb the extent of development proposed,</i></p> <ul style="list-style-type: none"> • <i>assess potential impacts on keys views and vistas related to the historic environment.</i> 	
10. To ensure appropriate management and maintenance	<p><i>Enhanced density and scale should</i></p> <ul style="list-style-type: none"> • <i>Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.</i> 	The application is accompanied by a Property Management Strategy Report, an Operational Waste & Recycling Management Plan, and a Resource & Waste Management Plan.

8.3.6 The building heights proposed are consistent with Development Plan and National policies in relation to building heights, including the Building Height Guidelines (2018), and is considered to appropriately respond to the adjacent residential dwellings, for the reasons outlined above.

8.3.7 With regards to building line/streetscape presentation to Jamestown Road, the existing low-rise structures on the site are set-back from the Jamestown Road frontage by between 3.6 metres and 19 metres, the intervening space featuring areas of hardstanding. To the west of the site, the northernmost warehouse featuring in the Jamestown Industrial Estate is set-back from its front boundary by between 8 and 14.5 metres. Further west, the building featuring at 8 Kylemore Way is setback c. 8 metre. The part of the Jamestown Industrial Centre featuring immediately east of the subject site comprises of a carparking area and, save for what appears to be a small substation, is devoid of buildings. Further east, a c. 7 metre setback is adopted by the building positioned immediately east of the entry to the Jamestown Industrial Centre.

On the opposite side of Jamestown Road, Nos. 89-111 Jamestown Road adopt setbacks of between 8 metres and 10.2 metres. In terms of their immediate abutments, the industrial building featuring to the west adopts a similar setback to that of No. 111 Jamestown Road while the industrial buildings to the east sit forward of No. 89 Jamestown Road. The proposed development adopts setbacks of between 5 metres and 10.3 metres from the edge of Jamestown Road. The ground floor front façades of the proposed buildings are generally developed along the same plane so as to create a street edge, save for in the context of Block 4 where the building is stepped back in part to allow for the creation of a public open space area in front of the proposed childcare facility/retail unit. The westernmost part of the building lines up with the eastern corner of the northernmost unit featuring in the Jamestown Industrial Estate. The proposed building line/streetscape presentation is considered appropriate in this instance having regard to the varied building line featuring in the immediately surrounding area and the proposed development's presentation to Jamestown Road. The public open space area proposed along the Jamestown Road frontage will feature trees/planting as will the northern edges of the proposed podium level communal open space areas. This will soften the proposed development presentation to Jamestown Road and provide some much needed 'greening' in this area.

8.3.8 In terms of building line/streetscape presentation to laneway that runs centrally through the subject site. Currently, the buildings featuring at Nos. 90-96 Jamestown Road are developed flush with the laneway's western edge and the building featuring at No. 86 Jamestown Road's is built flush with a narrow footpath featuring on the eastern side of the laneway. It is proposed to setback Block 3 c. 6.3 metres from the laneway's western edge and Block 4 c. 5 metres from the laneway's eastern edge. This facilitates the provision of car parking space/footpaths and an extension to the existing footpaths, respectively, thus creating more of a street-like feel. The primary public open space proposed features in the south-eastern corner of the westernmost land parcel, accessible via this central laneway. This, as well as the proposed childcare facility, medical centre, café/restaurant, retail unit and a no. of apartments featuring in Blocks 2, 3 and 4 will have an outlook to this laneway. This is a marked improvement from the existing interfaces with this laneway.

8.3.9 The proposed development will be contemporary in design, adopting a flat roof and featuring facades of clay brick, in 3 no. colours and finishes, aluminium or alu-clad windows/doors and contrasting coloured panels (in PPC aluminium finish, or a rendered panel) adjacent to windows in terms of materials/finishes. A white coloured clay brick, with grey mortar, is used at ground floor level to distinguish non-residential uses proposed. This section of Jamestown Road is varied in terms of building stock, architectural styles and materiality given the mix of uses featuring in the surrounding sites. Buildings in the immediately abutting sites feature brick, render, pebbledash and metal cladding in terms of materials/finishes and a mix of flat and pitched roof forms. In light of this, in my view the proposed contemporary development will sit comfortably within the existing streetscape in the context of materials/finishes and make a positive contribution to the urban landscape.

8.3.10 I now turn my attention to consideration of the proposed development's potential visual impact on the immediately surrounding area. At present, the subject site comprises of 1-2 storey industrial/warehouse buildings and associated areas of hardstanding fronting Jamestown Road (with a total floor area of 4,450sqm). The buildings featuring on the eastern land parcel have been vacant for some time. The question that arises is whether the proposed development can be comfortably integrated with the development currently featuring on adjoining sites. The area surrounding the subject site currently features a variety of residential, commercial and industrial land uses. More specifically, to the east, south and west are a series of 1-2 storey commercial/industrial buildings. To the north, on the opposite side of Jamestown Road, is a row of two storey terraced and semi-detached dwellings.

8.3.11 The application is accompanied by a Townscape and Visual Impact Assessment, prepared by Macroworks, and a set of visually verified montages, prepared by Urban 3D, illustrating the visual impact from 8 no. viewpoints in the surrounding area. A summary of its visual impact assessment is included in the below table. This Townscape and Visual Impact Assessment indicates that the visual receptor sensitivity for each viewpoint is low to medium (Viewpoint 5 is Low, Viewpoints 1, 2, 3, 4, 6 and 7 are Medium Low and Viewpoint 8 is Medium). The significance of impact is judged to be Slight/Positive, the proposed development achieving the design intent of being

the initial eastern threshold piece for future higher quality / intensity mixed use development in the regeneration of the low-rise industrial lands to the west and also serving as an appropriate transition of scale and function between the industrial lands to the west and the residential neighbourhoods to the east. The magnitude (scale) of visual change ranged between 'Medium' and 'Negligible' depending on proximity and the degree of intervening screening. In terms of the quality of those impacts, where most noticeable (the 10-storey component viewed along Jamestown Road) the quality of effect was clearly positive. Where the proposed development simply rises into view above a foreground of lower buildings and vegetation the quality of effect was deemed to be either positive on the basis of improved built form or neutral because it has little influence on the amenity of the scene. There were no instances in which it was considered to make a negative contribution to the visual setting. The assessment concluded that: - *'overall, it is considered that the proposed Jamestown Road LRD will not result in any significant / negative townscape or visual impacts. Instead, it is considered that it is an appropriate scale and form of development for this site and the quality of the design and materials will make a positive contribution to an urban setting that is in need of rejuvenation and a catalyst to start that'*.

Viewpoint No.	Location	Description of Change (in summary)
1	Jamestown Road east of site	The proposed development, and particularly the 10-storey element, will rise prominently at the end of the street and enclose the view to a greater degree than the baseline scenario. However, the ten-storey building has a sentinel quality without appearing over-scaled or overbearing, in part due to its slender appearance as it fronts Jamestown Road. There is a high quality of design/finish and this serves to consolidate the street scene. While the magnitude of visual change is considered to be Medium, on balance, it is considered to be Positive.

2	Bluebell Road	The proposed development will not be visible from here due to screening by foreground vegetation and buildings. Therefore, the magnitude of visual impact is negligible / neutral by default.
3	Entrance to Lansdowne Valley Park	The upperstoreys of the tallest blocks will rise in to view above the busy fore-to-middle ground context, most noticeably the ten-storey element. Whilst distinctive, the taller feature does not appear ambiguous given the thematic link to the foreground apartment building. There will be a minor increase in the degree of enclosure and intensity of build but this also serves consolidation and is consistent with the nature of the urban context. The magnitude of visual change is deemed to be Medium low, and the quality of the effect is deemed to be positive on the basis of an improved sense of consolidation, benefit to wayfinding and quality of built development within the urban setting.
4	Corner of Naas Road and Jamestown Road	The proposed development serves as a much stronger street termination feature. Block 4 building has clearly been designed to align with this axial view along Jamestown Road where it reads as a sentinel type feature with a high quality of architectural design/finish. Neither the height of this building nor the bulk of the combined development is excessive within the street scene and instead, distinctly improve the urban fabric within view. The magnitude of visual change is deemed to be Medium, whilst the quality of the visual change is deemed be a positive balance between increased scale/intensity vs quality of built form.
5	Jamestown Road	The proposed development represents a distinct change to the street scene and a marked increase in the scale

	northwest of site	<p>and intensity of development as well as the degree of enclosure on the southern side of the road. Blocks of various heights from four-storey to six-storey are juxtaposed against one another and the street level consists of a high quality paved walkway incorporating bicycle stands and is much more welcoming to pedestrians than the baseline scenario. Despite the increased degree of enclosure, the proposed development does not feel overbearing in this context and the tallest building is not really visible from here. Furthermore, the removal of the existing wall, railing and gate to facilitate pedestrian and cycle movement and will declutter the streetscape. It should be noted that the blank façades on the nearest western side of the development have been deliberately designed without fenestration to respect and not preclude redevelopment on the adjacent sites. There is also a teal blue colour departure from the dark brick façade that adds to the vibrance of the scene. On balance of the factors outlined above, the magnitude of visual change is deemed to be Medium, whereas, the quality of the change is considered to be Positive.</p>
6	Park at Railway Avenue SW	<p>The proposed development will not be visible from here due to screening by foreground vegetation/buildings. Whilst the presence of the upper portion of the ten-storey block may be discernible during winter months (following shedding of leaves), it will not have a material bearing on the visual amenity of this scene. Therefore, the magnitude of visual impact is negligible / neutral by default.</p>

7	R112 Canal Bridge	The upper levels of the proposed development can be seen above the canal-side vegetation, electricity pylons and a substation building to the left of the canal. It marginally increases the sense of enclosure/ built development within the scene. However, it does not appear out of place given another tall apartment building already exists directly along the canal. However, it does appear as a marked increase in built development scale/intensity on the canal's northern. Albeit one of an improved quality of architectural design and finish, and acts a wayfinding structure. The magnitude of visual changes is deemed to be low and the quality of the visual change is deemed to be neutral.
8	Grand Canal Tow Path	The proposed development represents a marked increase in the scale/intensity of built development on the canal's northern side, but it serves to balance the development that already exists on the southern side. The taller 10-storey element of Block 4 serves to break down the scale/massing of the overall development whilst providing visual interest. The development is of a high quality architectural design/finish that improves the quality of the built fabric in this setting. The apartment blocks will also improve a sense of passive surveillance of the canal.

8.3.12 I would be of the view that, although the proposed development constitutes a marked increase in height from the existing situation on site, the overall visual impact of the development in the wider area would not be significant or negative. Its location in the established built-up area will mean views are intermittent and partial with a significant level of intervening structures and vegetation. In the immediately intervening area, the visual impact of the proposal will be significant due to the change in scale from existing

structures on site, which have a large footprint but are relatively low rise. Notwithstanding this, I am of the view that, although the visual impact in particular along Jamestown Road is significant, it would not be a negative visual impact but rather positive given the existing site context. The appeal site is zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' and is part of the wider Dublin City Edge Area, which is earmarked for re-development. As indicated earlier these are areas where increased building heights are supported by local and national policy. The development features two taller components, Block 2 extending to 7 stories and Block 4 extending to 10 stories in part. The 10 storey element is particularly contentious with third parties. These taller elements are setback from the subject sites Jamestown Road frontage and are slender in nature, particularly Block 4's 10-storey component. In light of this, I am satisfied that these taller built form elements will not overwhelm the surrounding built form or create an abrupt transition in height rather are considered design elements that create visual focal points within the proposed development and within the wider area given their positioning, adjacent to the proposed public open space area and the eastern portion of Jamestown Road, respectively.

8.3.13 Contrary to the arguments made by the appellants and observers, I am of the view that that the proposed development is appropriate in the context of the immediately surrounding area. I am satisfied that the overall visual impact of the development although entailing significant change in scale from existing development on site and the surrounding area can adequately be absorbed at this location and would be acceptable in the context of visual amenities of the area.

8.3.14 As previously discussed, the appeal site is highly accessible and well served by public transport, while also being within walking distance of a range of services and amenities, including Inchicore Village. The proposal is in line with National policy guidance in relation to density and utilising infill sites to support the growth of cities versus their outward expansion, which must be balanced against the evolving character of an area and the existing community. I consider that this one-ten storey building can be accommodated without detrimentally impacting to the character and visual amenity of the surrounding area. The potential impact of the proposed

development on residential amenity of the surrounding area is subsequently considered in Section 8.4.

8.4 Residential Amenity of Adjoining Properties

8.4.1 The subject site's southern, eastern, and western boundaries are flanked by commercial/industrial premises. To the north, on the opposite side of Jamestown Road, lies a row of 12 no. two storey terraced and semi-detached dwellings, Nos. 89-111 Jamestown Road. Consideration of potential impacts on the residential amenity of these adjacent residential properties is required in the context of the subject proposal. The proposed development and Nos. 89-111 Jamestown Road are separated by Jamestown Road (a 6.5 metre wide carriageway) and 2 no. sets of footpath (the ones in front of the subject site are noted as being particularly wide). These dwellings feature south-facing front gardens with depths of between 8 metres and 10.2 metres. One of the primary concerns raised by the Third Party Appellants, who comprise of the residents of Upper Jamestown Road, is the proposed development's impact on the residential amenity of these dwellings.

8.4.2 The proposed development, more particularly Blocks 1, 3 and 4 which have frontage along Jamestown Road, adopts minimum separation distances of between 15 and 18.5 metres from the front boundaries of these properties and between 24.34 and 28.19 metres from the front facades of these properties. In terms of building height, as illustrated in the Proposed Contiguous Elevations 1, the proposed development adopts a podium height of 1 (associated with the undercroft car park/podium level open space area and the proposed childcare facility), 3 and 4 storeys along its Jamestown Road frontage. More specifically, Block 1's northern facade extends to 4 storeys along its Jamestown Road frontage, then adopts a setback of between 3.935 and 7.571 metres before extending to a height of 6 storeys. Block 3's northern facade extends to 3 storeys along its Jamestown Road frontage, then adopts a setback of between 7.2 and 10.285 metres before extending to a height of 5 storeys. Block 4's northern facade extends to 4 storeys along its Jamestown Road frontage, then adopts a setback of between 14.409 and 20.756 metres before extending to a height of 10 storeys. While the proposed development would see a marked increase in building height/scale,

when compared with the existing buildings featuring on site, given the stepped nature of the proposal, the modulated presentation and varying materials/finishes utilised in the building design and the separation distances that exist between the proposed development and the dwellings to the north, I do not consider the proposed development would have an unreasonable impact on the residential amenity of the dwellings to the north by way of overbearing.

8.4.3 In terms of potential overshadowing, the application is accompanied by a Daylight and Sunlight Analysis, prepared by IN2 Engineering Design Partnership, which includes an overshadowing assessment of the neighbouring properties to the north. This report found that there will be no increase in overshadowing of the private amenity spaces associated with Nos. 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109 and 111 Jamestown Road as a result of the proposed development. Concerns raised by the third-party appellants regarding overshadowing also extend to the gardens featuring to the front of their dwellings. While these front gardens do offer some level of amenity to residents of these dwellings, it is minimal in comparison to the large rear gardens serving the dwellings (which comprise their primary amenity space) and in most instances, the area to the front of these dwellings is used primarily as a car parking area. I note third party concerns regarding resultant overshadowing limiting northerly neighbours' ability to install solar panels. Currently, none of the 12 no. dwellings featuring to the north feature solar panels. In light of this, I would consider it unreasonable to limit the development potential of the appeal site by requiring the proposed building height be reduced.

8.4.4 With regards to potential impacts on daylight/sunlight received by the dwellings to the north, the Daylight and Sunlight Analysis accompanying the application assessed changes in daylight (Vertical Sky Component) and sunlight (Annual Probable Sunlight Hours) to the 38 no. south-facing windows associated with Nos. 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109 and 111 Jamestown Road resulting from the proposed development. It concludes that the proposed development's effect on daylight/sunlight to neighbouring windows to the north are all within the constraints and recommendations of the BRE Guidelines. I would concur with the findings of this

analysis and conclude that the proposed development would not have an unreasonable impact on daylight/sunlight received by the dwellings to the north.

8.4.5 Given the orientation of these adjacent dwellings and the c. 22 metre separation distance that exist between the proposed development and the dwellings featuring on the opposite side of Jamestown Road, I do not consider the proposed development would result in any negative impacts on the residential amenity of adjacent properties by way of overlooking.

8.5 Residential Amenity of Proposed Development/Appropriateness of Condition No. 4

8.5.1 The appropriateness of residential amenity afforded the future residents of the proposed development is considered below. In doing so, regard is had to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) and the requirements of the Dublin City Development Plan 2022-2028.

Unit Mix

8.5.2 The proposal would entail the provision of 128 no. apartments (63 no. 1-bed apartments, 10 no. 2-bed (3P) apartments, 47 no. 2-bed (3P) apartments and 8 no. 3-bed apartments). This complies with the 50% one bed/studio units specified in relation to unit mix in Specific Planning Policy Requirement 1.

Floor Areas and Apartment Layout

8.5.3 As detailed in the housing quality assessment/floor plans accompanying the application, the 1-bed units would have a floor area of between 48.68sqm and 52.86sqm, the 2-bed (3P) units would have a floor area of between 64.51sqm and 67.15sqm, the 2-bed (4P) units would have a floor area of between 73.88sqm and 80.13sqm and the 3-bed units would have a floor area of between 96.84sqm and 99.7sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in the Apartment Guidelines as well as complying with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement

under Section 3.8 for *'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'*. In this case this standard is also met. Further to this, having reviewed the proposed floor plans, I am satisfied that the apartments are suitably laid out internally to provide an adequate level of residential amenity to future residents.

Dual Aspect/Floor to Ceiling Heights/ Apartments per Core

8.5.4 Specific Planning Policy Requirement 4 requires that a minimum of 33% of apartments proposed are dual aspect units in more central and accessible urban locations, Specific Planning Policy Requirement 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres and Specific Planning Policy Requirement 6 specifies a maximum of 12 apartments per core. With regards to dual aspect, upon review of the plans submitted with the application, 80 apartments constitute dual or triple aspect units (with no single aspect north-facing apartments proposed). At 62.56%, the proposed development complies with the requirements of SPPR 4. The floor ceiling height at ground floor level would be 2.7 metres and a maximum of 10 apartments per core is proposed, thus complying with the applicable numerical requirements of these two standards also.

Storage

8.5.6 As detailed in the housing quality assessment/floor plans accompanying the application, the 1-bed units would be provided with between 3.12sqm and 4.18sqm of storage, 2-bed (3P) units with between 5.02sqm and 5.56sqm, 2-bed (4P) units by between 6.04sqm and 6.87sqm and 3-bed units with between 9.06sqm and 9.19sqm which complies with the requirements specified in Appendix 1 of the Apartment Guidelines, 2022.

Private Amenity Space

8.5.7 Turning to private amenity space. As detailed in the housing quality assessment/floor plans accompanying the application, the 1-bed units would be served by balconies/terraces between 5.06sqm and 20.54sqm in size, the 2-bed (3P) units by balconies/terraces between 6.05sqm and 8.02qm, the 2-bed (4P) units by balconies/terraces between 7.09sqm and 50.74qm and the majority of 3-bed units by balconies/terraces between 9.08sqm and 13.8qm, which have a minimum depth exceeding 1.5 metres, thus complying with the quantitative requirements set out in relation to private amenity space. There is one 3-bed unit (Apartment No. 1 featuring on the 5th floor of Block 4) that falls short of the 9sqm required, providing an 8.9sqm balcony. This is considered appropriate given the shortfall is so minor. I am satisfied that the proposed private amenity areas also satisfy the qualitative requirements of the Apartment Guidelines given their orientation, the separation distance provided between the blocks and their positioning relative to each other/proposed windows.

Communal Amenity Space

8.5.8 In accordance with Appendix 1/paragraph 4.13 of the Apartment Guidelines, a minimum of 776sqm of communal amenity space would be needed to serve the proposed apartments and in light of the no. of 2+ bedroom apartments proposed, this is required to contain a small play space (about 85–100 sq. metres) to serve the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building. The proposed development complies with the broad numerical communal amenity space requirements, providing 920sqm of communal open space. It does not feature a dedicated play space, but rather a table tennis table, hammock and small play hut are provided in the communal open space area featuring above the podium car parking area between Blocks 1, 2 and 3. However, this is considered appropriate in this instance as a playground features in the Public Open Space Area featuring centrally on site.

8.5.9 From a qualitative perspective, I am satisfied that the proposed communal amenity space is appropriately overlooked and conveniently located relative to the apartment blocks proposed as well as being of an appropriate size/design so as to be usable.

The Apartment Guidelines require that designers '*ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year*'. The application is accompanied by a Potential Daylight and Sunlight Analysis Report, prepared by IN2 Engineering Design Partnership, which includes an assessment of the proposed communal open space areas against the BRE guidelines. It concludes that the proposed development meets the relevant criteria, with amenity spaces within the development receiving in excess of 2 hours over 50% of the amenity space. I am satisfied with their assessment in the context of amenity spaces serving the proposed development.

Daylight/Sunlight

8.5.10 The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. The application is accompanied by a Potential Daylight and Sunlight Analysis Report, prepared by IN2 Engineering Design Partnership, which among other things includes an assessment of the proposed apartments in terms of daylighting to habitable rooms. In this regard, the Planning Authority has raised some concerns about Block 4's 9% fail rate and in particular the levels received by the apartments featuring on lower levels on its western side. Although, compensatory measures adopted are noted, given the concentration of the failing rooms, they deemed a design revision to be justified in this instance. In light of this, the Planning Authority saw fit to include Condition No. 4 which (in summary) required that the west-facing units in Block 4 be redesigned to maximise their compliance with guideline values for daylight (BRE 209:2022). This redesign was sought to improve the standards of residential amenity. The first party appellant argues that this condition is unwarranted and unnecessary given: - it relates to just 10 no. rooms in 7 no. units (5% of the 128 no. apartments proposed); each of the 10 no. rooms benefit from compensatory design measures/solutions (apartments being dual aspect, having an outlook onto communal or public open space, other room/rooms within the apartment having exceeded daylight requirements and sunlight levels being above the suggested exposure to sunlight targets); half of the 10 no. rooms are within 10-percentage points of meeting the MDF target; Block 4 as a whole achieves a 91% 'pass' rate in respect of the MDF targets; the overall development achieves a 95% 'pass' rate in respect of the MDF targets; and the explicit wording set out in BRE 209

makes it clear that its content should be considered as guidelines and that flexibility should be employed, rather than rigid application of its standards.

8.5.11 The applicable apartments in Block 4 are apartment types 2.S.A., 2.S.B., 2.S.C. and 2.S.F. Upon review of the plans submitted, it would appear that in these apartment types storage has already been positioned in the interior of the building and limited opportunities exist for the length of the living room external walls to be maximised/depth reduced, particularly given the width of the adjacent bedrooms, without the overall amenity of the apartment being compromised. In light of this and having regard to the 'pass' rate in respect of the MDF targets across Block 4 and the development more broadly are high and each of the 10 no. rooms benefit from compensatory design measures/solutions, I think it appropriate to exercise discretion in this instance and deem the inclusion of Condition No. 4 to be unnecessary. In the context of the development more generally, I am satisfied that daylight and sunlight considerations have informed the proposed layout and design in terms of separation distances, scale, window sizing and the aspect of units.

Separation Between Blocks

8.5.12 Section 15.9.17 of the Dublin City Development Plan 2022-2028 states that traditionally a minimum distance of 22 metres is required between opposing first floor windows. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. The separation between windows in Blocks 1 and 3 is 19.225 metres, between windows in Blocks 3 and 4 is 18 metres and between windows in Blocks 2 and 4 is 44.92 metres. In instances where blocks are positioned closer together, i.e. Block 1/3 and Blocks 2/3, one of the applicable elevations is partly devoid of windows and so avoids direct overlooking/undue loss of privacy. Although slightly less than the 22 metres specified, in the context of Blocks 1 & 3 and 3 & 4, on balance I consider the separation distances adopted between the proposed blocks to be appropriate in this instance. They are sufficient to appropriately restrict potential overlooking from upper floor windows while providing an appropriate level of passive surveillance/sense of enclosure of public/communal spaces and laneways featuring between the blocks. There is sufficient flexibility within the wording of the development plan to allow for such a reduction in the standard in this instance.

Conclusion

8.5.13 Having regard to the standards within the Apartment Guidelines (2022) and the Dublin City Development Plan 2022-2028, I am satisfied that the proposed development would provide for a suitable and acceptable form of accommodation for future occupants of the proposed apartments. In the context of Condition No. 4, for the reasons outlined above, I am satisfied that inclusion of such a condition is not merited in this instance.

8.6 Access/Traffic, Parking and Streetscape Works

Access/Traffic

8.6.1 The proposed development looks to provide vehicular access off Jamestown Road via a 5 metre wide access in the north-western corner providing access to an undercroft car parking area provided in the western land parcel proximate to Blocks 1, 2 and 3. This will provide access to 28 no. car parking spaces, 2 no. motorcycle parking spaces, 126 no. bicycle parking spaces, 2 no. E-bicycle charging spaces, 10 no. cargo bicycle parking spaces and 2 no. E-cargo charging spaces. The eastern land parcel, and in turn Block 4, will be devoid of car parking. A bike store with parking for 80 no. bicycle parking spaces, 2 no. E-bicycle charging spaces and 2 no. cargo bicycle parking spaces with charging will be provided to the west of this block however. The observers contend that the subject proposal will cause traffic issues, given the narrowness of Jamestown Road and the fact that the street network has not been ironed out for the wider area in the absence of the City Edge Plan.

8.6.2 Jamestown Road, which provides vehicular access to the subject site, is c. 6-5-7 metres wide and connects with Tyrconnell Road, c. 350 metres east of the subject site. During my site inspection, I observed informal on-street parking, on both sides of Jamestown Road, occurring for c. 250 metres between its intersection with Jamestown Avenue and the signalised junction at Tyrconnell Road. This on-street parking reduces the carriageway width and restricts the flow of traffic to one car in each direction in this section of Jamestown Road. An informal arrangement between drivers is in use to allow approaching cars pass by each other. The application is accompanied by a Transport Assessment & Parking Strategy, prepared by O'Connor Sutton Cronin & Associates. This, among other things, estimates traffic generated by the subject

proposal having regard to 2016 Census data for the Electoral Division of Inchicore A. It estimates that the proposed development will result in just 12 no. additional vehicles on Jamestown Road during peak periods, an average of 1 vehicle every 5 minutes. In this regard, the report concludes that the proposal will have '*a negligible impact on its operation*'.

8.6.3 Having regard to the standard of the road network in the area, the availability of public transport services, the relatively modest scale of car parking provision for the proposed development (34 no. car parking spaces), the material submitted with the application, and the Planning Authority reports, it is my view that the proposed development will not endanger public safety by reason of traffic hazard or cause increased congestion. However, I consider one aspect of the proposed vehicular access arrangements warrants further consideration. I find the positioning of the 4 no. bicycle stands featuring immediately east of the proposed vehicular entrance to be ill-considered as they restrict sightlines. It is therefore recommended that the Board include a suitably worded condition requiring that these cycle stands be relocated so as not to restrict sightlines. Details of their new positioning shall be submitted and agreed with the Planning Authority.

Parking

8.6.4 In terms of car parking provision, the proposed development will be served by the following: - 31 no. resident car parking spaces (28 no. in the podium/undercroft level carpark and 3 no. in the laneway between the two land parcels) and 3 no. car share spaces along the Jamestown Road frontage. Further to this, a loading bay and indented bay to facilitate creche and visitor set down along the Jamestown Road frontage. The observation received on the appeal contends that car parking provision is insufficient for a development of this size and will cause illegal parking on the surrounding streets.

8.6.5 In terms of car parking provision, the proposed development achieves a resident car parking rate of 0.24 car parking spaces per apartment, which falls short of the development plan requirements set out in Table 2 included at Appendix 5 of the current Development Plan. The Apartments Guidelines (2022) state that, in central and/or accessible urban locations, the default policy is for car parking provision to be

minimised, substantially reduced or wholly eliminated in certain circumstances. The subject site is deemed to be in a central and/or accessible urban location as it is proximate to the Blackhorse Luas Stop and Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. Further to this, it is highly accessible by bicycle and foot with the Grand Canal to the south comprising a primary cycling route and the subject site being within 1.85km of the canal ring which marks the boundary to the area considered to be Dublin City Centre. In addition to providing multiple options for sustainable travel (via public transport, walking and cycling), there is also a choice of retail and services provision within nearby Inchicore Village. The proposed development also features 3 no. dedicated car club parking spaces. It is considered that 1 no. car sharing vehicle could replace up to 15 no. private cars. A Transport Assessment & Parking Strategy and Motility Management Plan, both prepared by O'Connor Sutton Cronin & Associates, were submitted with the application which note that the Mobility Manager appointed for the proposed development will encourage sustainable transport modes among residents by informing them of site accessibility in terms of local public transport options and cycle/pedestrian infrastructure. Further to this, the Management Company will retain the ownership of all private car parking spaces associated with the development, providing flexibility in terms of how parking spaces are allocated. While the concerns of the observers are noted, it is my view that having regard to the managed nature of the proposed car parking spaces, the site's central and/or accessible urban location, its proximity a range of services and amenities, and the sites proximity to public transport I am satisfied that sufficient car parking has been provided to serve the proposed residents in this instance and complies with the provisions of the development plan and the Apartments Guidelines and would not result in overspill onto the surrounding road network.

- 8.6.6 In terms of non-residential car parking provision, an indented bay to facilitate creche and visitor set down is provided along the Jamestown Road frontage. Further to this, a loading bay is provided along the Jamestown Road frontage to facilitate deliveries to the proposed café/restaurant and retail unit. These set down/loading bay arrangements do not comply with the car parking requirements set out in Section 4 of Appendix 5 of the current Development Plan. It is envisaged that the proposed non-residential facilities featuring on site will be predominately used by residents and locals

within the area, therefore the arrangements provided for are considered appropriate in this instance. I am satisfied that sufficient car parking is provided to serve non-residential development featuring in the proposed development.

Cycle Parking

8.6.7 With regards to bicycle parking provision, the development is served by 324 no. spaces in total, comprising of 224 no. internal spaces and 100 no. 'on-street' spaces. More specifically, residents of the proposed apartments are served by 206 no. bicycle parking spaces, 4 no. e-charging bicycle parking spaces and 14 no. cargo bike parking spaces, provided across 2 no. secure storage rooms (one in the easternmost parcel and one in the westernmost parcel). Visitors to the proposed apartments will have access to 64 no. bicycle parking spaces and 4 no. cargo bike parking spaces, provided along the Jamestown Road/laneway frontages and proximate to the proposed primary area of public open space. In terms of residential bicycle parking provision, the quantum of bicycle parking is in excess of the Apartment Guidelines (2022) standards and the standards set out in Section 3.1 of Appendix 5 of the current Development Plan, which require 1 no. resident cycle space per bedroom and 1 no. visitor cycle space for every 2 no. units. The resident spaces are located within the dedicated bike stores serving the development behind a gated entry point and the proposed visitor spaces are located along street/laneway frontages and adjacent to the proposed public open space area, which are considered to be generally appropriate locations in terms of shelter, accessibility and passive surveillance, consistent with the guidance set out in the Cycle Design Manual (2023).

8.6.8 In terms of non-residential bicycle parking provision, the proposed childcare facility is served by 12 no. bicycle parking spaces and 2 no. cargo bike parking spaces, the proposed retail unit by 4 no. bicycle parking spaces and 1 no. cargo bike parking space, the proposed café/restaurant by 12 no. bicycle parking spaces and 1 no. cargo bike parking space, and the proposed healthcare unit by 2 no. bicycle parking spaces. From a numerical perspective, this complies with the standards set out in Section 3.1 of Appendix 5 of the current Development Plan. Upon review of the Proposed Bike Storage Rooms - Cycling Infrastructure Drawing, prepared by Sean Harrington Architects, accompanying the application I am satisfied that that proposed non-

residential bicycle parking spaces are appropriately positioned relative to the premises they serve in terms of accessibility and passive surveillance. As discussed above, while the location of bicycle parking spaces provided is generally appropriate, the location of the 4 no. bicycle stands (2 no. serving visitors to the apartments and 2 no. serving the proposed café/restaurant) provided adjacent to the vehicular access is considered problematic. Therefore, as previously stated, it is recommended that a condition be attached requiring that they be moved to a suitable location.

Streetscape Works

8.6.9 The subject proposal also includes works at Jamestown Road to provide water services infrastructure/connections, carriageway resurfacing and the reconfiguration of footpaths and public parking/set-down bays, and at the interface between Jamestown Road and Kylemore Way it is proposed to demolish the wall, railing and gate at the interface between these two roads and provide new pedestrian and cyclist connections, bollards and surface treatments. The third-party appellants and observers alike have raised concerns about the works proposed at the interface between Jamestown Road and Kylemore Way, deeming them unsuitable given the area's history of anti-social behaviour and similar arrangements previously featuring here having been removed due to safety/security concerns. The Planning Authority included a condition (Condition No. 9) requiring that the final layout and specifications for this interface be agreed with the Planning Authority in writing prior to commencement of development, and following consultation with An Garda Síocána, the Environment & Transportation Department, and the Parks, Biodiversity and Landscape Services Division. Third party appellants argue that its inclusion does not go far enough address concerns. Given the obvious sensitivity that surrounds the traffic controls in place between Jamestown Road and Kylemore Way, I think it appropriate that the final layout/specifications be agreed with the Planning Authority on foot of any consultation, with An Garda Síocána, the Environment & Transportation Department, and the Parks, Biodiversity and Landscape Services Division, they see fit. I think requiring that this aspect of the development be omitted from the proposal in its entirety, as suggested by third parties, would represent a missed opportunity for public realm improvements which strike a balance between ensuring the safety of adjacent residents/road users and improving connectivity/legibility within this area.

Therefore, it is recommended that, if the Board are so minded to grant permission, that a condition similar to that featuring at Condition No. 9 of the Planning Authority's Notification of Decision to Grant Permission be included on the Board's Order. The other works proposed to the road/footpath along Jamestown Road are considered appropriate.

8.6.10 There is one further aspect of the proposed streetscape works that warrants consideration. That is the works proposed adjacent to the laneway that runs centrally through the subject site. Currently, a footpath features on the eastern side of the laneway only, proximate to No. 86 Jamestown Road's western boundary but outside the applicant's ownership. The buildings currently featuring at Nos. 90-96 Jamestown Road is developed flush with the laneways western edge. Proposed Block 3 has been setback c. 6.3 metres from the laneways western edge to facilitate the provision of car parking space and footpaths. Block 4 has been setback c. 5 metres from the laneways eastern edge to facilitate an extension of the existing footpaths. This aspect of the proposed streetscape works, particularly the creation of a footpath along the laneway's western edge, is welcomed as it facilitates improved pedestrian/vehicular movement and improves passive surveillance of this laneway.

8.7 Open Space Provision

8.7.1 Section 15.8.6 of the Development Plan requires that, in the context of new residential developments, 10% of the site area shall be reserved for public open space provision. As previously discussed, Section 15.8.8 goes on to require the provision of small play spaces of 85-100sqm suitable for toddlers and children up to the age of six in schemes of 25 or more units and play areas of 200-400sqm for older children and young teenagers in larger schemes of 100 or more apartments.

8.7.2 The proposed development provides 810sqm of public open space which equates to approximately 13% of the net site area of 0.628ha. It comprises of a 660sqm area located centrally along the southern boundary, immediately east and south of Blocks 2 and 3 respectively, and a 150sqm area located in the north-eastern corner, adjacent to the proposed retail unit and childcare facility. This is generally compliant with the quantitative development plan requirements. In terms of play infrastructure, the larger of the public open space areas features a 207sqm playground (well in excess of that

required), featuring a basket swing, sailing boat, animal sculpture and stepping logs. A dedicated area for older children and young teenagers has not been specifically identified, however, a number of seating areas and fitness equipment feature across both spaces which could facilitate a degree of play/socialising for this age group. On balance, I am satisfied that the play infrastructure provided in this instance is appropriate.

8.7.3 From a qualitative perspective, the larger of the two areas of public open space proposed is to the south of the site, thus having good solar access. The larger of the spaces would be passively surveilled by east-facing apartments featuring in Block 2, south-facing apartments featuring in Block 3 and the communal terraces provided at podium level while the smaller of the spaces will front Jamestown Road and be passively surveilled by persons frequenting the proposed retail unit/childcare facility and residents of Block 4. In terms of access to the larger space, the laneway featuring between the two subject land parcels is not owned by the applicant, however, the applicant has adopted generous setbacks from its eastern and western sides to allow for the provision of footpaths/parking spaces adjacent and ensure easy access.

8.7.4 Having regard to the foregoing/the Development Plan requirements, public open space provision is considered appropriate in this instance. The appropriateness of communal amenity space provided as part of the proposed development has been considered previously in Section 8.5 of this report.

8.8 Other Matters

8.8.1 *Prematurity Pending City Edge Roll Out* – the third-party appellants/observers argue that the Planning Authority have not had appropriate regard to the Dublin City Edge Plan in considering this application and that the granting of permission in this instance is premature pending the roll out of the same. As previously discussed in Section 6.3 of this report, Phase 2 - Plan Making has commenced but is not yet completed on this project. Until such a time as this stage is complete, the Strategic Framework Document issued on foot of Phase 1's completion is the only guidance in place. This document is non-statutory and does not form a basis for development consent but rather sets out a high-level approach and transformational trajectory for the regeneration of the Dublin City Edge Project Area. Until such time as a transboundary statutory plan and/or

variations are in place, development and planning proposals will largely continue to be assessed on a case-by-case basis against the South Dublin County Council and Dublin City Council Development Plans, as has been done in the context of this application. In terms of proper planning, I am satisfied that the subject site is of a sufficient size to accommodate the proposed development but not so large as to stifle the realisation of the Dublin City Edge Project in the longer time. It is worth noting that the proposed mixed-use development is consistent with the 'Residential Led Mixed-Use' development earmarked for this area in the preferred scenario for development set out in the Strategic Framework Document.

8.8.2 *Seveso Site* – The observers contend that the application/Planners Report has failed to appropriately consider the Iarnrod Eireann Seveso Site featuring to the north of the subject site. The appeal site is located c. 80 metres from this site which is a designated Lower Tier site for the purposes of the Seveso Directive, with a 300 metre consultation distance. The Planning Authority referred the planning application to the Health and Safety Authority, who advised that they do not advise against the granting of planning permission. I am therefore satisfied that no further issues in relation to Seveso or the COMAH Regulations arise.

8.8.3 *Duration of Permission* – The applicant seeks a 7-year permission for the proposed development. They argue that such a permission duration is justified as judicial reviews, if they were to be brought, would lengthen the timeframe for completion dramatically. The Planning Authority's commentary stated that they '*do not consider that the proposed scheme is of such scale that a 7 year permission is warranted in this case*'. While I appreciate the potential for delays to occur if the decision is judicially reviewed, the potential timeframe must be balanced with the need for the timely delivery of housing and the need to minimise construction-related disturbance for surrounding businesses and residents. In that context, I consider that the proposed 7-year duration of permission would be excessive. Further to this, pursuant to the requirements of Section 41(1) of the Planning and Development Act, 2000 (as amended), I do not consider the nature or extent of this development warrants an extension to the standard 5-year period during which the permission is to have effect. Therefore, it is recommended that a condition be attached limiting the duration of permission to the standard 5-year period.

9.0 Appropriate Assessment

- 9.1 The applicant has engaged the services of RSK Ireland to carry out an appropriate assessment screening. The report is dated June 2023. I have had regard to the contents of said report in carrying out this screening exercise.
- 9.2 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning and Development Act, 2000 (as amended) are considered fully in this section. The areas addressed are as follows:
- Compliance with Article 6(3) of the EU Habitats Directive.
 - Screening the need for appropriate assessment.
 - Appropriate assessment of implications of the proposed development on the integrity of each European site.
- 9.3 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 9.4 The subject site is described in Section 1.0 of this report. The proposed development comprises the development of 128 apartments, a childcare facility, retail unit, healthcare unit, and café/restaurant, in four blocks ranging in height between one and ten storeys. The subject development also includes demolition of the existing warehouse/industrial buildings, works to Jamestown Road and Kylemore Way and all associated site works, at No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8. Please refer to Section 2.0 of this report for further details regarding the proposed development.
- 9.5 The proposed development on Jamestown Road, is not directly connected to or necessary to the management of any European site, comprising a Special Area of

Conservation (SAC) or Special Protection Area (SPA), and therefore is subject to the provisions of Article 6(3) of the Habitats Directive. A total of 7 no. European Sites are located within a 15km radius of the subject site. They are as follows:

European Site (Site Code)	Qualifying Interests	Distance
North Dublin Bay SAC (000206)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with white dunes (<i>Ammophila arenaria</i>) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalwort (<i>Petalophyllum ralfsii</i>) [1395]	7.3 km to the north-east
South Dublin Bay SAC (000210)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	7.9 km to the east
South Dublin Bay and River Tolka Estuary SPA (004024)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	7.9 km to the east

	<p>Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p>	
<p>Glenasmole Valley SAC (001209)</p>	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p>	<p>9.1 km to the south</p>
<p>North Bull Island SPA (004006)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>	<p>10.2 km to the north east</p>
<p>Wicklow Mountain SAC (002122)</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p>	<p>11.2km to the south</p>

	<p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	
Wicklow Mountain SPA (004040)	<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>	11.2km to the south

Assessment of Likely Significant Effects

9.6 As previously discussed, there are no direct connections between the site and European sites with only indirect connections identified in the form of wastewater from the development. This will be treated at the Ringsend Wastewater Treatment Plan (WWTP), which is understood to have appropriate capacity to treat the same. The Screening for Appropriate Assessment submitted by the Applicant considers the potential impacts on European Sites from the proposed development includes an appraisal of potential pathways for impacts for each of the identified European Sites, including a conclusion on whether significant effects are likely. This is summarised in the following table:

European Site	Connection	Assessment of likely significant effects
North Dublin Bay SAC	No - Screened out	Due to the distance between this SAC and the site, there is likely to be no potential impact caused by land or air pathways. There is no direct link to the site via ground water or surface water, therefore hydrological impacts are not viable.

<p>South Dublin Bay SAC & South Dublin Bay and River Tolka Estuary SPA</p>	<p>No - Screened out</p>	<p>The distances involved are too great for pathways via groundwater, air or land. Aerosol pathways exist from traffic emissions for nitrogen deposition, but due to the distance to the European sites, it is considered they are too far for any discernible impact to occur. For there to be a hydrological impact from the site there would be a need for a direct pathway to these protected areas. As there is no direct link between the site and protected areas, they will not be affected by the work on the site.</p>
<p>Glenasmole Valley SAC</p>	<p>No - Screened out</p>	<p>As this valley is 10 km away from the site there will be no potential impact caused by land or air. Aerosol pathways exist from traffic emissions for nitrogen deposition, but due to the distance to the European sites, it is considered they are too far for any discernible impact to occur. Due to the lack of direct hydrological pathways from the site, there will also be no potential impact from groundwater or surface water.</p>
<p>North Bull Island SPA (004006)</p>	<p>No - Screened out</p>	<p>Land and air impacts will only have a potential impact up to 100 m, therefore the distance to this protected site is too great. Aerosol pathways exist from traffic emissions for nitrogen deposition, but due to the distance to the European sites, it is considered they are too far for any discernible impact to occur. There would need to be a hydrological pathway, e.g. through surface water or ground water to have a potential impact from the site. As there is no direct link between the site and protected areas, they will not be affected by the work on the site.</p>
<p>Wicklow Mountain SAC & Wicklow Mountain SPA</p>	<p>No - Screened out</p>	<p>There will be no impacts caused through land and air pathways due to the distance being too great. Aerosol pathways exist from traffic emissions for nitrogen deposition, but due to the distance to the European sites, it is considered they are too far for any discernible impact to occur. Wicklow Mountain SAC and SPA is not hydrologically directly linked by any pathways from the site, therefore there will not be any potential impact caused by the proposed work.</p>

In-combination effects

- 9.8 In-combination effects are considered under Section 4.3 of the Screening for Appropriate Assessment Report submitted by the applicant and following the consideration of a number of planning applications in the area (outlined in Section 2.3), no potential for in-combination effects was identified given the scale and location of the development.

AA Screening Conclusion

- 9.9 The Screening for Appropriate Assessment Report submitted by the applicant concluded that the possibility of any significant effects on identified, designated European sites can be excluded, stating the following: - *‘having considered the particulars of the proposed development, we conclude that this application meets the second conclusion, because there is no risk of direct or indirect impacts on any European sites. Therefore, with regard to Article 42 (7) of the European Communities (Birds and Natural Habitats) Regulations 2011, it can be excluded on the basis of objective scientific information following screening, that the project, individually or in combination with other plans or projects, will have a significant effect on a European site. Therefore, we conclude that an Appropriate Assessment is not required’.*

Screening for Appropriate Assessment

- 9.10 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.
- 9.11 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a result of the proposed development. There are no watercourses on site and the only connection between the site and the identified European sites would be an indirect linkage by way of the public wastewater system. Considering the distance from the site to the nearest European site and the use of the

existing public wastewater treatment, I am satisfied that there would be no significant effect on any identified site.

- 9.12 During the construction phase of development, standard measures will be employed to address surface water run-off and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.
- 9.13 During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.
- 9.14 Foul drainage will be through the existing foul drainage system. Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.
- 9.15 I note in full the submitted Screening for Appropriate Assessment and supporting documentation submitted by the applicant. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay, from surface water runoff, can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

- 9.16 In terms of In-Combination or Cumulative Effects, this project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend Wastewater Treatment Plant (WWTP). The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Dublin 8 area in accordance with the requirements of the Dublin City Development Plan. Appropriate Assessment was considered by the Planning Authority, which concluded that *'significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area'*. I note also the development is for a mixed-use development in a built up area, with an appropriate Z10 zoning (for mixed-uses). As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.
- 9.17 Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.
- 9.18 Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

Appropriate Assessment Screening Conclusion

- 9.19 It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), South Dublin Bay and River Tolka Estuary SPA (004024), Glenasmole

Valley SAC (001209), North Bull Island SPA (004006), Wicklow Mountain SAC (002122), Wicklow Mountain SPA (004040), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site. In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment and for the submission of a Natura Impact Statement.

10.0 Recommended Order

Appeal by Donard Properties Limited C/O Thornton O Connor Town Planning, 1 Kilmacud Road Upper, Dundrum, Dublin 14, and Residents of Upper Jamestown Road C/O Gwen Doyle, 103 Jamestown Road, Inchicore, Dublin 8, against the decision made on 8th day of August 2023 by Dublin City Council to grant subject to conditions a permission to Donard Properties Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development

The proposed development consists of 7-year permission for a 'Large-Scale Residential Development' (LRD) at a site, principally comprising No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8. Works are also proposed at Jamestown Road to provide water services infrastructure and connections, carriageway resurfacing and the reconfiguration of footpaths and public parking/set-down bays, and at the interface between Jamestown Road and Kylemore Way to provide new pedestrian and cyclist connections, bollards and surface treatments. The total planning application site area extends to approximately 0.646 Ha. The proposed development principally consists of the demolition of the existing warehouse/industrial buildings (and ancillary structures) at No. 86 and Nos. 90-96 Jamestown Road (approximately 4,450 sq m), and the construction of a mixed-use development primarily comprising: 128 No. residential apartments (63 No. 1-bed, 57 No. 2-bed and 8 No. 3-bed);

childcare facility (438.2 sq m); retail unit (282.7 sq m); healthcare unit (50.4 sq m); and café/restaurant (188.2 sq m). The development has a total floor area of 12,452.2 sq m (excluding the podium/undercroft car park of 755.1 sq m) and is primarily proposed in 4 No. blocks: Block 1 ranges in height from 1 No. storey to 6 No. storeys; Block 2 ranges in height from 1 No. storey to 7 No. storeys; Block 3 ranges in height from 1 No. storey to 5 No. storeys; and Block 4 ranges in height from 1 No. storey to 10 No. storeys. The proposed development also includes: vehicular access and reconfiguration of footpaths at Jamestown Road; 31 No. car parking spaces (28 No. in the podium/undercroft car park and 3 No. at the lane between No. 86 and Nos. 90-96 Jamestown Road); 3 No. car club/share spaces; 2 No. public parking/set-down bays; 324 No. cycle parking spaces; 2 No. motorcycle parking spaces; 2 No. bin stores; 3 No. sub-stations; plant rooms; rooftop PV arrays; blue/ green roofs; hard and soft landscaping, including public open spaces and communal amenity spaces; balconies and terraces facing all directions; boundary treatments; public lighting; 8 No. 300 mm microwave link dishes mounted on 4 No. steel support poles affixed to ballast mounts at rooftop level on Block 1; demolition of the wall, railing and gate at the interface between Jamestown Road and Kylemore Way and provision of new pedestrian and cyclist connections, bollards and surface treatments; and all associated works above and below ground. The application may be inspected online at the following website set up by the Applicant: www.jamestownroadlrd.ie

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

- a) The site's location within the established urban area of Dublin City with a land-use zoning objective for 'Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses' under the Dublin City Development Plan 2022-2028;
- b) The policies and objectives in the Dublin City Development Plan 2022-2028;
- c) Nature, scale and design of the proposed development and the availability in the area of infrastructure;
- d) Pattern of existing development in the area;
- e) the provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- f) the provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- g) Sustainable Urban Housing: Design Standards for New Apartments, 2022;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- i) Submissions and observations received; and
- j) The Inspectors Report.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the

nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's Report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed preliminary examination for environmental impact assessment of the proposed development and concluded that it would not have the potential to have significant effects on the environment, having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site on lands that is zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' in the Dublin City Development Plan 2022-2028 with a stated objective 'to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses';
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003); and

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and;

It is considered that the proposed development would not have the potential to have likely to have significant effects on the environment and that the preparation and submission of the information set out in Schedule 7A of the regulations or an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is compliant with the provisions of the Dublin City Development Plan 2022–2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 14th June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) the 4 no. bicycle stands featuring immediately east of the proposed vehicular entrance shall relocated so as to ensure sightlines are unobstructed.</p> <p>Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of traffic safety.</p>

3.	<p>This permission shall be for a period of 5 years from the date of this order.</p> <p>Reason: In the interest of orderly development.</p>
4.	<p>The final layout and specifications for the interface between Kylemore Way and Jamestown Road shall be agreed with the Planning Authority in writing prior to commencement of development. The final layout of the public realm works to the front of the scheme, west of the laneway through the scheme, shall also be agreed in writing.</p> <p>Reason: In the interests of permeability, sustainable transport, and community safety.</p>
5.	<p>Prior to the first occupation of the residential units hereby approved, the childcare facility, retail unit, healthcare unit, and café/restaurant hereby approved, shall be fully-fitted out and suitable for immediate occupation and operation.</p> <p>Reason: To ensure the orderly development of the site and to comply with the land-use zoning objectives of the Dublin City Development Plan 2022-2028.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Prior to the occupation of the proposed non-residential units (childcare facility, retail unit, healthcare unit, and café/restaurant), finalised service details, as well as details of any proposed signage to be applied to the elevations of the respective buildings, including details of the glazing, materials, colour, lettering and depth of the signage, shall first be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of clarity and the visual amenity of the area.</p>
8.	<p>No advertisement or advertisement structure shall be erected or displayed on the buildings (or within the curtilage of the site) in such a manner as to be</p>

	<p>visible from outside the building, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>The opening hours for all non-residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any operations in each respective unit.</p> <p>Reason: In the interests of residential amenity.</p>
10.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
11.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
12.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations</p>

	<p>to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
13.	<p>The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the construction practice for the development, including:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse; b) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings; c) Details of on-site car parking facilities for site workers during the course of construction; d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site. e) Measures to obviate queuing of construction traffic on the adjoining road network; f) Details of construction phase mobility strategy, incorporating onsite mobility provisions; g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works; i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to

	<p>Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.</p> <p>j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;</p> <p>k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;</p> <p>n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority;</p> <p>o) Invasive species management plan.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
14.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting for the public open spaces, communal spaces and parking / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
15.	<p>All mitigation measures set out in the submitted Ecological Impact Assessment and Bat Survey/Assessment shall be implemented in full in the carrying out and occupation of the permitted development. All biodiversity enhancement and monitoring measures shall be carried out in accordance with the Biodiversity Enhancement Plan.</p> <p>Reason: In the interest of protecting the environment during the construction and operational phases of the development.</p>

16.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
17.	<p>All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
18.	<p>Prior to the occupation of the development, a finalised Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This plan shall include modal shift targets and shall provide for incentives to</p>

	<p>encourage the use of public transport, cycling, walking and carpooling by residents of the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
19.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.</p> <p>(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.</p>
20.	<p>A minimum of 10% of all car parking spaces should be provided with functioning electric-vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric-vehicle charging points or stations at a later date. Where proposals relating to the installation of electric-vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development. The car parking spaces for sole use of the car-sharing club shall also be provided with functioning electric-vehicle charging stations or points.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>
21.	<p>The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the</p>

	<p>application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of residential and visual amenity.</p>
22.	<p>The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.</p> <p>Reason: In order to ensure the satisfactory of the public open space areas, and their continued use for this purpose</p>
23.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment.</p> <p>Reason: To protect the visual amenities of the area.</p>
24.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
25.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
26.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act, 2000 (as amended), unless an exemption certificate shall have been applied for</p>

	<p>and been granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended), and of the housing strategy in the development plan of the area.</p>
27.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be</p>

	<p>referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000 (as amended), that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
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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.

Margaret Commane
Planning Inspector

16th November 2023

Appendix 1 - EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317935-23	
Development Summary	Construction of 128 apartments, a childcare facility, retail unit, healthcare unit, and café/restaurant at No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8	
Examination		
		Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?		No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?		No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No
Comment (if relevant)		
<p>Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.</p>		
Conclusion		
<p>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?</p>		
There is no real likelihood of significant effects on the environment	EIAR not required	✓

There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required		
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

Inspector: Margaret Commane

Date: 16th November 2023