Inspector's Report

ACP-324467-26

Development	LRD: Construction of 54 residential apartment units, 365 student accommodation bedspaces, 2 commercial units and a cultural / community use all in 3 blocks ranging in height from 1-14 storeys with all associated site works. www.russellstreetlrd.ie.
Location	Westward House, 10, 10A and 10B, Russell Street, Dublin 1, D01 F300
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEBLRD6089/26-S3
Applicant(s)	Westward Property Limited
Type of Application	Large-Scale Residential Development (LRD)
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Kerri Farnsworth and Others

Observer(s)	Mary Lou McDonald Marie Sherlock
Date of Site Inspection	1st October 2026
Inspector	Elaine Power

Contents

1.0 Site Location and Description 4
2.0 Proposed Development 4
3.0 Planning Authority Pre-App Opinion 7
4.0 Planning Authority Decision 8
4.1. Decision 8
4.2. Planning Authority Reports 9
4.3. Prescribed Bodies 14
4.4. Third Party Observations 14
5.0 Relevant Planning History 15
6.0 Policy Context 15
7.0 EIA Screening 23
8.0 The Appeal 23
8.1. Grounds of Appeal 23
8.2. Applicant Response 26
8.3. Planning Authority Response 29
8.4. Observations 29
8.5. Further Responses 30
9.0 Assessment 30
10.0 AA Screening 96
11.0 Water Framework Directive 96
12.0 Recommendation 97
13.0 Reasons and Considerations 100

Appendix 1: EIA Pre-Screening

Appendix 2: EIA Screening Determination

Appendix 3: Water Framework Directive Impact Assessment Stage 1: Screening

1.0 Site Location and Description

1.1. The appeal site is located at Westward House, 10, 10A, and 10B Russell Street, Dublin 1 and is within an urban block bound by the Royal Canal, Russell Street, the North Circular Road and Portland Street. The surrounding area comprises a variety of land uses and architectural styles.

1.2. The site is irregular in shape and has a stated area of 0.433 ha. It is bound to the north by an access lane to the Croke Park Industrial Estate. The Royal Canal, which forms part of an Architectural Heritage Area (ACA) is located c. 11m north of the appeal site. To the north of the canal is the railway line serving Connolly Station. The site is bound to the south by Behan Square, a 5-6 storey apartment development. To the east the site is bound by Russell Street with Saint Patricks Terrace, a terrace of two-storey dwellings located directly opposite the appeal site and Croke Park Stadium located northeast of the appeal site, on the opposite side of the road. To the west the site is bound by Croke Park Industrial Estate which comprises industrial units. Bakers Yard is a mixed-use development, to the southwest of the appeal site, fronting on to the North Circular Road and Portland Street and has a maximum height of 7-storeys.

1.3. The appeal site currently accommodates a car / van rental service, a plumbing supply store, a courier service, the Ladies Gaelic Football Association club and a car parts store, with associated surface level car parking. The remaining areas within the site comprise hardstanding. The buildings on site range in height from single storey to 3-storeys. The car part store is located within a structure that previously formed part of a warehouse within the Mountjoy Brewery complex, which was constructed in c.1860. This remaining structure is not a protected structure or listed on the National Inventory of Architectural Heritage (NIAH), however, it forms part of Dublin's industrial heritage.

2.0 Proposed Development

2.1. The proposed development consists of a mixed-use Large-Scale Residential Development comprising the demolition of existing structures on site (c. 2,905sqm) and the part demolition works to the Former Mountjoy Brewery structure comprising the removal of non-original fabric of c. 114 sqm and c. 49 sqm of original fabric and the removal of the majority of the existing boundary walls and railings. The construction of 54 no. residential apartment units, 365 no. purpose-built student

accommodation bedspaces, 2 no. commercial units and a cultural / community space in 3 no. blocks ranging in height from 1-14 storeys above lower ground floor level with associated bicycle parking, car parking, public plaza, communal open spaces, internal amenity spaces, back of house areas, ESB substations, and all ancillary works including associated service connections, public lighting, hard and soft landscaping, planting, road markings, tactile paving, boundary treatments, traffic bollards, nature-based SuDS features, green and blue roofs, roof level PV Panels, plant areas and equipment, heat pumps, condenser units and acoustic louvred screens, and all associated site clearance, excavation and development works above and below ground.

Vehicular access / egress to the proposed development is from Russell Street via a new internal street. The works include the provision of 2 no. drop off / loading bay spaces and an area of on-street parallel parking bays on Russell Street.

2.2. It is proposed that the development will be used for short term tourist or visitor accommodation outside of academic term times, in accordance with the definition of student accommodation.

2.3. Key Development Statistics are outlined below:

	Proposed
Site Area	0.433 ha (gross) / 0.391 (net)
No. of Residential Units	54 no. apartment units
Unit Type	18 no. 1 bed, 5 no. 2 bed (3 person), 18 no. 2 bed (4 person) and 13 no. 3 bed.
No. of Student Bedspaces	365 no. student bedspaces in 53 no. clusters of 6, 7, and 8-bedroom units and 26 no. studio units including 7 no. accessible units with associated shared kitchen/living/dining areas.
Residential Density	363 upa (net). This calculation is based on the 365 student bedspaces (clusters and studios) divided by 4 plus the 54 apartments divided by the residential gross floor area.
Plot Ratio	4.65
Site Coverage	55%
Height	Block A 1 to 9 storeys Block B 6 to 7 storeys Block C 6 to 14 storeys
Dual Aspect	44 no. (81%) dual aspect apartments.
Other Uses	2 no. commercial units (c. 284.5 sqm)

	Café / retail unit (c. 102 sqm) Cultural / community use unit (c. 845.2 sqm)
Public Open Space	Approx. 409.4 sqm of public open space in the form of a public plaza between Block B and C fronting onto Russell Street.
Communal Open Space	c. 367.9 sqm to serve the residential units. c. 979 sqm to serve the student accommodation. c. 850 sqm Student accommodation internal amenity spaces
Car Parking	12 no. car parking spaces and 2 no. motorbike parking spaces to serve the residential units.
Bicycle Parking	130 no. bicycle parking spaces to serve the residential units, 103 no. long term spaces and 27 no. visitor spaces. 436 no. bicycle parking spaces to serve the student accommodation units, 368 no. long term spaces and 68 no. visitor spaces at including 12 no. cargo bike spaces. 18 no. bicycle parking spaces to serve the commercial units.

2.4. In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Planning Report.
- Statement of Response to LRD Opinion.
- Student Accommodation Concentration Analysis.
- Daylight and Sunlight Assessment Report.
- Landscape Strategy Report.
- Landscape and Visual Impact Assessment.
- GGI and Aerial Views.
- Appropriate Assessment Screening Report.
- EIA Screening Report.
- Statement in accordance with Article 103(1A)a of the Planning and Development Regulations, 2001 (as amended).
- Ecological Impact Assessment Report.
- Water Framework Directive Assessment.
- Flood Risk Assessment.
- Traffic Assessment, Mobility Management Plan, Servicing and Deliveries Report and Car Park Management Plan.

- Road Safety Audit.
- Engineering Services Report.
- Acoustic Design Statement.
- Wind Microclimate Modelling.
- Telecommunications Impact Assessment.
- Heritage Impact Assessment.
- Archaeological Impact Assessment Report.
- Demolition Justification Report.
- Bicycle Design Statement.
- Building Lifecycle Report.
- Community Safety Strategy.
- Social, Community and Cultural Infrastructure Audit.
- Part V proposals.
- Operational Management Plan.
- Operational Waste Management Plan.
- Outline Construction Environmental Management Plan (CEMP).
- Outline Resource and Waste Management Plan.
- Climate Action and Energy Statement.
- Site Lighting Report.
- Utilities Report.

3.0 Planning Authority Pre-App Opinion

3.1. An LRD meeting was held on the 16th October 2025 with representatives of the applicant and planning authority.

3.2. The LRD Opinion issued on the 13th November 2025 under reference LRD6089/25-S2. This set out that the documentation submitted constituted a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.

The application includes a response to the LRD Opinion issued by Dublin City Council and a response to the points of specific information requested. This is included in the documentation on file from the planning authority.

3.3. The items raised in the LRD Opinion included:

1. Planning.
2. Drainage.
3. Traffic and Transport.
4. Parks, Biodiversity and Landscaping.
5. Conservation.
6. Archaeology.

4.0 Planning Authority Decision

4.1. Decision

Permission was granted subject to 24 no. conditions. Relevant conditions are outlined below.

8(b) required that the proposed new render finish at the southern wall of the Former Mountjoy Brewery shall be omitted and replaced with historic material salvaged as far as possible or a complementary stone finish to be agreed in writing.

Reason: In the interests of residential and visual amenity

10 (a) required that a conservation expert be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works.

Reason: In order to protect the original fabric, character and integrity of the retained historic structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

13(a) required that a Landscape Architect be appointed to oversee the implementation of the landscape scheme.

13 (b) required that all ecological mitigation and enhancement proposals within the submitted Ecological Impact Assessment report and the Landscape report shall be fully implemented. In particular, external lighting shall be bat friendly.

13(d) required that a public artwork reflecting industrial heritage shall be procured by the development of a design brief with a limited competition between 5 artists selected from a panel.

Reason: In the interests of amenity, ecology and sustainable development and protection of biodiversity.

14 (b) requires that the public plaza fronting Russell Street remain publicly accessible, and any gated or semi-public area shall be managed so as to balance public access, residential amenity and site security. The design and operation of all gates, boundaries and external areas shall not prejudice the delivery of future pedestrian/cycle access or permeability connections through or adjoining the site where such connections are envisaged by the relevant SDRA/masterplan principles. Prior to occupation, details of the opening hours and management arrangements of any privately managed areas / streets intended to be used by members of the public shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of road safety, orderly development, sustainable transportation infrastructure, pedestrian and traffic safety all in accordance with the provisions under Volume 2, Appendix 5 of the Dublin City Development Plan 2022 – 2028.

15(a) required that a suitably qualified license eligible archaeologist be engaged to advise regarding the archaeological implications of demolition and construction methodology.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development and promoting an awareness of Dublin's industrial heritage.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planners Report dated 26th June 2026 describes the proposed development and the site and summarises the pre-planning meetings, relevant planning policy, relevant planning history, third party submissions, internal reports and external reports.

The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority and can be summarised as follows:

Principle of Development: The planning assessment notes that the proposed development is in accordance with the sites Z10 – Inner Suburban and Inner City Sustainable Mixed Uses zoning objective and the provisions of SDRA 10 – North East

Inner City and in principle the Planning Authority welcomed and support the redevelopment on this underutilised brownfield site in a highly accessible location.

Student Accommodation Justification: It considered that the proposed student accommodation would not result in an overconcentration of student accommodation.

Demolition: The proposed development will achieve significant regeneration while retaining and successfully integrating the former brewery building within the scheme in accordance with the SDRA as set out in the city development plan.

Student Accommodation The clusters and studios within the development meet or exceed the minimum floor area requirements. The cluster occupancy does not exceed the maximum 8 bed spaces per cluster requirement of the Development Plan.

A large proportion of the kitchen/living/dining rooms of the clusters fall slightly short (2-3%) of the 4 sq. m per bedspace. The majority of the single ensuite bedrooms exceed the minimum floor areas, and the scheme provides ensuites which is not a specific requirement as set out in the Apartment Guidelines. It is considered that flexibility can be shown due to the generous floor areas overall in the development.

Communal spaces meet and / or exceeds the required standards as set out in Section 15.13.1.3 of the Development Plan.

The Planning Authority acknowledge the comprehensive Operational Management Plan submitted as part of the application and the submitted information demonstrates that the proposed development will be managed and supervised to an acceptable standard and overall raises no concerns.

Residential Development: The Planning Authority welcome the broad range of apartment sizes proposed. The internal layout reaches and exceeds the standards set out in the Apartment Guidelines.

The proposed development is unlikely to have a significant negative impact on the amenity of occupiers by way of overlooking of existing residential properties on Russell Street through an appropriate 22.8 m separation distance.

All communal amenity spaces are adequately overlooked by the proposed apartments and meet or exceed requirements in terms of sunlight access and have been considered in terms of wind microclimate effects.

Public Open Space: The Planning Authority welcome the design approach to the public open space which has been developed around the site's cultural and historical heritage. The retention of the original stone masonry wall at the northern end will contribute to the evolving character of the area.

Commercial Uses: The Planning Authority welcome the commercial uses which front onto Russell Street and the proposed public plaza, activating and animating this area. A gym is also proposed on Russell Street as part of the student accommodation building which will further activate the street entrance.

Cultural / Community Use: The cultural space represents c. 4.6% of the total proposed GFA of the development. It is noted that portions of the adjacent Public Open Space will be made available to support and complement the activities of the cultural / community use. The Planning Authority welcome the adaptive reuse of the former Brewery building for cultural/community and the positive engagement to date with the Arts Office and Community groups. The shortfall is noted. However, it is considered acceptable given the constraints associated with adaptive re-use of the heritage building.

Design and Materials: The 6-storey section along Russell Street ensures that the building responds appropriately to the existing streetscape, similar in height to the recently completed apartment building to the south. The taller elements, at 9 and 14 storeys are positioned as per the SDRA map with the 14-storey element strategically positioned to provide a visual focal point, without overshadowing the surrounding area.

The Planning Authority welcome the attention to detail in the selection of the materials for their high quality and durability. The finer details and specifications can be agreed by way of condition.

Part V: The approach taken by the Applicant is considered acceptable to the Planning Authority.

Quantum of Development: The density (which the Planning Authority state as 372 uph) can be justified given the infill brownfield nature of the site which is earmarked for strategic regeneration and the location of the site within walking distance to the high-capacity public transport and its position alongside the Royal Canal Greenway.

The site coverage is within the indicative range for regeneration areas. The higher plot ratio can be justified, and it is noted that student accommodation use has a greater requirement for gross floor space than any other uses and hence, the increased plot ratio.

Height and Scale: There is no objection to the proposed height of the blocks, which have been considered in relation to their context and to the existing residential properties including those along St. Patrick's Terrace. In particular, SDRA policy specifically indicates taller buildings on this site The height and articulation as presented is considered to be appropriate and in accordance with the sustainable development of the regeneration area.

Visual Impact: The proposed development is not considered to have a serious negative impact on the long-term visual amenities of the area which must be balanced against the sustainable and efficient use of this key opportunity site within the Z10 Strategic Development and Regeneration Area zoning, and with the capacity to deliver significant student housing, apartments and employment opportunities in the northeast inner city to achieve compact growth.

Daylight and Sunlight: The levels of compliance of daylight and sunlight achieved by the proposed development and the impacts on surrounding neighbouring properties to be acceptable, and limited adverse impacts predicted can be offset by the need to achieve specific planning objectives of the SDRA including significant urban regeneration on a key opportunity site, in order to deliver compact growth and sustainable development in the northeast inner-city area.

Other Assessments: The findings of the Wind Microclimate Study, the Telecommunications Impact Assessment and the Community Safety Strategy are all noted.

Internal Reports: The comments from the other technical divisions and Departments within the Local Authority are noted.

Appropriate Assessment: The Planning Authority as the Competent Authority has carried out a screening and having regard to the nature of the development in an urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The Planning Authority can conclude that the proposed

works are not foreseen to give rise to any significant adverse effects on any designated European sites, alone or in combination with other plans or projects.

EIA: It is considered that given the scale and nature of the project and taking into account all available information, Dublin City Council as the Competent Authority can conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and that an Environmental Impact Assessment is not required.

Compliance with the Development Plan: It is considered the proposed development, subject to the conditions attached, does not materially contravene the relevant policies and objectives of the Dublin City Development Plan 2022-2028.

Conclusion: The Planning Authority welcome and support the proposed mixed-use development and regeneration of this key opportunity site within SDRA 10 North east inner city. Overall, the proposed development is not considered to have a serious negative impact on the long-term visual amenities of the area which must be balanced against the sustainable and efficient use of this key opportunity site within the SDRA area, and with the capacity to deliver significant student housing, residential apartments and employment opportunities in the northeast inner city to achieve compact growth.

Recommendation: The report recommended that permission be granted subject to conditions.

4.2.2. ***Other Technical Reports***

Environmental Health Section – Housing Department: Report dated 15th May 2026 states that all private rented dwellings within the proposed development, when let or available for let, must comply with the current national Regulations prescribing minimum standards in rental accommodation.

Drainage Division: Report dated 4th June 2026 provides recommended conditions.

Transportation Planning Division: Report dated 7th May 2026 raised no objection subject to conditions.

Archaeology Section: Report dated 16th June 2026 notes policy BHA12 to promote an awareness of Dublin's industrial heritage and BHA16 to have regard to the city's industrial heritage and Dublin City Industrial Heritage Record (DCIHR) in the

assessment of planning applications. It is noted that a large amount of information on the brewery and the prior history of the site has been provided. However, it is considered that further detailed design work is required which can be addressed by way of condition.

Air Quality Monitoring and Noise Control Unit: Report dated 17th June 2026 provides recommended conditions.

Conservation Section: Report dated 25th June 2026 states that the proposed development is supported in principle. The report recommends that permission be granted subject to conditions.

Parks, Biodiversity and Landscape Services: Report dated 25th June 2026 raised no objection to the proposed development subject to conditions.

4.3. **Prescribed Bodies**

Uisce Eireann: The submission states that both water and wastewater connections are feasible without infrastructure upgrades. Standard conditions are recommended.

Transport Infrastructure Ireland: The submission states that if the application is successful, and not exempt, a condition to apply the Section 49 Luas Line Levy should be attached.

4.4. **Third Party Observations**

The Planning Authority received 13 no. observations which raised a number of concerns regarding the proposed development including land ownership, use as short term visitor accommodation, excessive size, height, density and mass of the development, out of character with the area, built heritage, loss of daylight and sunlight, overlooking and loss of privacy, noise and nuisance, residential amenity during the construction phase, visual amenity, open space, biodiversity, traffic, access, car parking, anti-social behaviour, non-compliance with Policy COU25, impact on physical infrastructure negative impact on adjacent commercial premises Part V detail and lack of engagement with third parties.

5.0 Relevant Planning History

Subject Site

4617/19: Retention permission was granted in 2020 for a car wash area, ancillary to the existing car rental facility at 10 A Russell Street.

Surrounding Sites

4457/17: Permission was granted in 2018 for the demolition of vacant car showroom and the construction of a mixed-use development comprising 61 no. residential units and 3 no. retail units in a 6 – 7 storey building at 517 – 533 North Circular Road, 26 (c) Portland Street North, Dublin 1, c. 100m southwest of the appeal site. This development has been completed and is occupied.

6.0 Policy Context

6.1. Dublin City Development Plan 2022-2028

The appeal site is zoned Z10: with the associated land use objective to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses. Residential, office, café, retail (shop) and community uses are permissible on lands zoned Z10. Student accommodation is open for consideration.

The primary uses supported in this zone are residential, office and retail, with ancillary uses also facilitated where they deliver on the overall zoning objective. 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 will be 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).

The site is located within Strategic Development Regeneration Area (SDRA) 10 (North East Inner City). Chapter 13 of the Development Plan is considered relevant. Table 13.1 indicates that there are 12 ha of land with an estimated capacity of 850 residential units. The main focus will be on the regeneration of identified key sites in accordance with site briefs. Key objectives are:

a) To provide a spatial framework for land uses including much-needed housing.

b) To restore a coherent urban structure where it is poor or fragmented and improving the public realm.

c) To support community development through targeted objectives on selected sites.

d) To plan for improved connectivity and public amenity while utilising existing assets in the area.

e) To support the protection and enhancement of the unique historic character of the area through refurbishment and regeneration of the North Georgian Core.

The guiding principles for SDRA 10 are set out under the headings Urban Structure, Land Use and Activity, Height, Design and Green Infrastructure and Movement and Transport.

The appeal site is located within Key Opportunity Site 3 - Russell St/North Circular Road. The Guiding Principle for this site, states that regeneration of the site should seek to retain and integrate existing buildings of heritage. Any redevelopment should provide built edges to its three street frontages, while a setback should be provided along its northern boundary to create a more generous interface with the Royal Canal. Permeability through the site should connect up its four bounding edges and public access should be maintained at all hours of the day. A masterplan shall be prepared in relation to proposals on this site, addressing stated requirements and setting out planned phasing. Amplified height has been identified in the Guiding Principles Map. The south-east corner can absorb a locally higher buildings due to its visual prominence and location at a key juncture while at the other locations, the enhanced height should be designed so as to be less visible from neighbouring streets. Built form along the Russell St. and Portland St. North edges should respond to the existing built form character of the dwellings opposite with respect to scale and grain.

Chapter 2 sets out the Core Strategy. Section 2.2 states that based on the population targets and calculated housing need set out within national and regional planning policy, guidelines, the development plan must accommodate between 20,120 – 31,520 additional persons to achieve a population target of between 625,750 and 640,000 by 2028. This equates to a housing demand of c. 40,000 housing units between 2022 and 2028. Table 2-8 estimates that the North East Inner City (SDRA 10) can accommodate an addition 1,700 persons and 850 no. residential units over the lifetime

of the plan. Objective CSO10 Support the Development of Brownfield, Vacant and Regeneration Sites is considered relevant.

Chapter 4 Shape and Structure of the City sets out the overarching framework and strategy to guide the future sustainable development of the city. Relevant policies and objectives include, SC1 Consolidation of the Inner City, SC3 Mixed Use Development, SC5 Urban Design and Architectural Principles, SC10 Urban Density, SC11 Compact Growth, SC16 Building Height Uses, SC17 Building Height, SC18 Landmark / Tall Buildings, SC19 High Quality Architecture, SC20 Urban Design, SC21 Architectural Design and SC22 Historical Architectural Design.

Chapter 5 Quality Housing and Sustainable Neighbourhoods sets out a number of policies and objectives relating to residential developments. Relevant policies and objectives include QHSN1 National and Regional Policy, QHSN2 National Guidelines, QHSN3 Housing Strategy and HNDA, QHSN6 Urban Consolidation, QHSN10 Urban Density, QHSN14 High Quality Living Environment, QHSN17 Sustainable Neighbourhoods, QHSN21 Gated Residential Development, QHSN36 High Quality Apartment Development, QHSN37 Houses and Apartments and QHSN38 Housing and Apartment Mix, QHSN44 Student Accommodation / Co-Living Development, QHSN45 Third Level Student Accommodation.

Chapter 8 addresses Sustainable Movement and Transport. Relevant policies and objectives include SMT1 Modal Shift and Compact Growth, SMT6 Mobility Management and Travel Planning, SMT8 Public Realm Enhancements, SMT9 Public Realm in New Developments, SMT11 Pedestrian Network, SMT12 Pedestrians and Public Realm, SMT18 The Pedestrian Environment, SMT25 On-Street Parking, SMT27 Car Parking in Residential and Mixed Use Developments.

Chapter 9 Sustainable Environmental Infrastructure and Flood Risk. Relevant policies and objectives include SI2 Integrating Water Services with Development, SI3 Separation of Foul and Surface Water Drainage Systems, SI22 Sustainable Drainage Systems, SI25 Surface Water Management, SI27 Sustainable Waste Management, SI41 Lighting Standards.

Chapter 10 Green Infrastructure and Recreation. Relevant Policies and Objectives include GI5 Greening of Public Realm / Streets, GI9 European Union Natura 2000

Sites, GI24 Multi-Functioning (GI), GI25 Open Space Provision (sqm) per 1,000 person benchmark, GI28 New Residential Development.

Chapter 11 Built Heritage and Archaeology. Relevant Policies and Objectives include, BHA6 Building on Historic Maps, BHA7 Architectural Conservation Areas, BHA9 Conservation Areas, BHA11 Rehabilitation and Reuse of Existing Older Buildings, BHA12 – Industrial, Military and Maritime, Canal-side and Rural Heritage, BHA16 Industrial Heritage, BHA24 - Reuse and Refurbishment of Historic Buildings and BHA 26 Archaeological Heritage.

Chapter 12 Culture sets out a number of policies and objectives with the aim of ensuring that culture infrastructure is valued and protected as an integral part of the fabric of the city. Objective CUO25 SDRA's and Large Scale Developments is considered relevant.

Chapter 13 Strategic Development Regeneration Areas. 17 SDRAs are identified and are considered capable of delivering significant quantity of residential units and employment in the city. Relevant policies and objectives include SDRAO1.

Chapter 15 Development Standards, Appendix 1 Housing Strategy and Appendix 3 Achieving Sustainable Compact Growth are considered relevant.

6.2. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 - 2031***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The followings RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable

Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.3. ***National Planning Framework First Revision (2025)***

The National Planning Framework is a high-level strategic plan for shaping the future growth and development of the county to 2040. It is a framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment - from our villages to our cities, and everything around and in between.

It states that the major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. It includes revised figures of 50,000 units per annum in the years to 2040. The NPF was revised to allow planning for an additional 950,000 people in Ireland between 2022 and 2040.

Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

- National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.
- National Policy Objective 20: 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.
- National Policy Objective 22: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

6.4. *Climate Action Plan, 2025*

The Climate Action Plan was published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2025 (CAP25) is the fourth annual update to Ireland's Climate Action Plan 2019. This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021. CAP25 builds upon Climate Action Plan 24 (CAP24) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP24.

The plan implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to half emissions by 2030 and reach net zero no

later than 2050. By 2030, it aims 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. The residential sector is on track to meet its 2021-2025 sectoral emissions ceiling and is ahead of its 2025 indicative reduction target of -20%.

6.5. ***Climate Action and Low Carbon Development (Amendment) Act 2021***

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050. An Coimisiún Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Commission is to make all decisions in a manner that is consistent with the Climate Act.

6.6. ***National Biodiversity Action Plan (NBPA) 2023-2030***

The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature".

This NBAP builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity.
- Objective 2 - Meet Urgent Conservation and Restoration Needs.
- Objective 3 - Secure Nature's Contribution to People.
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity.

- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

6.7. *Section 28 Ministerial Guidelines*

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are as follows.

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2025) (the 'Apartment Guidelines').
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (The Compact Settlement Guidelines)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').

6.8. **Other**

- National Student Accommodation Strategy 2026 – 2035.

6.9. **Natural Heritage Designations**

The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites. The closest designated sites are as follows:

- Royal Canal pNHA (002103) located immediately north of the appeal site.
- North Dublin Bay pNHA (000206), c. 1.4km east of the appeal site.
- South Dublin Bay and River Tolka Estuary SPA (004024) located 1.6 km east of the appeal site.
- North Bull Island SPA (004006) located c. 4.8km east of the appeal site.

- North-West Irish Sea SPA (004236) located c. 7.1km southeast of the appeal site.
- South Dublin Bay SAC (000210) located c. 3.8km south east of the appeal site.
- North Dublin Bay SAC (000206) located c. 4.8km east of the appeal site.

I refer the Commission to Section 10 Appropriate Assessment of this report.

7.0 EIA Screening

7.1. The proposed development has been subject to preliminary examination for environmental impact assessment and an EIA Screening Determination. I refer the Commission to Appendix 1 and 2 of this report. 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 would not, therefore, be required.

8.0 The Appeal

8.1. Grounds of Appeal

The third-party appeal from Kerri Farnsworth and Others against the Planning Authority's decision to grant permission includes Appendix 1: Compliance with Local and National Policy and Appendix 2: Site Context re: Croke Park. The appeal notes that there is no objection in principle to the redevelopment of the appeal site. The main planning ground in the appeal and appendices are summarised below.

Policy

- Appendix 1 of the appeal lists a number of policies and objectives that appellant considers the proposed development does not comply with. In this regard it is considered that *inter alia* the excessive height, scale, mass, density, mix of uses, the limited provision of open space, the impact on the character of the streetscape, the impact on built heritage, the impact on movement, access and parking, the impact on the wind microclimate, the impact on local infrastructure, the loss of daylight to existing residents and the failure to assess the impact on sunlight to existing properties at St. Patricks Terrace, the potential for undue overlooking and loss of privacy of existing residents, concerns of anti-social

behaviour, the negative impact during the construction phase and as Visual Impact Assessment does not assess the impact of views of the proposed development from adjacent residential properties the scheme does not comply with SC2 City Character, SC10 Urban Density, SC11 Compact Growth, SC17 Building Height, SC18 Landmark / Tall Buildings, QHSN4 Key regeneration Areas, QHSN5 Community Led Regeneration, QHSN10 Urban Density, QHN11 15-Minute City, QHSN12 Neighbourhood Development, QHNS13 Healthy Dublin, QHSN14 High Quality Living Environment, QHSN17 Sustainable Neighbourhoods, QHSN29 Temporary Accommodation, QHSN38 Housing and Apartment Mix, QHSN44 Student Accommodation, QHSN45 Third Level Student Accommodation, QHSNO15 Community Safe Strategy, SDRAO1 and Sections 15.2.4 Interest in Property, 15.14.1 Healthy Placemaking, 15.4.2 Architectural Design Quality, 15.5.2 Infill Development, 15.5.4 Height, 15.5.5 Density, 15.5.9 Models and Photomontages, 15.6.12 Public Open Space and recreation, 15.8 Residential Development, 15.9.1 Unit Mix – North Inner city, 15.9.1 Microclimate - Daylight and Sunlight, 15.9.16.2 Wind,15.9.8 Overlooking and Overbearance.

- The proposed development does not comply with the BRE Guidelines and the Sustainable Residential Development and Compact Settlements Guidelines, 2024 with regard to loss of daylight and a failure to assess the loss of sunlight to St. Patricks Terrace.
- The proposed development does not comply with the Urban Development and Building Height Guidelines for Planning Authorities (2018) due to the excessive height, scale, mass, density and unit mix of the scheme, the loss of daylight and a failure to assess the loss of sunlight to St. Patricks Terrace, undue overlooking and loss of privacy of existing residential properties, the impact on built heritage, the potential for anti-social behaviour and the Visual Impact Assessment does not assess the impact of views of the proposed development from adjacent residential properties

Principle of Development

- The proposed development does not comply with the sites Z10 zoning objective, the guiding principles of SDRA 13, Appendix 3: Achieving

Sustainable Compact Growth Policy for Density and Building Height in the City and Appendix 16 Sunlight and daylight.

- An inappropriate mix of uses. The majority of the site (93.8%) is for student accommodation which would be used as short term accommodation outside of term.
- Over-concentration of student accommodation in the surrounding area.
- The scheme does not comply with the provisions of Strategic Development Regeneration Area 10.
- Concerns regarding the suitability of the site for tourist accommodation outside of term time and a negative impact on the local community.

Design Approach

- The height and density are excessive.
- Concerns regarding the scale, mass, form of the proposed development.
- Negative impact on the visual amenity of the area, including Croke Park stadium. The visual impact assessment does not assess the impact on views from residential properties.
- The proposed development would result in a negative impact on the north inner city skyline, in particular on Croke Park
- The proposed development would negatively impact on existing residential amenity in terms of overlooking, overshadowing, overbearing impact, microclimate impacts, noise and nuisance and safety concerns.
- Negative impact on residents during the construction phase.
- Public open space is proposed on land outside of the applicant's ownership.
- Emergency access to the site is on land outside of the applicant's ownership.
- No regard was given to the cumulative effect of the proposed development in the context of Croke Park stadium and associated residential amenity, safety and security issues.

- Russell Street is closed during events / matches at Croke Park which will limit access to the proposed development for residents and when the accommodation is used for short term visitors.
- Lack of capacity for overspill car parking.

Built Heritage

- Negative impact on the local character and heritage including the loss of the former Mountjoy Brewery.

Ecology

- Negative impact on the Royal Canal pNHA.

Conditions

- Condition 1 is not enforceable as the applicant is not legally own or have rights over land.
- Condition 7 cannot be complied with as the proposed development provides for less than 5% of community / cultural space and, therefore, does not comply with Policy CUO25.
- Condition 18 relating to noise is impossible to achieve as the development includes balconies, roof terraces and amenity spaces.

8.2. **Applicant Response**

The Applicant submitted a detailed response, which includes a description of the site context, the Planning Authority's decision, the proposed development and a response to the concerns raised by the third party. Appendix 1 provides a response to the individual policies and objectives identified by the Applicant in Appendix 1 of the appeal. The response is summarised below.

Principle of Development

- The proposed development comprises a mix of uses which is in accordance with the sites Z10 zoning objective.
- The scheme responds directly to the principles and objectives of Opportunity Site 3 and the principles of SDRA 10.

- The Commission are referred to Section 7 of Appendix 1 of the Response to the LRD Opinion and the accompanying technical reports that assessed the proposed development against strategic planning polices and Section 28 Guidelines.
- The proposed scheme is in accordance with the relevant statutory planning framework.
- The scheme delivers c. 32.2% residential, 60.9% student accommodation and 6.8% commercial / community use and does not give rise to an undue concentration of any use.
- Student accommodation was supported by DCC throughout the planning process. The Student Accommodation Concentration Analysis identified an unmet demand for student accommodation in the area.
- Short term visitor accommodation reflects the definition of student accommodation.
- The student accommodation would be professionally managed and would not result in an unmanaged concentration of transient accommodation.
- Landownership issues have been resolved between relevant parties. Details are provided in Appendix 2 of the appeal.
- Emergency access is provided from Russell Street. The swept path analysis also included the adjoining private laneway as an alternative route.
- Construction phase was detailed the Construction and Environmental Management Plan. Effects are temporary and typical of a substantial inner city project.

Design Approach

- The height of the scheme reflects both the surrounding residential context and the guidance in SDRA 10.
- Densities exceeding 300 uph are open for consideration on a plan-led basis, where opportunities for densities and building heights greater than the prevailing are identified in the relevant statutory plan.

- A Landscape and Visual Impact Assessment was carried out which indicates the scheme would not have a serious negative impact on the long term visual amenities of the area.
- The scheme provides a minimum 22.8m separation distance between the proposed development and existing properties on Russell Street. This exceeds the 16m standard set out in SPPR 1 of the Compact Settlement Guidelines.
- The design was developed to respond to the finer residential grain of Russell Street with building heights modulated with the taller elements set further away from the existing dwellings.
- This is an inner-city site where a degree of mutual visibility between buildings is inherent.
- The impact on Daylight and Sunlight is noted. However, the impact is not considered to amount to an unacceptable diminution of residential amenity.
- The Wind Microclimate Assessment indicates that the proposed development would provide a comfortable environment, appropriate for the intended use.
- Event related noise experienced within the scheme would be comparable to that already experienced throughout the surrounding area.
- Public open space equates to 10% of the site area. The plaza is not residual or incidental space, it forms an integral part of the public realm and has been deliberately designed as high quality, active and usable space.
- In accordance with Policy QHSNO15 a Community Safety Strategy was submitted which considers measures incorporated into the scheme to promote a safer environment.
- Road closures and access controls around Croke Park on major event days are acknowledged. These are existing operational measures will continue irrespective of the proposed development.
- The proposed development would not impact on the existing event management during major events at Croke Park.

Built Heritage

- There are no protected structures or recorded archaeological features within the site. The site is not located within an Architectural Conservation Area. The former Mountjoy Brewery is appropriately recognised as part of Dublin's industrial heritage and is treated as an integral part of the scheme.

Conditions

- Condition 1 is a standard condition to define and regulate the development.
- Condition 7: The proposed development incorporates a dedicated cultural / community space which equates to 4.8% of the gross floor area. The Planning Authority considered it in compliance with Policy CUO25.
- Condition 18 is a clear directive condition requiring the development to be designed and operated in accordance with the submitted Acoustic Design Statement. This is appropriate and enforceable.

8.3. Planning Authority Response

In response to the appeal the Planning Authority request that the Commission uphold the decision to grant permission.

8.4. Observations

The concerns raised in both observations are similar and are summarised below.

- The need for housing is acknowledged and there is no objection in principle to the redevelopment of the site.
- Concerns that the mix of student accommodation and residential apartments does not achieve the correct balance in this area of the city.
- There is an overconcentration of student accommodation in Dublin 1 which negatively impacts on the residential character of the area.
- The scale of the development would have a negative impact on the residential amenity of adjoining properties.

- The cumulative effects in the wider area and the limited provision of community benefit in the scheme.

8.5. **Further Responses**

None

9.0 Assessment

9.1. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory Development Plan. It has full regard to the planning authority's report, third party appeal and submissions by prescribed bodies. I am satisfied that no other substantial planning issues arise and consider that the main issues in this appeal can be dealt with under the following headings:

- Principle of Development.
- Student Accommodation Use.
- Density, Building Height and Visual Amenity.
- Design Approach.
- Compliance with Appendix 3 of the Development Plan.
- Residential Amenity.
- Built Heritage.
- Transportation.
- Ecology – Royal Canal pNHA.
- Planning Assessment Conclusion.

Note: Appendix 1 of the third-party submission includes a detailed list of policies, objectives and provisions of the Development Plan that they consider the proposed development does not comply with. My assessment references only relevant policies, objectives and provisions of the Development Plan which I consider to be relevant to the proposed scheme. Therefore, I have not addressed all the policy provisions listed by the third party. However, I have read and considered all the concerns raised in the third-party appeal.

9.2. ***Principle of Development***

Site Context

9.2.1. The appeal site is located within Dublin's northeast inner city, adjacent to Croke Park Stadium. The third partes raised concerns that the cumulative effect of the proposed development in the context of Croke Park stadium has not been adequately acknowledged in the assessment of the scheme. The sites proximity to Croke Park and the associated operational management measures in place during major event days, relating to traffic restrictions and crowd control, are noted and acknowledged. In my view these operational measures comprise the existing baseline environment of this urban area, which would continue irrespective of the proposed development, and no further assessment of the existing basement environment is required as part of the proposed development.

Zoning

9.2.2. The proposed development comprises the demolition of existing structures and the partial demolition of the remnants of a warehouse building that formed part of the historic Mountjoy Brewery, and the construction of 54 no. residential apartment units, 365 no. purpose-built student accommodation bedspaces, 2 no. commercial units (c. 284.5 sqm), café / retail unit (c. 102 sqm) and cultural / community use unit (c. 845.2 sqm). The appeal site is zoned Z10 with the associated land use objective to *consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses*. Residential, office, café, retail (shop) and community uses are permissible on lands zoned Z10. Student accommodation is open for consideration.

Mix of Uses

9.2.3. Section 14.7.10 of the Development Plan states that the purpose of the Z10 zoning objective is to promote mixed-use in order to deliver sustainable patterns of development in line with the principles of the 15-minute city. The third parties raised concerns that the proposed development is not in accordance with the sites zoning objective as the proposed development result in an inappropriate mix of uses. The third parties also raised concerns that the proposed mix of uses is not in accordance with Policy QHSN11 to promote the realisation of the 15-minute city which is defined in Section 7.5.3 of the Development Plan as centres where people's daily requirements can be reached within 15 minutes by foot, bike or public transport.

9.2.4. Section 14.7.10 also states that the concept of mixed-use will be central and mono uses shall not generally be permitted. The focus for Z10 zoned lands is on delivering a mix of residential and commercial uses with a requirement that a range of 30% to 70% 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). However, for sites less than 0.5ha, flexibility on mix 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.

9.2.5. Student Accommodation is identified in Section 15.13 of the Development Plan as an 'Other Residential Typology'. The Planning and Development (Housing) and Residential Tenancies Act 2016 defines student accommodation as a building used to accommodate students but also includes residential accommodation that is used as tourist or visitor accommodation outside of academic term times. Having regard to these definitions, it is my opinion that student accommodation is a residential use and not a commercial use. It is noted that the applicants Architectural Design Statement also considers that the scheme comprises 93% residential and c. 7% commercial / community. This is significantly below the 30% / 70% mix required. However, given the limited size of the site (0.43ha gross) flexibility on mix requirement may be considered appropriate.

9.2.6. The appeal site is located within Dublin's inner city within close proximity to a wide variety of land uses. Figures 8 and 9 of the applicants Planning Reports illustrates the variety of uses, including retail, leisure, medical, café / bar / restaurant, community, educational and religious uses within a 1km range of the appeal site. It is also noted that the appeal site is located opposite Croke Park Stadium which hosts major events. The proposed development includes 2 no. commercial units (c. 284.5 sqm), café / retail unit (c. 102 sqm) and cultural / community use unit (c. 845.2 sqm). While the concerns of the third parties are noted, having regard to the information submitted in support of the application and having carried out a site visit, in my opinion the proposed development would not result in an undue concentration of residential use and the proposed development would support the consolidation of the city centre and result in an appropriate mix of uses in this urban area. Therefore, I am satisfied that the proposed mix of uses would be in accordance with the Z10 zoning objective and is in

accordance with the provisions of Policy QHSN11 to promote the realisation of the 15-minute city.

9.2.7. In addition, Chapter 2 of the Development Plan sets out the Core Strategy. Section 2.2 states that based on the population targets and calculated housing need set out within national and regional planning policy, guidelines, the Development Plan must accommodate between 20,120 – 31,520 additional persons to achieve a population target of between 625,750 and 640,000 by 2028. This equates to a housing demand of c. 40,000 housing units between 2022 and 2028. Table 2-8 estimates that the North East Inner City (SDRA 10) can accommodate an addition 1,700 persons and 850 no. residential units over the lifetime of the plan. Therefore, I am satisfied that there is a clear demand for residential units with the city centre.

9.3. ***Student Accommodation***

Student Accommodation Concentration – Policy QHNS 44

9.3.1. Concerns are raised by the third parties that the proposed development does not comply with the provisions of Policy QHSN44 of the Development Plan which seeks to avoid the proliferation and concentration of clusters of student accommodation in any area of the city and consider that the proposed development would result in an overconcentration of student accommodation in the surrounding area.

9.3.2. A Student Accommodation Concentration Analysis was submitted in support of the application. The report identified a 1km study area around the appeal site, which comprises of 14 no. DED. Based on the 2022 census data there are 6,392 no. persons (11.2% of the population) within the study area, aged 15 years and over, were students. The report also indicates that there are 34 no. third level institutions within 3km of the appeal site.

9.3.3. The proposed development includes 365 no. purpose-built student accommodation bedspaces. Figure 17 of the applicant's report identifies 5 no. purpose-built student accommodation (BSA) within 1km of the appeal site with a total of 1,716 bedspaces, all generally located to the south and southwest of the appeal site, in the north east inner city area of Dublin 1.

9.3.4. The existing PBSA within 1km of the appeal site as identified in the applicants report comprises Buckley Hall, Buckingham Street which was granted permission in 2004 (4790/03), Aparto Beckett House, Summerhill, which was originally granted

permission (PL29N.233115) in 2008 and extended in 2017 (PL29N.248233). Yugo Kavanagh Court, Gardiner Street was granted permission in 2015 (PL29N.245025). Aparto Dorset Point, Dorset Street was approved in 2015 (2838/15) and The Artisan, Parnell Street, was approved in 2024 (LRD6023/24-S3). The planning history indicates that the existing student accommodation within 1km of the appeal site has been constructed over a c. 20-year period, with 4 of the 5 no. existing student accommodation scheme approved over a decade ago.

9.3.5. The applicants report also states that planning permission was granted for two PBSA schemes within 1 km of the appeal site. It is noted that the scheme approved under LRD6023/24-S3 is The Artisan PBSA that was approved in 2024 and is currently operational and included in the total existing bedspaces outlined above. From the information available, permission was granted for one additional PBSA scheme within 1km of the appeal site (WEBLRD6052/25-S3) which comprises 246 no. student bedspaces at Amiens Street. Therefore, there are 1,962 no. existing and approved PBSA student bedspaces within 1km of the appeal site.

9.3.6. Section 5.5.7 of the Development Plan states that PBSA plays an important role in providing well managed student accommodation for approximately 53,000 students in the city and such schemes have also in many instances had positive impacts resulting in greater availability of housing stock in the private residential sector to meet housing demands and transformative regeneration benefit.

9.3.7. Figure 3 of National Student Accommodation Strategy 2026 – 2035 indicates that there are 48,829 no. existing PBSA bedspaces nationally, with planning permission for an additional 14,279 bedspaces. The strategy considers that there is an existing deficit of 15,000 student bedspaces, which is contributing to unsustainably long commuting patterns for some students. It is envisioned that the number of students nationally will continue to rise and the strategy aims to deliver an additional 42,000 bedspaces by 2035.This indicates that there is a clear demand for student bedspaces.

9.3.8. The applicants report references ‘Ireland Student Accommodation Review 2024’ which was carried out by Cushman & Wakefield. This review states that there has been a consistent increase in the number of full-time students in Ireland during the review period (2018 – 2024). It is estimated that that there will be c. 240,000 students over the next decade, which equates to a growth of over 30,000 students. The review

estimates that by 2034 / 2035 the national demand for student accommodation could reach over 115,000 bedspaces compared to current supply of only approximately 47,000. This review also indicates that there is a clear demand for student bed spaces.

9.3.9. The third party's concerns regarding an over proliferation of student accommodation developments is acknowledged. However, having regard to the number of well-established PBSA and the limited number of approved student bedspaces within 1km of the appeal site, the proximity of the site to a variety of third level institutions, the city centre location, the mixed use character of the receiving environment, and the clear demand for student bedspaces as identified in the National Student Accommodation Strategy, I am satisfied that the development will not represent a proliferation and / or over-concentration of student accommodation in the area. Therefore, I am satisfied that the proposed student accommodation is in accordance with Policy QHSN44 of the Development Plan.

Policy QHN45

9.3.10. Concerns were raised by the third parties that the proposed development was not in accordance with the provision of Policy QHSN45 of the Development Plan which seeks to support the provision of high-quality, professionally managed and purpose built third-level student accommodation in line with the provisions of the National Student Accommodation Strategy (2017), on campuses or in appropriate locations close to the main campus or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall also comply with the 'Guidelines for Student Accommodation' contained in the development standards chapter. The third parties raised specific concerns that the proposed development does not respect existing residential amenity.

9.3.11. National Student Accommodation Strategy, 2017 was superseded by the National Student Accommodation Strategy 2026 - 2035. The aim of the strategy is to boost housing supply and ensure students have access to affordable high-quality accommodation. As noted above, I am satisfied that the proposed development which includes 365 no. student bedspaces is in accordance with the provisions of the Strategy.

9.3.12. With regard to the location of the student accommodation, it is acknowledged that the site is not located on or immediately adjacent to a third level institute campus. However, as outlined in the applicants Student Accommodation Concentration Analysis there are 34 no. third level institutions located within 3km of the appeal site. These third level institutions are highly accessible from the appeal by public transport, walking and cycling. Further details of the site's accessibility are addressed in Section 9.4 below. I am satisfied that this city centre site is a suitable location for student accommodation.

9.3.13. In addition, Section 15.13.1 of Chapter 15 Development Standards of the Development Plan sets out a number of criteria for assessing for Student Accommodation which generally overlaps with the provisions of Polices QHSN44 and QHSN45 including the pattern and distribution of student accommodation in the locality, accessibility, design approach and residential amenity. An assessment of the design approach and the potential impacts on residential amenity are addressed below in Section 9.5 and Section 9.7 below.

Other Uses

9.3.14. Concerns were also raised by the third parties regarding the use of the proposed student accommodation outside of term time for short term / visitor accommodation and consider that the proposed development is not in accordance with Policy QHSN29. Policy QHSN29 relates to temporary / homeless accommodation and notes that there is a general presumption against the development and expansion of any new temporary / homeless accommodation services within Dublin 1, 7 and 8, including adaptation of tourist hostels and hotels, in acknowledgement of the existing concentration of such uses.

9.3.15. The proposed development is for purposed built student accommodation. The Planning and Development (Housing) and Residential Tenancies Act 2016, student accommodation is defined as a building used to accommodate students but also includes residential accommodation that is used as tourist or visitor accommodation outside of academic term times. This will be subject to the same management and operational procedures as outlined in the management plan submitted by the applicant. Having regard to the information submitted I am satisfied that the proposed student accommodation would be professionally managed during both term and non-

term time and would not result in an unmanaged concentration of transient accommodation and Policy QHSN29 is not relevant in this instance.

9.3.16. Policy QHSN45 also states that there will be a presumption against allowing any student accommodation development to be converted to any other use during term time. Condition 5 of the Planning Authority's grant of permission states that the use of the student accommodation shall only be occupied as student accommodation during the academic term (September/October to May), and for no other purpose. At any other times, such units shall only be let for tourist/visitor accommodation purposes only. If permission is being contemplated it is considered appropriate that a similar condition be attached.

SDRA 10 - Masterplan

9.3.17. The appeal site is located within Strategic Development Regeneration Area (SDRA) 10 (North East Inner City) as identified in Chapter 13 of the Development Plan. Within SDRA 10 the appeal site forms part of a larger landholding that is identified as Opportunity Site 3: Russell Street / North Circular Road. This larger site is irregular in shape and generally comprises the urban block bound by the Royal Canal, North Circular Road, Russell Street and Portland Street. The Guiding Principles for Opportunity Site 3 states that a masterplan shall be prepared in relation to proposals on this site, addressing stated requirements and setting out planned phasing.

9.3.18. Section 02 of the applicants Architectural Design Statement provides an indicative layout for the overall Opportunity Site. It is noted that the remaining portions of the Opportunity Site 3 are outside of the ownership of the applicant. I am satisfied that the indicative layout accords with the guiding principles set out in SDRA 10. It is noted that the Planning Authority raised no objection to the indicative masterplan for Opportunity Site 3.

9.4. *Density, Building Height and Visual Amenity*

9.4.1. The third parties raised concerns regarding the quantum of development and consider that the proposed development does not comply with SC10 Urban Density and SC11 Compact Growth. The issues of density, height and design approach are all inter-related elements to be considered when assessing a large-scale scheme and I am

conscious of the city centre location, the proximity to public transport and services and amenities, and the sites designation as part of Opportunity Site 3 of SDRA 10.

Density

9.4.2. Appendix B of the Compact Settlement Guidelines provides guidance for calculating residential density within a mixed-use scheme, in this regard the net site area is reduced by the percentage of non-residential uses. As set out in the applicants Planning Report (page 50) the non-residential element (16,948sqm) of the scheme equates to c. 6.8%. The site has a stated are of 0.433ha, this includes a portion of the public road on Russell Street. The net developable area is stated as 0.391 ha. Therefore, the net site area (0.3910 ha) is reduced by 6.8% (0.0265 ha). This equates to a net residential site area of 0.364 ha.

9.4.3. The residential element of the proposed scheme comprises 54 no. residential units and 365 no. student bedspaces, in 53 no. clusters of 6, 7, and 8-bedroom units and 26 no. studio units. The Compact Settlement Guidelines state that when calculating net densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling. The guidelines offer no clarity as regards the proposed studio units. The standard (25 no.) studios range in size from 25sqm to 27.6sqm and the single accessible studio unit is c. 33.1sqm. The Apartment Guidelines, 2025 set out a minimum floor area of 32sqm for a standard studio apartment. It is my view that given the size of the studio units they are not 'shared accommodation' as referred Compact Settlements Guidelines, as they are designed to be self-contained units.

9.4.4. In the absence of clarity on this matter for the purpose of density calculations, I have included the 26 studio units as individual residential units. As such, the total number of student accommodation units equates to c. 110.75 no. (339 no. bedspaces / 4 = 84.75 + 26 no. studios). The scheme also includes 54 no. residential apartments. This equates to a total of 164.75 'standard' residential units. Divided by the net residential site area (0.364 ha), this results to a net residential density of 452 uph.

9.4.5. The applicant refers to the density as 363 uph. It is noted that this lower density does not exclude the studio units from the 'shared accommodation' bedspaces in the calculation (365/4 + 54 = 363 upa) and does not exclude the area of the public road (Russell Street) from the site area.

9.4.6. The Planning Authority also referred to a density of 372 uph, however, it is unclear how this density was calculated**.**

9.4.7. The third parties raised concerns that the proposed density does not comply with Policy QHSN10 which seeks to promote residential development at sustainable densities having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

9.4.8. The third parties also raised concerns that the proposed density is excessive and does not comply with Policy SC10 of the Development Plan. Policy SC10 seeks to *ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof*. These Section 28 Guidelines were superseded by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (The Compact Settlement Guidelines) in 2024.

9.4.9. The Compact Settlements Guidelines identify types of locations that may be suitable for different density ranges. Table 3.1 of the Guidelines sets out the areas and density ranges for Dublin (as well as Cork City) and its suburbs and divides the city into distinct areas, in this regard the City - Centre, City-Urban Neighbourhoods and City – Suburbs / Urban Expansion. The site is located within the City - Centre. City centres are the most central and accessible urban locations nationally with the greatest intensity of land uses. It is a policy and objective of the Guidelines that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork. It is noted that the proposed density significantly exceeds the maximum range set out in the Guidelines.

9.4.10. Policy and Objective 3.1 of the Guidelines recommend residential density ranges are applied and further refined at a local level. Section 3.4 ‘Refining Density’ of the Guidelines recommends that the density ranges should be further considered and refined, generally within the ranges set out, based on Accessibility (Step 1) and Character, Amenity and the Natural Environment (Step 2).

9.4.11. Step 1 in the refining process is the 'consideration of proximity and accessibility to services and public transport', which encourages densities at or above the mid-density range at the most central and accessible locations, densities closer to the mid-range at intermediate locations, and densities below the mid-density range at peripheral locations. An accessible location is defined as one within 500m (5-6minute walk) of existing or planned high frequency urban bus service.

9.4.12. The appeal site is located within Dublin's inner city and is highly accessible by walking and cycling. The site is located c. 400m west of Summerhill Parade (stop 499) which is served by the 73 bus route, c 400m northeast of Mountjoy Square North (stop 4962) which is served by bus routes 7, 7A, 7B and 7D, Mountjoy Square West (stop 1174) which is served by bus routes, 33, 41, 41B, 41C, 101, 980 and Mountjoy Square south (stop 8346) which is served by the 13 bus route and c. 450m east of Dorset Street (stop 49) which is served by bus routes 1, 16 19, 40D, 41, 44, F1, F2 and F3.

9.4.13. In addition, the site is located c. 650m from the permitted Bus Connects Swords to City Centre Core Bus Corridor Scheme, c. 700m from Drumcondra Train Station, 1.1km from the Green Line LUAS line stop on Parnell Street and 1.2km from the approved O'Connell Street MetroLink stop. I am satisfied that the appeal site an accessible location as defined in the Compact Settlement Guidelines.

9.4.1. Step 2 in the refining process is the 'Considerations of character, amenity and the natural environment' I have addressed building height, residential amenity, visual amenity, built heritage, Appropriate Assessment and Water Framework Directive separately below.

9.4.2. The proposed density is 452 uph and, therefore, significantly exceeds the density range (100 uph - 300 uph) set out in the Guidelines. Section 3.3.6 of the Guidelines states that there is a presumption against very high densities that exceed 300 uph (net) on a piecemeal basis. However, densities that exceed 300 uph (net) are open for consideration on a plan-led basis only and where the opportunity for densities and building heights that are greater than prevailing densities and building height is identified in a relevant statutory plan.

9.4.3. It is acknowledged that the appeal site is identified within the Development Plan as an Opportunity Site within SDRA 13, which is suitable for increased height. However, SDRAO1 states that the performance criteria set out in Appendix 3 should be adhered

to for developments of significant scale and / or density. The scheme is assessed against the criteria set out in Appendix 3 below.

9.4.4. Table 1 of Appendix 3 of the Development Plan sets out a density range of 100-250 uph for SDRA lands and Section 3.2 of Appendix 3 states that in general there is a presumption against schemes in excess of 300 units per hectare. Schemes in excess of this density will only be considered in exceptional circumstances where a compelling architectural and urban design rationale has been presented.

9.4.5. The applicant's Planning Report acknowledged that the proposed density is in excess of the 300 uph range. However, the applicant does not consider this to be a material issue, as the Guidelines provide for flexibility and consider that the sites context justifies a departure from the ranges. The Planning Authority consider that the proposed density (372 uph) is at the higher end allowed under the Development Plan and can be justified given the infill brownfield nature of the site which is designated as a strategic regeneration area and within walking distance of high-capacity public transport.

9.4.6. I have no objection in principle to the proposed density and consider that the proposed development is generally in accordance with Policy SC11 to promote compact growth and sustainable densities through the consolidation an intensification of infill and brownfield lands. However, given the significant increase in density (452upha) over and above the recommended range of 150 - 300 upa and as the applicant has not demonstrated any exceptional circumstances and relies on national and local policy, which generally sets a maximum density of 300 uph, I do not agree that density is not a material consideration. It is also my view that the density ranges referred by the applicant (363 uph) and the Planning Authority (372 uph) would also be a material contravention of the Development Plan, as they significantly exceed 300 uph.

9.4.7. In my opinion the proposed density is a material contravention of Policy SC10 of the Development Plan. This issue was not raised by the Planning Authority, and the Commission may consider section 37(2)(a) of the Planning and Development Act, 2000, as amended, relevant in this instance. Although raised by the third parties, the identified material contraventions of Policy SC10 may be considered a new issue.

9.4.8. It is acknowledged that the density significantly exceeds the density range for city – centre locations in the Compact Settlement Guidelines and materially contravenes

Policy SC10 of the Development Plan. Therefore, it is my view that the density should be considered alongside other standards of urban design and architecture, including plot ratio, site coverage, building height and form, open space and impact on residential and visual amenity, as a means of reflecting the quantum, scale and form of development and assessing for the potential overdevelopment of the site.

Plot Ratio and Site Coverage

9.4.9. To control the scale and mass of a development and to prevent overdevelopment of a site the Table 2 of Appendix 3 of the Development Plan set out an indicative plot ratio of 2.5 – 3.0 and site coverage of 60-90% for the central area. The proposed scheme has a site coverage of 55% which is below recommended range. The plot ratio of 4.65, significantly exceeds the recommend range. Having regard to the proposed density in combination with plot ratio I have concerns that the proposed development may result in overdevelopment of the appeal site.

Building Height

9.4.10. Block A has a maximum height of 9 storeys (30m), Block B has a maximum height of 7 storeys (24m) and Block C has a maximum height of 14 storeys (50.4m). The Guiding Principles Map for Opportunity Site 3 identifies four locations where locally higher buildings are considered appropriate. The proposed 9-storey element of Block A and the 14-storey element of Block C are locations which are identified in Opportunity Site 3 as suitable for a locally higher building.

9.4.11. Appendix 3 of the Development Plan describes the different classifications of building height in the city i.e., prevailing height in a given area; locally higher buildings (which are typically up to 50m); and landmark/tall buildings which are significant features in the cityscape. The third parties raised concerns that the proposed development does not comply with SC 18 Landmark / Tall Buildings of the Development Plan. It is noted that the 14 storey (50.4m) element of Block C is marginally above the 50m limit referred to as a locally higher building. Having regard, to the marginal (0.4m) height difference it is my view that the proposed building height falls within the locally higher buildings and is not a landmark building, as defined in Appendix 3. In my opinion, the proposed scheme does not incorporate a landmark building, therefore, I am satisfied

that Policy SC18 is not relevant in this instance. It is noted that the Planning Authority did not consider the proposed scheme to include a landmark building.

9.4.12. Concerns are raised by the third parties that the proposed building height is excessive and out of character with the area and would negatively impact on the visual amenities of the area. The Development Plan does not provide prescriptive height limits for the city. However, Policy SC16 recognises the potential for increased height in appropriate locations as identified in Appendix 3. Policy SC17 seeks to *inter alia* protect and enhance the skyline of the city and ensure compliance with Appendix 3 and Objective SDRAO1 states that the performance criteria set out in Appendix 3 should be adhered to for developments of significant scale and / or density. The Guiding Principles for SDRA 10 also states that all new development of significant height and density over the prevailing context must accord with the specific performance criteria as set out in Appendix 3 of this Development Plan.

9.4.13. Appendix 3 states that a default position of 6-storeys will be promoted in the city centre and all proposals for greater height than the prevailing context and intensification in SDRA's must demonstrate compliance with the performance-based criteria set out in Table 3.

9.4.14. There is significant variation in the prevailing building height in the surrounding area. The appeal site is located within an urban block bound by Russell Street, the North Circular Road, Portland Street and the Royal Canal. The building height within this urban block ranges from single storey commercial units, two storey terrace housing on Portland Street, single storey industrial units within the Croke Park Industrial Estate and apartment / mixed use developments ranging in height up to 7 storeys. St. Patricks Terrace on the opposite side of Russell Street comprises a terrace of two-storey redbrick houses, which are at a lower level to the public road and Croke Park stadium is c. 35m in height.

9.4.15. Having regard to the established building height, it is my view that the 6 – 7 storey building heights within Blocks A, B and C would be considered to be consistent with the prevailing building height, while the 9-storey element of Block A and the 10 and 14 storey elements of Block C would result in locally higher buildings.

9.4.16. Policy SC14 seeks to ensure that building height accords with the provisions of the Building Height Guidelines. Section 3 of the Building Height Guidelines refers to the Development Management Process. It is noted that building heights must be generally increased in appropriate urban locations. The Guidelines continue to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building. Taking each point in turn as detailed in this section 3.2 of the Guidelines with reference to the bullet points therein, I conclude:

Scale of Relevant city/town:

- As outlined above the appeal site is located within the city centre and well served by existing and proposed public transport.
- A Landscape and Visual assessment was carried out as part of the application and is addressed below. While it is acknowledged that the scheme would be visible from the surrounding street network, I am satisfied that there will not be an unacceptable impact.
- Proposal makes a positive contribution to place-making, as it supports the compact development of an underutilised site in the city centre and provides new active street frontages and an area of public space within the site and responds appropriately to the scale of adjoining developments.

Scale of district/neighbourhood/street:

- Design has responded to its overall natural and built environment and makes a positive contribution with the placement of basement level car parking and the provision of areas of an area public open space and high-quality public realm.
- It proposed development is not monolithic. There is variation in scale and height and materials within the blocks.
- It enhances a sense of scale and enclosure having regard to the passive surveillance as a result of the design.
- Enhances legibility and a sense of place, with the incorporation of the remnants of the Mountjoy Brewery structure.
- It positively contributes to the mix of uses – the ground floor non-residential uses will be available to the wider community and provide an active ground floor

use. There is an appropriate mix between student accommodation units and apartments and an acceptable mix of 1-, 2- and 3-bedroom apartments.

Scale of site/building:

- A Daylight and Sunlight Analysis was submitted with the application and has taken account of BRE documents. This is addressed below. The analysis demonstrates that the scheme provides access to natural daylight with minimised overshadowing and loss of light.
- Given the flat, low-lying nature of the existing site, and the height and orientation of the proposed blocks the development is unlikely to create negative local wind microclimate impacts.

9.4.17. I am satisfied that the relevant specific assessments required to support the development have been carried out in the reports submitted.

9.4.18. I am satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3 of the Building Height Guidelines and therefore, the proposed scheme is in accordance with Policy SC14 of the Development Plan.

Visual Amenity

9.4.19. A Landscape and Visual Impact Assessment (LVIA) was submitted with the application. It provides a comparison of the existing site and the proposed development from 15 no. verified views, with a combination of short, medium and long-distance views. I am satisfied that the applicants submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear to allow for a full assessment of the potential visual impact.

9.4.20. The LVIA notes the site's location within Dublin city centre and considers the landscape character sensitivity to generally be Medium to Low, with the exception of View 7, which is taken from the Mounjoy Square / Fitzgibbons Street junction within the Mountjoy Square ACA, to be of Medium to High sensitivity.

9.4.21. The LVIA provides an assessment of the impacts during the construction stage and the operational phase. Potential visual impacts during the construction phase include hoarding, temporary buildings, machinery and stockpiling of materials. The LVIA considers that the proposed development would have no effect on 5 no. long distance views (views, 4, 6, 7,10 and 14) with a not significant to moderate and negative effect on the remaining 10 no. views.

9.4.22. Once operational the LVIA considers that the proposed development would generally be slight / moderate and neutral / positive with no visual impact on 5 no. long distance views (views, 4, 6, 7,10 and 14). A summary of the assessment of the impacts are provided on the final page of the applicants (unnumbered) LVIA.

9.4.23. I agree with the findings of the LVIA and consider that due to the urban location the site it has the capacity to absorb the proposed height and scale of the proposed development. In my opinion, the proposed height should also be viewed in the changing context of Dublin city centre. It is, therefore, considered that the proposed development would have a minimal impact on the visual amenity of the environs when viewed from the middle or long distance views. It is also noted that the proposed buildings do not impact or impede any protected views.

9.4.24. With regard to the concerns raised by third parties, it is noted that the existing adjacent residential properties (visual receptors) are more sensitive to change and that the value of that change is largely subjective. It is acknowledged that the blocks would be highly visible when viewed directly from the site boundaries and adjacent residential properties. It is also accepted that there are elements of the proposed development that are significantly taller than the existing adjacent buildings and would introduce new features in the skyline. However, I consider that the proposed height would not significantly detract from the visual amenities of this urban area and would not be visually obtrusive. I am satisfied that due to the high-quality contemporary design of the scheme and the transition in height with lower elements of the buildings located at the site's eastern boundary and the adequate separation distances to existing residential properties, that there would be no significant negative impact on existing visual amenity.

Conclusion

9.4.25. In conclusion, I have no objection in principle to the height of the scheme and consider that the appeal site is capable of absorbing a taller building. However, as the density significantly exceeds the range set out in the Compact Settlement Guidelines and the proposed scheme would include locally higher buildings as defined in the Development Plan it is considered appropriate that the scheme is assessed against the specific performance criteria as set out in Appendix 3 of this Development Plan. This is addressed separately below.

9.5. ***Design Approach***

Design and Layout

9.5.1. The third parties raised concerns that the proposed development does not comply with the guiding principles of SDRA 10. The Guiding Principle for Opportunity Site 3 of SDRA 10 requires that any redevelopment should provide built edges to its three street frontages, a setback should be provided along its northern boundary to create a more generous interface with the Royal Canal and the built form along the Russell Street and Portland Street North edges should respond to the existing built form character of the dwellings opposite with respect to scale and grain.

9.5.2. The proposed development includes the demolition of existing structures with a stated area of c. 2,905sqm and the part demolition works to the Former Mountjoy Brewery structure, the removal of the majority of the existing boundary walls and railings and the construction of 54 no. residential apartments units, 365 student accommodation bedspaces, 2 commercial units and a cultural / community use in three urban blocks ranging in height from 1-14. The scheme incorporates a one-way access lane, off Russell Street, which provides access to 11 no. lower ground floor level car parking spaces. The ground floor level includes one accessible car parking space, and one drop off space on Russell Street.

9.5.3. The student accommodation is provided in Block A and Block B and the apartments are provided in Block C. Block A is located at the southern portion the site immediately adjacent to the existing Behan Square apartment development and c. 3m from the site's western boundary with commercial units within the Croke Park Industrial Estate. Block A has a stepped approach to height ranging from 6, 7 and 9 storeys. The building is 6-storeys in height at the boundary with Russell Street, which is consistent with the parapet height of the adjacent 6-storey Behan Square apartment development. A 7-storey element is set back c. 2.5m from the front building line with a roof terrace at 6th floor level in the southwest portion of the site. The 9-storey element is located in the southwestern portion of the site which is bound by the Croke Park Industrial Estate.

9.5.4. Block A is interconnected with Block B, which is located in the central portion of the site. Block B is predominantly 6-storeys in height, with a 7th storey element that is set back 2.5m at the site's eastern boundary with Russel Street.

9.5.5. Block C is a standalone block in the northern portion of the site, immediately adjacent to the access road to the Croke Park Industrial Estate and c. 11m from the Royal Canal. An area of open space is proposed between Blocks B and C. Block C also has a stepped approach to height and ranges from 6-storey to 10-storeys to 14-storeys. The 6-storey element is located at the site's boundary with Russell Street and the taller element located at the site's western boundary with Croke Park Industrial Estate.

9.5.6. The lower ground floor, upper ground floor and mezzanine level of Block C comprise the remains of a former Mountjoy Brewery warehouse. The retention and incorporation of the historic structure, which is not a protected structure or listed on the NIAH is welcomed. The information submitted indicates that the proposed upper floors of Block C would be cantilevered above the retained walls of the historic building. The rear (western) elevation of the new elements of Block C is set back c. 1m from the rear building line of the existing structure. At its side (northern and southern) elevations the new elements sit directly above the historic structure. At the front (eastern) elevation with Russell Street, the five storey element (first to 5th floor levels) projects c. 2m beyond the established front building line of the historic structure. In my opinion the projection beyond the established front building line detracts from the defining feature of the historic base structure. The mass and form of this projection appears bulky and disproportionate to the other elements of the building. To provide a more balanced approach to the building it is my view that the front elevation at first to 5th floor level should be set back c. 1m from the established building line of the historic structure, reflective of the rear elevation. This would result in a balanced and uniformed approach to the stepped structure of Block C and provide a clear definition between the historic structure and the new contemporary element above. It is my view that the mass and form of the first to 5th floor levels of Block C is an indication of overdevelopment of the site.

9.5.7. It is noted that a setback would have an impact on 10 no. apartments (unit no. 1-2B-2 and 1-2B-3 at first floor level, 2-2B-2 and 2-2B-3 at second floor level, 3-2B-2 and 3-2B-3 at third floor level, 4-2B-2 and 4-2B-3 at fourth floor level and 5-2B-2 and 5-2B-3 at fifth floor level) within the scheme. These units comprise 2-bed units, 5 no. 4-person and 5 no. 3-person. Any alteration to the internal layout could have a material impact on the unit mix as prescribed in the Development Plan and addressed below. Having regard to the drawings submitted, this alteration would not result in a significant

reduction to the quantity (76sqm) of external communal open space proposed at 6th floor level.

9.5.8. Car parking is provided at the lower ground floor level below the area of public open space between Blocks B and C. Access to the car park is via a car lift adjacent to Russell Street. The layout incorporates a one-way access lane to the car lift. Due to the limited number of car parking spaces and the provision of the one-way access lane I am satisfied that the proposed layout would not result in car queuing on Russell Street.

9.5.9. The proposed development incorporates a contemporary pallet of high quality and durable materials. The front elevation of Blocks A would predominantly be finished in white brick, and the front elevation of Block B would predominately be finished in light grey / buff brick. The taller, 9 storey elements of Block A would also be finished in light grey / buff Brick. The 7th storey set back level at the sites boundary with Russell Street would be finished in a dark brick and the elevational treatment at ground floor level would include white stone. The buildings would include contrasting dark / black window frames.

9.5.10. The ground floor level of Block C incorporates the historic Mountjoy Brewery structure. The stone fabric on the east, north, and west elevations will be retained. On the southern elevation retained walls would be finished in plaster, with the reinstatement of original tall openings to the structure. New architectural features including a terracotta toned cladding, would be incorporated within the ground floor. The levels above would predominantly be finished in a light cream brick with orange / red tones with stone banding to articulate the floors.

9.5.11. The use of high-quality brick and the retention of the historic ground floor materials within the scheme is welcomed. I am satisfied that the proposed contemporary materials provide an appropriate contrast between the historical fabric of the Mountjoy Brewery and the new building. It is also my opinion the variation in colour brick between the blocks would break up the mass and scale of the buildings.

9.5.12. The proposed scheme respects the established building line on Russell Street and in my opinion provides a strong urban edge which would enhance the streetscape at this inner-city site and is in accordance with the provisions of SDRA 10.

9.5.13. The northern elevation of Block C sits at the site's boundary with the entrance to the Croke Park Industrial Estate and is located c. 11m from the Royal Canal. The Guiding principles for Opportunity Site 3 states that a setback should be provided along the site's northern boundary, to create a more generous interface with the Royal Canal. While this is acknowledged, the ground floor level of Block C incorporates the historic Mountjoy Brewery structure. Therefore, there is no potential to further set back the building line from the Royal Canal. In my opinion the retention and incorporation of this existing stone fabric on the east, north, and west elevations is welcomed and considered appropriate in this instance.

9.5.14. The Guiding Principle for Opportunity Site 3 also states that the built form along Russell Street should respond to the existing built form character of the dwellings opposite with respect to scale and grain. The dwellings on the opposite (eastern) side of Russell Street comprise a historic 2-storey terrace housing, which have a fine urban grain. It is acknowledged that the character of the proposed scheme, with regard to height, bulk and scale is not reflective of these dwellings. However, the height of the scheme has been stepped down to provide a 6-storey frontage onto Russell Street which is reflective of the established height on the western side of the street. The variety in colour of the brick finishes and design elements including balconies and materials provide a vertical emphasis to the scheme which helps to break up the mass and scale of the buildings. It is my opinion that the proposed scheme should be considered with regard to the wider environs which includes mixed use schemes of up to 6-storeys within this urban block and the proximity to Croke Park stadium. The proposed development would also contribute towards consolidating the urban environment, which is in accordance with Objective CSO10 of the Development Plan, which seeks the development of brownfield, vacant and regeneration sites.

Apartments – Unit Mix

9.5.15. The proposed apartment mix comprises 18 no. 1 bed (33%), 5 no. 2 bed (3 person), 18 no. 2 bed (4 person) (43%) and 13 no. 3 bed (24%). SPPR 1 of the Apartment Guidelines states that there shall be no restriction in relation to the mix of unit size or types provided within apartment developments. The Compact Settlement Guidelines states that the delivery of innovative housing types can facilitate compact growth and provide greater housing choice that responds to the needs of single people, families, older people and people with disabilities, informed by a Housing Needs Demand

Assessment (HNDA) where possible. It further states that Development Plans may specify a mix for apartment and other housing developments, however, this should be further to an evidence-based Housing Needs and Demand Assessment (HNDA).

9.5.16. Section 15.9.1 of the Development Plan states that the HNDA which is provided as Appendix 1 of the Development Plan indicates an increased demand for two and three person households and a declining demand for single person households in the North East Inner City and the Liberty's. Therefore, residential schemes of more than 15 units shall provide a minimum of 15% of 3-bed units and a maximum of 25-30% one bed / studio units.

9.5.17. The proposed proportion of 1-bed units equates to 33% of unit mix, which marginally in excess of maximum standard of 30% set out in the Development Plan. The 3-bed units within the scheme equates 24% of the total units, which is in excess of the Development Plan standard (15%). I have no concerns regarding the proposed unit mix and do not consider it to be a material issue. It is noted that no concerns are raised by the third party or the Planning Authority in this regard. However, as outlined above, it is my opinion that the mass and form of the first to 5th floor levels of Block C appear bulky and disproportionate to the other elements of the building. It should be noted that any condition to alter the building design could potentially result in a unit mix which is materially different to that prescribed in the Development Plan.

9.5.18. The 54 no. apartments include 6 no. unit types ranging in size from 47sqm (1-bed) to 99sqm (3-bed). The Housing Quality Assessment for the apartments indicates that each of the apartments reach or exceed the minimum standards for room sizes as set out in Chapter 15 of the Development Plan, which is reflective of the standards set out in the Apartment Guidelines (2025).

9.5.19. Section 3.3 of the Apartment Guidelines, 2025 recommends that 25% of all apartments in a proposed scheme shall exceed the minimum floor area standard. The applicants Planning Report states that 65% of the apartments exceed the minimum floor area standard by at least 10%, which is significantly in excess of the minimum standard.

9.5.20. SPPR3 of the Apartment Guidelines, 2025 requires that a minimum of 25% of apartments should be dual aspect. The layout provides for 44 no. dual aspect apartments, which equates to 81%, which is significantly in excess of the minimum standard.

Student Accommodation – Unit Mix

9.5.21. The Student Accommodation includes 13 no. unit types. The units ranging in size from a 12.1sqm single unit to a 15.8sqm. The studios range in size from 25sqm to 33.1sqm studio. All rooms are en-suite. The Housing Quality Assessment for the student accommodation indicates that the bedroom sizes for the units within the clusters reach and exceed the standards set out in Table 15-7 of the Development Plan and the size of the studio units are in accordance with the provisions set out in Section 15.13.1.1 of the Development Plan. The unit sizes also exceed the standards set out in SPPR 8 (A) of the Apartment Guidelines, 2025.

9.5.22. The proposed scheme incorporates 53 no. clusters comprising 33 no. 6-person clusters, 19 no. 7-person clusters and 1 no. 8-person cluster. SPPR 8 of the Apartment Guidelines require that the minimum space for K/L/D areas serving 10 and 12 persons are 3.6sqm and 3.3sqm per person. Section 15.13.1.1 of the Development Plan states that a minimum of 3 bed spaces with an overall minimum gross floor area of 55sqm up to a maximum of 8 bed spaces and a maximum gross floor area of 160sqm shall be provided in any cluster. Section 15.13.1.3 of the Development Plan also states that shared K/L/D rooms shall be provided within each cluster based on a minimum of 4sqm per bedspace. The proposed clusters are in accordance with the standards set out in SPPR 8 (A) and 52 of the clusters are in accordance with the Development Plan standards.

9.5.23. The 8-person cluster (D6) has a total gross floor area of 175.4sqm which exceeds the maximum GFA (160sqm) set in Section 15.13.1.1 by 15.4sqm. It is noted that Section 15.13.1.3 of the Development Plan does not set an upper limit on the size of the K/L/D rooms. The applicants Housing Quality Assessment states that the increased size is due to the provision of an accessible bedroom within the cluster which requires the living space and associated circulation areas to be suitable for a wheelchair user. Having regard to the limited number of clusters which exceed the maximum limit set in Section 15.13.1.1 and the requirement to provide accessible student bedspaces and associated living areas I am satisfied that this is acceptable in this instance.

9.5.24. In addition, it is noted that SPPR 8 of the Apartment Guidelines does not set an upper limit on the K/L/D size. In addition, SPPR 8 (B) states that where any other requirement or restriction is set out within a statutory plan, this SPPR shall apply. Therefore, I am

satisfied that the size of the K/L/D to serve Cluster (D6) is acceptable and in accordance with SPPR 8.

Public Open Space

9.5.25. Table 15-4 of the Development Plan requires that a minimum of 10% of a total site area be provided as public open space for lands zoned Z10. The site has a stated area of 0.433ha, this includes a portion of the public road on Russell Street. The net developable area is stated as 0.391 ha. Excluding the area of the public road from the calculation, it is my opinion that there is a requirement for 391sqm of public open space. It is proposed to provide 409.4sqm of public open space in two separate areas, in this regard 361.9sqm between Blocks B and C and an additional c. 47.5sqm area to the east (front) of Block C. The area to the front of Block C (47.5sqm) is partially located under the upper floors of Block C and immediately adjacent to the car lift. The submitted drawings indicate that it would accommodate bicycle parking and a tree. In my view this area would be a public footpath / walkway and entrance area to the cultural community space and would not result in high-quality usable open space and, therefore, should not be included in the calculation of public open space.

9.5.26. In my opinion the area of public open space (361.9sqm), located between Blocks B and C is the only usable public open space within the scheme. This equates to 9.2% of the net site area and is marginally below the 10% requirement of the Development Plan. It is noted that the scheme includes public realm improvements (c. 42sqm) along Russell Street, including tree planting which is welcomed. However, this is the existing public realm and is not included within the calculation of public open space.

9.5.27. Public open space in the surrounding area is limited. The Royal Canal Greenway to the north of the appeal site comprises a concrete walkway adjacent to the canal. There is pocket park 'Portland Place Park' located to the west of the appeal site, adjacent to the Royal Canal and access from Portland Street. This area contains a mini pitch (c. 300sqm) which during my site visit was in active use and a gated / disused area of open space. Opportunity Site 3 of SDRA 10 envisions the provision of a linear park to the west of the appeal site. However, this area is currently within private ownership (Croke Park Industrial Estate) and is zoned Z10. It is not within the remit of this application to provide this public open space. Therefore, it is my view that the proposed

development should be assessed in terms of existing public open space infrastructure and that the proposed provision within the scheme.

9.5.28. Policy GI25 of the Development Plan seeks to ensure equality of access for all citizens to the public parks and open spaces in Dublin City and to promote more open space with increased accessibility and passive surveillance where feasible. In this regard, a city-wide range of 2.5ha to 3.6ha of parks per 1,000 population benchmark for green/recreational space as set out in the 2019 Parks Strategy (or as updated) shall be a policy goal and quality standard.

9.5.29. Section 4.15. of the Dublin City Council Parks Strategy 2019 indicates that there is 1.84 sqm of open space per person in the Central Area. This is a significant deficit when compared to 36.47sqm per person in the overall DCC administrative area. The Parks Strategy states that the population of the central area was 72,982 in 2011. The information available on the CSO website (www.cso.ie) indicates that the 19 ED that generally make up the Central Area had a combined population of 85,057 in 2022, which is a 16.5% increase since 2011 (72,982). There is no evidence on the Dublin City Council website (www.dublincity.ie) of any additional public parks being provided within the central area since 2011. The significant increase in population since 2011, with no additional provision of public open space in the central area has further reduced the availability of public open in the central area in 2022 to an estimated c. 1.5 sqm space per person.

9.5.30. In the context of the existing deficit of public open space infrastructure in the surrounding area, I have concerns regarding the under provision of usable public open space within the scheme. It is my view that the limited (361.9sqm) provision of public open space within the scheme is a result of overdevelopment of the site.

Permeability

9.5.31. The Guiding Principle for Opportunity Site 3 states that permeability through the site should connect up its four bounding edges, which are Russell Street, Portland Road, North Circular Road and the Royal Canal and that public access should be maintained at all hours of the day. The indicative layout provide in the Development Plan indicates the provision of a north-south linear area of public open space linking the Royal Canal to the North Circular Road, with east – west pedestrian links to this area of public open space provided from Russell Street, through the appeal site and from Portland Road.

9.5.32. In accordance with SDRA 10, the proposed layout includes an east-west pedestrian link from Russell Street to the sites western boundary. The principle of this link is welcome. It is noted that this is a potential future link only as the lands to the west of the appeal site are currently in commercial use. I have concerns regarding the usability of the pedestrian / cycle route as the proposed public access from Russell Street is via a gated walkway between Blocks A and B. This gated entrance is primarily the access to the student accommodation. The proposed public route is via a courtyard area to the north of Block A, which is referred to a communal open space for the PBSA in the submitted documentation and as the Student Residence Arrival Plaza on the Landscape Plans. The route continues through a relatively narrow (3m wide) potion of the site to the rear of Block A at the sites western boundary. It is my opinion that this is not an appropriate location for a public walkway through the gated access to the PBSA and associated communal open space, and having regard to potential safety and anti-social behaviour I have concerns that the gate would likely remain closed and therefore, would not comply with the guiding principles of SDRA 10. It is my view that a more appropriate location for a public route through the site is between Blocks A and B, via the area of public open space and the proposed area of communal open space to serve the apartments.

9.5.33. A portion of the communal open space, immediately adjacent to the cultural / community use (former Mountjoy Brewery structure) should be provided as public open space. This would increase the quantum of public open space within the scheme and have the added benefit of allowing users of the community / cultural space to access the area of public open space directly from the ground floor level during events. It is my opinion that a minimum 3m wide public pedestrian route should be provided up to the site's western boundary with the adjoining site to facilitate a potential future access to the adjacent site.

9.5.34. It is noted that this would result in a reduction of c. 36sqm of ground floor level communal open space to serve the apartments. However, it would increase the provision of public open space to c. 10.1% of the total site area. Which is welcomed and in accordance with Development Plan standards. Having regard to the benefit to the general public and the guiding principles for Opportunity Site 3 of SDRA 10 it is my opinion that this is alteration is acceptable in this instance. I am satisfied that this could be addressed by way of condition.

9.5.35. As noted by the Planning Authority there is a 2m level difference between the proposed finished upper ground floor level of the proposed development and the adjacent site to the east. However, the existing site layout plan indicates that there is currently a c. 1m level difference between the sites, and it appears that the proposed layout would increase the finished floor level of the western portion of the site by c. 1m to facilitate a car park and a plant room at lower ground floor level, under the area between Blocks B and C. While this is noted I am satisfied that the levels could be reconsidered to provide a gentle slope to the rear of the site to reduce the level difference. In a worst-case scenario, an additional potion of the communal open space could be re-assigned to provide a ramped access to the adjacent site. I am satisfied that this could be addressed by way of condition.

9.5.36. Having regard to the established deficit of public open space within the north inner city and the long-term proposals to improve public open space within Opportunity Site 3 of SDRA 10, to the east of the appeal site, it is my view that it is important that the proposed development provides for appropriate and well considered connectivity to the future potential open space. It is also my opinion that the applicant has not given due regard to permeability within the proposed scheme and that the lack of permeability is reflective of overdevelopment of the site.

Communal Open Space – Apartments

9.5.37. The Apartment Guidelines set out standards for communal open space of 5 sqm for a 1-bed unit, 6sqm for 2-bed (3-person) units, 7sqm for a 2-bed (4-person) unit and 9sqm for a 3-bed unit (5-person). The proposed unit mix (18 no. 1-beds, 5 no. 2-bed (3-person), 18 no. 2-bed (4-person) and 13 no. 3-beds (5-person)) results in a requirement of 363sqm of communal open space to serve the apartments. It is proposed to provide c. 368sqm of communal open space in two areas, in this regard 293sqm area at ground floor level between Blocks B and C and 75sqm roof terrace at 6th floor level. As noted above, it is my opinion that a linear portion (c. 36sqm) of the ground floor communal open space should be re-assigned to public open space to allow for a potential future public pedestrian / cycle route to thorough the site towards the site's eastern boundary. It is acknowledged that this would reduce the quantum of communal open space to below the standards set out in the Apartment Guidelines. However, having regard to the long-term proposals to provide a linear park to the west

of the appeal site and the recommended permeability through the site, I am satisfied that on balance, future occupants of the scheme would have access to high quality usable open space.

9.5.38. It is also my recommendation that the first to 5th floor levels of Block C be reduced in scale. However, from the proposed layout submitted I am satisfied that this would not impact on the quantum of communal open space at the proposed 6th floor level roof terrace.

Communal Facilities – Student Accommodation

9.5.39. Section 15.13.1.3 of the Development Plan states that all schemes must provide appropriate indoor and outdoor communal and recreational facilities for students at a combined level of at least 5 -7 sq. m. per bedspace. The proposed PBSA includes c. 979 sqm external amenity space and c. 850 sqm of internal amenity space, which equates to 5.01sqm per bedspace, which is in accordance with Development Plan standards.

9.5.40. The internal amenity space comprises a laundry room, parcel store, reception, common lounge and social area, games room, cinema / media room, study area, multi-purpose room for art, meeting room, recording / podcast studio, music practice room at the ground floor level of Block A, a gym at the ground floor level of Block B, a store room at 6th floor level in Block A and a student lounge at the 6th floor level of Block B. I am satisfied that the internal communal facilities are appropriate and would provide a high level of amenity for future residents. The location of the community facilities at ground floor level of Blocks A and B would also result in an active street frontage along Russell Street, which is welcomed.

9.5.41. A total of c. 979sqm of external communal open space is provided in at ground floor level (342.1sqm) between Blocks A and B, at first floor level (240.7sqm) and 6th floor level (133.6sqm) of Block A and at 6th floor level (262.4sqm) of Block B. The landscape plans indicated that a variety of active and passive uses would be provided within the communal open space area including seating / furniture, games tables, BBQ area and a basketball half court. As outlined below in Section 9.7 sunlight within the ground floor level communal open space and the first floor level communal open space would not achieve with standard the BRE standards.

9.5.42. I have no objection to the quantity or quality of the communal open spaces. However, as noted above the proposed layout includes a public walkway through the ground floor level communal area of open space. It is my opinion that this is in appropriate and should be relocated to the northern portion of the site, adjacent to Block C. It is my view that this can be addressed by way of condition.

Private Open Space

9.5.43. The Apartment Guidelines set out standards for private open space of 5 sqm for a 1-bed unit, 6sqm for 2-bed (3-person) units, 7sqm for a 2-bed (4-person) unit and 9sqm for a 3-bed unit (5-person). Private open space for the apartments is provided in the form of a balcony. The Housing Quality Assessment indicates that all private open space reaches and exceeds the minimum standards set out in the Apartment Guidelines (2025).

9.5.44. There is no requirement for private open space for student accommodation and none of the units are provided with private open space.

Community, Arts and Cultural Space

9.5.45. Objective CUO25 and Objective SDRAO1 of the Development Plan require all new developments in SDRAs to provide 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.

9.5.46. The proposed scheme has a stated gross floor area of 18,179sqm. Therefore, there is a requirement for 909sqm of community / cultural space. It is proposed to provide an 845sqm community and cultural use within the retained structure of the Mountjoy Brewery in Block C, which equates to c. 4.6% of the proposed scheme. The community space is provided over three levels, lower ground floor, a double height upper ground floor and at mezzanine level and opens out onto the area of public open space between blocks B and C. The third parties have raised concerns that the quantum of community space is not in accordance with the provisions of Objective CUO25 and Objective SDRAO1 of the Development Plan.

9.5.47. It is acknowledged that the quantum of community space falls marginally below the 5% requirement set out in Objective CUO25 and Objective SDRAO1 of the Development Plan. However, as outlined above, it is my view that the area

immediately adjacent to Block C (c. 36sqm) be reassigned as public open space to facilitate a potential future pedestrian / cycle link to the adjacent site, which could be utilised by the community / cultural use during an event. Given the relatively minor under provision (64sqm) and the location of the community / cultural space immediately adjacent to an area of public and communal open space, it is my opinion that this issue is not material. In addition, the retention of the historic structure is welcomed and the use of this space for cultural / community uses is considered appropriate.

9.5.48. If the commission have concerns regarding compliance with Objective CUO25 and Objective SDRAO1 of the Development Plan, it is my view that a condition could be attached to require 64sqm of communal open space immediately south of Block C to be permanently associated with the community / cultural use. However, it is my opinion that this is unwarranted in this instance.

Placemaking

9.5.49. Section 15.4.1 of the Development Plan states that it is essential that new developments have regard to good healthy placemaking principles to create climate resilient environments in which people want to engage, resulting in sustainable, well designed and strong communities. This is supported by Policy SC19 to promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.

9.5.50. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. In accordance with Policy and Objective 4.2 of the Guidelines an assessment of the proposed development against the stated 'key indicators of quality design and placemaking' is outlined in the following table.

Table 1: Placemaking

(i) Sustainable and Efficient Movement	(a) It is my opinion that permeability within and through the site has not been optimised, in accordance with Guiding Principle for Opportunity Site 3 of SDRA 10. However, it is considered that this could be addressed by way of condition.

	(b) The appeal site is located within the north east inner city centre and is well served by high frequency and capacity public transport within the vicinity of the proposed development. (c) There is no vehicular access within the site. There is limited car parking provided within the site, with 11 no. spaces at lower ground floor and one accessible space at ground floor level. All deliveries and servicing proposed from a new drop off space on Russell Street. I am satisfied that the internal layout of the scheme would feel safe and comfortable for pedestrians and cyclists. (d) Having regard to the highly accessible nature of this city centre site I am satisfied that the proposed quantum of car parking (12 no.) is acceptable in this instance. Overall, I am satisfied that the proposed scheme would be safe and would not be dominated by cars.
Mix and Distribution of Uses	(a) The proposed scheme comprises 54 no. residential apartment units, 365 no. purpose-built student accommodation bedspaces, 2 no. commercial units (c. 284.5 sqm), café / retail unit (c. 102 sqm) and cultural / community use unit (c. 845.2 sqm). The site is located within Dublin's northeast inner city with a wide variety of uses including retail, leisure, medical, café / bar / restaurant, community, educational and religious uses within a 1km range of the appeal site and the appeal site is located opposite Croke Park Stadium which hosts major events. I am satisfied the mix of uses within the appeal site are appropriate for this location. (b) The proposed scheme includes public open space and public realm improvements along Russell Street. It is my view that permeability through the site could be improved by way of condition. This would allow for potential future connectivity to lands to the rear of the site, which are designated as public open space on the indicative map of Opportunity Site 3 of SDRA 10 in the Development Plan and would link to the Royal Canal Greenway and would increase the provision of public open space to 10%, in accordance with Development Plan standards. However, it is my view that the proposed lack of usable connections through the site is a reflection of overdevelopment of the site.

	(c) Less central area policy is not applicable. (d) The appeal site currently contains low density commercial units. I am satisfied that the development of these lands would support the consolidation of the urban area. (e) The appeal site is highly accessible by public transport. I am satisfied that the proposed development would support the integration of land use and transportation. (f) The proposed scheme comprises 93% residential use comprising both student accommodation and apartments and c. 7% commercial / community use. The proposed apartment mix comprises 18 no. 1 bed (33%), 23 no. 2 bed, (43%) and 13 no. 3 bed (24%). The number of 1-bed units marginally exceeds the Development Plan recommended standard of 30%. However, the 3-bed units exceed the Development Plan standard of 15%. I am satisfied that the proposed development would provide an appropriate tenure and mix at this location.
(iii) Green and Blue Infrastructure	(a) The appeal site comprises brownfield lands in the urban area that is generally covered in hard standing. There are no natural features, biodiversity or landscapes located within the site. (b) The proposed scheme comprises a high density urban development. It includes communal and public open space as part of the scheme. Given the relatively limited size of the site and the deficiency of public open space in the environs of the site the scheme does not include multifunctioning and interlinked green spaces. It is my view that permeability through the site could be improved by way of condition, which would allow for potential future connectivity to lands to the rear of the site which are designated as public open space on the indicative map of Opportunity Site 3 of SDRA 10 in the Development Plan and to the Royal Canal Greenway. However, it is my view that the under provision of public open space and the lack of usable connections through the site is a reflection of overdevelopment of the appeal site. (c) / (d) Surface water runoff will be collected and attenuated within the site through the use nature-based rainwater management and sustainable urban

	drainage systems (SUDS). SUDS features include extensive Green – Blue Roof (2,189sqm), Blue Podium (692sqm), permeable paving (410sqm), gravel paths (79sqm), grassed areas (215sqm), tree pits along Russell Street 944sqm), petrol interceptor and hydrobreak. Within the site surface water and foul water would be separate. However, as there is no public storm sewer in the vicinity of the site surface water would be discharged to the public combined sewer network on Russell Street at a greenfield rate (maximum 2.0 l/s). The estimated attenuation volume is designed to cater for the 1:100-year return period. All drainage and flood risk calculations include 20% climate change.
(iv) Public Open Space	As outlined above, I have concerns that c. 47sqm area to the front of Block C does not equate to usable public open spaces. However, it is my opinion that the layout could altered to provide a public walkway to the western boundary of the site which would increase the area of public open space by c. 36sqm and improve permeability to the potential future pocket park to the west of the appeal site. This would ensure that the provision of public open space (10%) would be in accordance with Development Plan standards. However, it is my opinion that the quantum of public open space and lack of usable permeability is a reflection of overdevelopment of the site.
(v) Responsive Built Form	(a) The proposed scheme results in the construction of 3 no. high density urban blocks with a built edge to Russell Street. The built form is reflective of that provided in the Development Plan for Opportunity Site 3 in SDRA 10. The student accommodation is provided in Block A and Block B, which are interconnected blocks, generally ranging in height from 6 – 7 storeys. A taller 9 storey element is provided to the rear of Block A. Block C accommodates 54 no. apartments and ranges in height from 6-storey to 10-storeys to 14-storeys. As outlined below in Section 9.6 Residential Amenity, I have concerns regarding the limited separation distances within the scheme which do not comply with SPPR 1 of the Compact Settlement Guidelines. It is my opinion that the proposed density, when considered alongside other standards of urban design and architecture including plot ratio, separation

	distances, open space provision, permeability and the form of Blocks C has the potential to result in overdevelopment of the site. (b) The height, scale and massing of the blocks A and B are generally similar to existing and previously approved developments in the surrounding area. However, the 9-storey element is taller in this context and Block C is 14 storeys (50m), which is considered to be a locally taller building. I am satisfied that the proposed development responds positively and appropriately to the established pattern of development, with the taller elements located to the rear of the site. (c) The proposed scheme would redevelop an underutilised inner city brownfield site, which is welcomed. I am generally satisfied that the layout supports the overall urban structure identified for Opportunity Site 3 of SDRA 10. However, it is my view that due consideration was not given to usable permeability through the site, which in my opinion is reflective of the overdevelopment of the site. (d) The proposed building provide well defined edges to Russell Street, with active ground floor uses. The scheme would passively overlook the public road, areas of public and communal open space and the Royal Canal to the north of the site. (e) While it is acknowledged that the proposed contemporary design approach includes with variety in height, scale and massing and high quality materials I have concerns regarding overdevelopment of the site which results in limited separation distances, potential undue overlooking for adjacent lands (which is addressed in Section 9.7 below), limited open space provision and poorly considered permeability. The lower ground floor, upper ground floor and mezzanine level of Block C comprise the remains of the historic Mountjoy Brewery structure. In my opinion the mass and form of the first to 5th floor level of Block C appears bulky and disproportionate to the other elements of the building. To provide a more balanced approach it is my view that the front elevation should be set back behind the established building line. (f) As outlined above, the predominate external material is brick which is a high quality and durable material with elements of glazing.

Conclusion

9.5.52. The proposed scheme represents a contemporary urban scheme with an appropriate variety in height and built form, with high-quality materials that provides for appropriate active ground floor uses and the retention of the Mountjoy Brewery remnants aids with placemaking and legibility. The proposed scheme would support the consolidation of the urban environment.

9.5.53. Notwithstanding this, as outlined above, I have concerns regarding overdevelopment of the site which results in a density (452 uph), which is in significant excess of the range provided in the Compact Settlement Guidelines, in combination with the plot ratio, limited open space provision and poorly considered permeability. I also have concerns that the scale and mass of the first to 5th floor level of Block C appears bulky and disproportionate to the other elements of the building and detracts from the historic base of the building, which is a defining feature of the scheme. As outlined below in Section 9.7 Residential Amenity I also have concerns regarding limited separation distances, which do not achieve the minimum 16m requirement set out in SPPR1 of the Compact Settlement Guidelines and potentially result in undue overlooking within the scheme and of adjacent lands and a lack of sunlight provision for the ground floor and first floor communal open spaces which serve the student accommodation.

9.5.54. It is my view that the concerns relating to separation distances within the scheme, public copen space provision, permeability and the scale and mass of Block C could potentially be addressed by way of condition. However, any recommended conditions would impact on the quantum of communal open space within the scheme and the unit mix. As outlined below in Section 9.7 Residential Amenity the potential overlooking of adjacent lands and the associated design alterations or separation distance required to amend the scheme would requires a significant alteration to the scheme.

9.5.55. In conclusion, it is my opinion that the cumulative impact these issues results in overdevelopment of the site which does not comply with Policy QHSN10 which seeks to promote residential development at sustainable densities having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

9.6. ***Compliance with Appendix 3 of the Development Plan***

9.6.1. As outlined above, the issues of density, height and scale are inter-related issues. Table 3 of Appendix 3 includes 10 objectives and performance criteria in assessing proposals for enhanced height, density and scale. These are taken in turn in the table below.

	Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale	Assessment
1	To promote development with a sense of place and character	Enhanced density and scale should: • 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, • have a positive impact on the local community and environment and contribute to 'healthy placemaking', • create a distinctive design and add to and enhance the quality design of the area, • be appropriately located in highly accessible places of greater activity and land use intensity, • have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area, • not be monolithic and should have a well-considered design response that avoids long slab blocks,	• The site occupies a visually prominent location within the city centre, adjacent to Croke Park Stadium. • The appeal site is located in the city centre and is highly accessible by walking, cycling and public transport. • The surrounding area is varied in character and scale. The proposed development would be significantly denser than the surrounding properties. • The scheme has a stepped approach to height. The proposed 6 storey element along Russell Street would be reflective of the established character on this side of the street, however, it would be taller than the 2-storey dwellings on the opposite side of the street. The scheme would also introduce a locally taller buildings in the streetscape, ranging from 9 -14 storeys. • The scheme provides for a variety in building form and a high-quality pallet of materials. • The daylight/sunlight assessment indicates that the scheme would largely comply with the BRE standards, however, the ground and first floor communal open space associated with the student accommodation scheme would not receive sunlight in accordance with BRE standards. • The design and layout provides for appropriate active ground floor uses and which successfully integrates into the streetscape and aids with placemaking and legibility. • The retention of the Mountjoy Brewery structure at the base of Block C would help preserve a sense of

		• ensure that set back floors are appropriately scaled and designed	place and maintain a connection to the site's industrial heritage. The development would redevelop an underutilised brownfield site in the city centre and would enhance the quality of the streetscape. • The scheme provides for a new area of public open space, however, as currently proposed this falls below the required 10% of the site area. • The proposed scheme would support the consolidation of the urban environment and is generally in accordance with the Guiding Principles for Opportunity Site 3 as set out in SDRA 10 the Development Plan and would provide a new character and identity for the area. • I have concerns that the scale and mass of the first to 5th floor level of Block C appears bulky and disproportionate to the other elements of the building and detracts from the historic base of the building, which is a defining feature of the scheme.
2	To provide appropriate legibility	Enhanced density and scale should: • make a positive contribution to legibility in an area in a cohesive manner, • reflect and reinforce the role and function of streets and places and enhance permeability.	• The proposed scheme would redefine the streetscape and introduce a new form of development at this urban location. • It provides for active ground floor uses, including a new community / cultural space, within the historic structure of the former Mountjoy Brewery. • The stepped approach to height avoids any abrupt transitions in scale and height from neighbouring residential dwellings and the positioning of the taller elements to the rear of the site is in accordance with Opportunity Site 3 of SDRA 10 of the development plan.

			• I have concerns that the applicant has not given due regard to permeability through the site, as identified on Opportunity Site 3 of SDRA 10.
3	To provide appropriate continuity and enclosure of streets and spaces	Enhanced density and scale should: • enhance the urban design context for public spaces and key thoroughfares, • provide appropriate level of enclosure to streets and spaces, • not produce canyons of excessive scale and overbearing of streets and spaces, • generally, be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3, • provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street-level activity, animation and visual interest.	• The proposed scheme provides for active street frontage onto Russell Street in accordance with the built form indicated for Opportunity Site 3 of SDRA 10. • Public open space is provided between Blocks B and C. • I have concerns regarding the proposed permeable link between Blocks A and B which is gated and indicated through an area of communal open space associated with the student accommodation. • The relationship between the blocks and the areas of communal and public open space provide a sense of enclosure and the active ground floor uses result in passive overlooking of public / communal spaces. However, it is noted that due to the limited separation distances in combination with the height and orientation of the scheme the ground floor level communal open space and the first floor level communal open space serving the student accommodation scheme would not achieve the minimum standard for sunlight as set out in the BRE Guidelines, (half of the space to receive 2 hours on sunlight on 21st March) with the ground floor level achieving only 8% compliance with the BRE standards and first floor level communal open space receiving no sunlight (0% compliance). • The 6th floor levels areas of communal open space and the ground floor communal open space serving the apartments and the area of public open space all

			receive sufficient sunlight in accordance with the BRE standard. • Russell Street is c. 6.6m in width. The 6-storey element of the scheme, which fronts onto Russell Street is c. 18m in height. This results in a building height to ratio of 1: 0.3. This is significantly below the ratios set out in Appendix 3 and in my opinion the scheme would not be overbearing and would be within a human scale.
4	To provide well connected, high quality, and active public and communal spaces	Enhanced density and scale should: • integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport, • be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards, • 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, • 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,	• Opportunity Site 3 of SDRA 10 provides an indicative layout which includes a linear area of public open space to the west of the appeal site. an east – west permeability link is illustrated through the appeal site. It is my opinion that the applicant has not given due consideration to this potential future link. • The area of public open space is centrally located between Blocks B and C and would be passively overlooked from the scheme and Russell Street. • The communal open space for the apartment is immediate adjacent to this area of public open space and would include a play area for children. • Communal open space for both the apartments is provided throughout the scheme. However, as noted that ground and first floor areas of communal open space do not achieve the minimum standard of sunlight as set out in the BRE. • The public realm improvement works to Russell Street include tree planting. • The microclimate modelling indicates that the proposed development is generally expected to provide a comfortable environment appropriate to the intended use of the site. However, there are

		• ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated, • provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability	localised areas of higher wind speeds that have been identified, in particular at ground floor level around Block C and on the upper balconies along the north-western and western elevation of Block C. The report recommends mitigation measures to improve comfort levels. • The site is generally flat and would be accessible for persons with a disability. The apartment scheme includes 1 no. ground floor level accessible car parking space. • The student accommodation scheme includes 7 no. accessible units.
5	To provide high quality, attractive and useable private spaces	Enhanced density and scale should: • not compromise the provision of high quality private outdoor space, • ensure that private space is usable, safe, accessible and inviting, • ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16, • assess the microclimatic effects to mitigate and avoid negative impacts, • retain reasonable levels of overlooking and privacy in residential and mixed use development.	• Each apartment is provided with private outdoor space, in the form of balconies on all upper floors, which meets and/ or exceeds the minimum standards for residential dwellings detailed in the Apartment Guidelines. • The microclimate modelling indicates that there are localised areas of higher wind speeds that have been identified, in particular at ground floor level around Block C and on the upper balconies along the north-western and western elevation of Block C. Mitigation measures are recommended. However, the report does not identify these measures. It is my opinion that they would include higher boundary treatments that could be addressed by way of condition. No area within the scheme is considered to be unsafe. • The Daylight and Sunlight Assessment indicates that the scheme would not result in undue overshadowing of existing properties or their associated amenity spaces.

			• The separation distances between habitable rooms in Block A and between Block B and C fall below 16m in some instances and, therefore, do not comply with SPPR 1 of the Compact Settlement Guidelines. I refer the Commission to Section 9.7 below.
6	To promote mix of use and diversity of activities	Enhanced density and scale should: • promote the delivery of mixed use development including housing, commercial and employment development as well as social and community infrastructure, • contribute positively to the formation of a 'sustainable urban neighbourhood', • include a mix of building and dwelling typologies in the neighbourhood, • provide for residential development, with a range of housing typologies suited to different stages of the life cycle	• The proposed scheme comprises 93% residential use comprising both student accommodation and apartments and c. 7% commercial / community use. Having regard to the variety of uses in the surrounding area this mix is considered acceptable. • The 54 no. apartments include 6 no. unit types ranging in size from 47sqm (1-bed) to 99sqm (3-bed). • The proposed apartment mix comprises 18 no. 1 bed (33%), 23 no. 2 bed, (43%) and 13 no. 3 bed (24%). The number of 1-bed units marginally exceeds the Development Plan recommended standard of 30%. However, the 3-bed units also exceed the Development Plan standard of 15%. On balance, this is considered an appropriate mix. • I am satisfied that the proposed development would provide an appropriate tenure and mix at this location.
7	To ensure high quality and environmentally sustainable buildings	Enhanced density and scale should: • be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise overshadowing and loss of light – see Appendix 16,	• I refer the Commission to Section 9.7 below, which provides an assessment of residential amenity, including overlooking and Daylight, Sunlight and Overshadowing. • The design the apartments and the student accommodation allows for flexibility with the internal layout and potential future adaptability. The

		• not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain, • ensure a degree of physical building adaptability as well as internal flexibility in design and layout, • ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive, • maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage, • be constructed of the highest quality materials and robust construction methodologies, • incorporate appropriate sustainable technologies, be energy efficient and climate resilient, • 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),	ground floor units are also designed to allow for future change of use or layout. • The layout provides for 44 no. dual aspect apartments, which equates to 81%, which is significantly in excess of the minimum standard. of 25% set out in SPPR3 of the Apartment Guidelines, 2025. • The Building Lifecycle Report indicates that the scheme would be constructed with durable and sustainable building materials that would reduce maintenance costs over time. • The Climate Action and Energy Efficiency Report provides details of the energy and sustainability specifications that would be adopted to minimise ongoing costs for residents of the proposed development. • Surface water runoff will be collected and attenuated within the site through the use nature-based rainwater management and sustainable urban drainage systems (SUDS). SUDS features include extensive Green – Blue Roof (2,189sqm), Blue Podium (692sqm), permeable paving (410sqm), gravel paths (79sqm), grassed areas (215sqm), tree pits along Russell Street 944sqm), petrol interceptor and hydrobreak. Within the site surface water and foul water would be separate. However, as there is no public storm sewer in the vicinity of the site surface water would be discharged to the public combined sewer network on Russell Street at a greenfield rate (maximum 2.0 l/s). • The development's drainage design includes for a 20% climate change allowance.

		• 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, • include a flood risk assessment – see SFRA Volume 7. • include an assessment of embodied energy impacts – see Section 15.7.1.	• The Engineering Services Report provides details on surface water management. • A site specific Flood Risk Assessment was submitted which clearly indicates that the appeal site is not at risk of flooding and would not increase the risk of flooding outside of the site. • The Demolition Justification Report notes that the remains of the former Mountjoy Brewery would be incorporated into the scheme. The remaining structures would be demolished to provide for a more efficient and compact layout improving the functionality and visual appeal of the site. All waste would be deposed of by licenced contractors.
8	To secure sustainable density, intensity at locations of high accessibility	Enhanced density and scale should: • 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, • look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design.	• As outlined above, the site is an accessible site, located in Dublin city centre in close proximity to existing and planned public transport. • The proposed scheme seeks to optimise the development potential of this underutilised brownfield site. However, I have concerns that the proposed density, in combination with the plot ratio, limited separation distances within the scheme, limited open space provision, lack of sunlight to the ground and first floor communal areas of open space, lack of permeability and the bulky form of the first to 5th floor level of Block C results in overdevelopment of the site. • The layout provides for efficient vehicular access and parking arrangements.
9	To protect historic environments	Enhanced density and scale should:	• I refer the Commission to Section 9.8 Built Heritage below. • There are no protected structures of building listed on the NIAH within the site and the site is not located

	from insensitive development	• 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. • be accompanied by a detailed assessment to establish the sensitives of the existing environment and its capacity to absorb the extent of development proposed, • assess potential impacts on keys views and vistas related to the historic environment.	within an ACA. However, the historic, social and cultural significance of the surrounding built environment is acknowledged with the Heritage Impact Assessment. The retention and incorporation of the remnants of the historic Mountjoy Brewery structure on site is welcomed. • As outlined above, I have concerns that the scale and mass of the first to 5th floor level of Block C appears bulky and disproportionate to the other elements of the building and detracts from the historic base of the building, which is a defining feature of the scheme. • The archaeological Impact Assessment recommends that archaeological monitoring be carried out during any groundworks. • I am satisfied that there would be no undue adverse impact on the historic environment. • LVIA indicates that the proposed scheme would not impact on any key views or vistas related to the historic environment.
10	To ensure appropriate management and maintenance	Enhanced density and scale should: • Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.	The following were submitted with the application: • An Operational Management Plan • Community Safety Strategy • An Operational Waste Management Plan. • Mobility Management Plan. • Car Park Management Plan. • Building Lifecycle Report. • Acoustic Desing Statement. • Outline Construction Environmental Management Plan.

Conclusion

9.6.2. The issues of density, height, scale and massing of the proposal are inter-related. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the proposal. In assessing the issues of density, building height and visual amenity, I have been conscious of the city centre location, the proximity to public transport and services and amenities, and the sites designation as part of Opportunity Site 3 of SDRA 10.

9.6.3. Building height and scale varies in the surrounding areas. The 6 – 7 storey building height along the sites frontage with Russell Street, is generally in consistent with prevailing buildings within this urban block. The taller elements located to the rear of the site would provide for locally taller buildings and their location is consistent with areas identified within SDRA 10 as suitable for increased height. The stepped approach to height prevents abrupt transition in scale between lower scale housing and the proposed scheme. I have no objection in principle to the proposed height and consider that this urban site has the capacity to absorb taller buildings that the prevailing height.

9.6.4. The density is significantly higher than the range set out in the Compact Settlement Guidelines, and I have concerns that the proposed density results in a negative impact on the form of the development and results in overdeveloped of the appeal site. Therefore, it is my opinion that the proposed quantum of development and the associated scale and form of the scheme does not comply with Appendix 3.

9.7. ***Residential Amenity***

9.7.1. The proposed development would negatively impact on existing residential amenity in terms of overlooking, overshadowing, microclimate impacts, noise and nuisance and safety concerns.

Overlooking and Overbearing Impact

9.7.2. The proposed development is located c. 11m south of the Royal Canal towpath and would provide passive surveillance of the Royal Canal Greenway, which is welcomed. While the building would be visible from the Royal Canal, I am satisfied that given the separation distance and the staggered approach to building height, the design details including window placement and recessed balconies, which give the building a vertical

emphases and the high quality external finishes I am satisfied that the proposed building would not have an overbearing impact on the amenity space provided along the Royal Canal.

9.7.3. The southern elevation of the proposed scheme (Block A) would be constructed immediately adjacent to Behan Square, a 5 – 6 storey apartment development. There are no windows on the southern elevation of Block A. The northern elevation of Behan Square does not contain any windows. Therefore, there would be no overlooking between the existing and proposed developments. The 9-storey element of Block A would be taller than the existing Behan Square apartment scheme, however, having regard to the design, layout and orientation of both schemes I am satisfied that it would not have an overbearing impact on this existing development.

9.7.4. There is a separation distance of c. 55m between the southern elevation of Block A and the rear elevation of the protected structure on the North Circular Road. While the 9-storey element of Block A is likely to be visible from the protected structure and potentially the 14 storey element of Block C, I am satisfied that given the separation distances between the proposed development and the protected structure that it would not result in undue overlooking or result in an overbearing impact on the protected structure, or any existing property fronting on to the North Circular Road.

9.7.5. To the east the site is bound by Russell Street with Saint Patricks Terrace, a row of single storey dwellings located directly opposite the appeal site and Croke Park Stadium located north east of the site,

9.7.6. The appeal raised specific concerns regarding a negative impact on St. Patricks Terrace, and it is noted that the Planning Authority's Conservation Officer considered that the proposed development would have a significant overbearing impact on the terraced two-storey houses on St. Patrick's Terrace. St. Patricks Terrace is located on the opposite side of Russell Street comprises a terrace of 17 no. 2-storey red-brick houses constructed in c. 1900. These houses are zoned Z1: Sustainable Residential Neighbourhood and are not protected structures. However, I agree with the assessment of the applicants Heritage Impact Assessment (HIA) that they have pleasing uniformity and define the character of the street. The proposed development is located a minimum of c. 22m from the front elevation of the terraced dwellings on St. Patricks Terrace. The proposed scheme has a stepped approach to height with the

taller elements located to the rear of the site, an away from the sites boundary with Russell Street. Therefore, the separation distances between the proposed development and the existing houses increases. In this regard the there is a separation distance of c. 50m from the 9 storey element of Block A, a 35m separation distance from the 10 storey element of Block C and a 43m separation distance from the 14 storey element of Block C.

9.7.7. SPPR 1 of the Compact Settlement Guidelines requires a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level. It further notes that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. The proposed separation distances significantly exceed the minimum standard set out in the Compact Settlement Guidelines. It is acknowledged that the proposed development would be highly visible from the existing properties on St. Patricks Terrace. However, given the significant separation distances and the city centre location I do not agree that the proposed development would result in an undue overlooking or result in an overbearing impact on St. Patricks Terrace.

9.7.8. To the west proposed scheme is bound by Croke Park Industrial Estate. Further west is Portland Street. The properties on the eastern side of Portland Street generally comprises new apartment development (Bakers Yard). No. 25-26 Portland Street North are located at the northern end of the street these structures are currently vacant and formed part of Mountjoy Brewery. On the opposite side of Portland Street are two-storey over basement terrace housing. The appeal raised specific concerns regarding a potential negative impact on properties on Portland Street.

9.7.9. The 9-storey element of Block A is located c. 3m from the sites boundary with the Croke Park Industrial Estate. Concerns are raised by the third parties regarding a negative impact on residential amenity for existing residents within The Oat House, which is a 5 storey apartment block which forms part of the Bakers Yard complex. There is a separation distance of c. 19m between the proposed windows on the western elevation of Block A and the existing windows on the eastern elevation of The Oat House apartment Block.

9.7.10. It is acknowledged that the proposed development would be highly visible from this existing property. However, given the separation distance, which is in excess of the standard set out in the Compact Settlement Guidelines and the city centre location I do not agree that the proposed development would result in an undue overlooking or result in an overbearing impact of the existing apartments within The Oat House complex or any property on Portland Street North.

9.7.11. Opportunity Site 3 of SDRA 10 indicates built form along the site's western boundary with a public open space provided generally in the location of the existing Croke Park Industrial Estate. It is noted that there is a small rectangular parcel of land, located to the rear of Block B, that is not within the ownership of the applicant and is identified in the applicant's masterplan and the indictive layout provided for Opportunity Site 3 in SDRA 10 as having a built form. This site is c. 16m in width by 27m in length. Blocks A and B are located c. 3m from the northern, southern and eastern boundaries of this portion of land, with windows serving habitable rooms on all elevations. The applicant's masterplan indicates that to allow for the development of the appeal site, any building on this adjacent site should be limited to windows on its eastern and western elevations. This is considered a reasonable approach, to allow for the comprehensive redevelopment of the appeal site. However, given the proximity of windows on the western elevation of Block B I have serious concerns that any development on the adjacent site would be limited to windows on its western elevation only, as any windows on the eastern elevation would require the vast majority of the required 16m separation distance to be provided in the adjacent site or could result in significant overlooking. It is my view that the current layout would impede the future development potential of this adjacent site and that this issue has not been adequately addressed by the applicant. It is my opinion that to omit the widows by way of condition, could significantly alter the internal layout of the scheme and may not be appropriate to address by way of condition. The Commission may consider this to be a new issue.

9.7.12. Block A is generally C-shaped with a central courtyard area. There is a maximum separation distance of c. 14m between the student bedspaces on the eastern elevation of the internal courtyard and the student bedspaces on the western elevation of the internal courtyard. As noted above, SPPR 1 of the Compact Settlement Guidelines states that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and

where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There are directly opposing windows within the scheme, and the proposed internal separation distance is below the minimum standard required in the Compact Settlement Guidelines. The information submitted does not clearly indicate any privacy measures that have been designed into the scheme to prevent undue overlooking. Therefore, I have concerns that the internal layout is not in accordance with SPPR1 of the Compact Settlement Guidelines and has the potential to result in undue overlooking.

9.7.13. In addition, there are significantly reduced separation distances between the corner units in Blocks A and B. However, it is noted that these are not directly opposing.

9.7.14. The northern elevation of Block B has a staggered building line. The separation distance between the northern elevation of Block B and the southern elevation of Block C varies from 15.2m to 16.4m. Where the separation distance is below 16m there are directly opposing windows serving habitable rooms. Therefore, I have concerns that the proposed layout is not in accordance with SPPR 1 of the Compact Settlement Guidelines.

9.7.15. It is my opinion that to increase the separation distances by way of condition, could significantly alter the internal layout of the scheme and may not be appropriate to address by way of condition.

Daylight, Sunlight and Overshadowing

9.7.16. The third parties raised concerns that the proposed development would result in overshadowing of adjacent properties. A Daylight and Sunlight Assessment Report and was submitted with the application, and in response to the request for further information an updated report was submitted, both of which follows the guidelines set out in the BRE (2022). This assessment has regard to the information provided in both assessments.

External Daylight, Sunlight and Overshadowing

9.7.17. The applicants report provides an assessment of the impact of the proposed development on access to daylight (VSC) and sunlight (APSH/WPSH) no. 1 – 17 St. Patricks Terrace, Apartments at Behan Square (12-16 Russell Street), apartments at The Oat House, Bakers Yard (Portland Street), Croke Park Industrial Estate and Croke

Park Hotel. The properties assessed are illustrated in Figure 3.8 of the applicants report.

9.7.18. In general, VSC is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The 2022 BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.

9.7.19. An assessment of Annual / Winter Probable Sunlight Hours (APSH / WPSH) was carried out in adjacent properties with a window facing within 90° of due south, which is in accordance with the BRE Guidance. If a room can receive more than 25% of Annual Probable Sunlight Hours (APSH) including at least 5% in winter, then a room should receive adequate sunlight.

9.7.20. As set out in Section E.2 of Appendix E of the applicants report a Minor Adverse effect is defined as marginally outside the criteria stated in the BRE where the level of daylight or sunlight is reduced to equal or greater than 80% and less than 100% of the applied target value, a Moderate Adverse effect is defined as where the level of daylight or sunlight is reduced to equal or greater than 50% and less than 80% of the applied target value and a Major Adverse effect is defined as when the level of daylight or sunlight is reduced to less than 50% of the applied target value.

9.7.21. 1 – 17 St. Patricks Terrace comprises 2-storey housing located on the opposite side of Russell Street, to the east of the appeal site. The analysis of the impact of the proposed development on VSC includes a ground floor window and two first floor windows for each of these 17 no. existing houses. The information provided in Appendix A.0 indicates that of the 51 no. (65%) windows there would be a moderate impact on 33 no. windows and a minor effect on 18 no. (35%) windows. It is noted that the proposed development would not have a major adverse effect (when the level of daylight or sunlight is reduced to less than 50% of the applied target value) on any of the windows assessed. The impact on these existing windows is acknowledged. However, having regard to the city centre location, the relatively limited number of properties impact and national and local policy to support compact growth in the urban environment it is my opinion that, on balance, the impact on VSC is acceptable in this instance

9.7.22. In accordance with the BRE Guide, as St. Patricks Terrace is not located within 90 degrees of due south of the appeal site it an APSH / WPSH assessment has not been carried out.

9.7.23. Apartments at Behan Square (12-16 Russell Street) are located to the south of the appeal site. There are no windows on the northern elevation of this building. However, a VSC assessment was carried out on 27 no. windows fronting onto a courtyard within this apartment scheme. the results provided in Appendix A indicate that the proposed development would have a negligible impact on 25 no. windows and a minor impact on 2 no. windows. Having regard to the information provided I agree with the applicants assessment, that the impact on VSC for windows within Behan Square would largely be imperceptible and I considered it acceptable at this city centre location.

9.7.24. As there are no windows within 90 degrees of due south of the appeal site an APSH / WPSH assessment has not been carried out.

9.7.25. *Apartments at The Oat House,* forms part of the Bakers Yard mixed use development at Portland Street, located to the west of the appeal site, within the Bakers Yard mixed use complex. An analysis of the impact of the proposed development on VSC was carried out on 189 no. windows over 5 storeys. The table below provides a breakdown of the information provided in Appendix A, which indicates that the proposed development would have a major effect on 18 no. existing windows which equates to c. 9.5% of the existing windows in The Oat House.

Effect	**VSC with Proposed Development**
Negligible	100 no. (53%)
Minor	33 no. (17.5%)
Moderate	38 no. (20%)
Major	18 no. (9.5%)
Total	**189 no.**

9.7.26. The report notes that The Oat House is articulated with corner windows and recessed balconies with a strong easterly orientation. It appears that the corner windows serve the K/L/D area with the windows under the balconies serving bedrooms. As noted in the BRE windows with balconies above typically receive less daylight as the balcony cuts out light from the top part of the sky. The BRE notes that even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area

receiving direct skylight and that one way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony in place. The information provided in Appendix A of the alternative 'no balcony study' indicates that of the 44 no. windows with balconies the proposed scheme would have a negligible impact on 41 no. (93%).

9.7.27. With regard to APSH / WPSH the assessment indicates that the corner windows, which are assumed to serve the main living space, reach and exceed the APSH / WPSH recommendations. The recessed windows, which are assumed to be bedroom windows all have relatively low baseline values. In many cases the level of effect has been categorised as not-applicable on the basis that the baseline value is particularly low. While there are some instances of 'major adverse' and 'moderate adverse', these instances occur in the windows located in recessed balconies. The table below provides a summary of the information provided in Appendix A.

Effect	**APSH**	**WPSH**
N/A	-	9 no. (9%)
Negligible	72 no. (70%)	76 no. (74%)
Minor	6 no. (6%)	-
Moderate	13 no. (12.5%)	1 no. (1%)
Major	12 no. (11.5%)	17 no. (16%)
Total	**103 no.**	**103 no.**

9.7.28. A 'no balcony study' was also carried out for APSH and WPSH. In this alternative scenario, there would be a negligible impact on both APSH and WPSH.

9.7.29. The impact on VSC, APSH and WPSH for these existing windows is acknowledged. However, having regard to the city centre location, the relatively limited number of windows impacted, the results of the VSC 'no balcony study' and national and local policy to support compact growth in the urban environment it is my opinion that, on balance, the impacts outlined in the applicants assessment are acceptable in this instance.

9.7.30. *Croke Park Industrial Estate* is located immediately west of the appeal site and contains industrial buildings. The analysis of the impact of the proposed development on VSC for 20 no. windows on the eastern elevation of the two-storey commercial

windows indicates that the proposed development would have a moderate effect on 19 no. windows and a major effect on 1 no. window.

9.7.31. The table below provides a summary of the information provided in Appendix A, with regard to APSH / WPSH.

Effect	**APSH**	**WPSH**
N/A	-	2 no.
Negligible	13 no.	8 no.
Minor	3 no.	1 no.
Moderate	2 no.	5 no.
Major	2 no.	4 no.
Total	**20 no.**	**20 no.**

9.7.32. The impact on these existing windows is acknowledged. However, having regard to the city centre location, the industrial nature of the units, which generally have a lower requirement for daylight and as they are not occupied for long periods, the relatively limited number of windows impacted, and local policy to support compact growth in the urban environment it is my opinion that, on balance, the impact on VSC is acceptable in this instance. It is noted that the long term vision for the Croke Park Industrial Estate is to provide public open space.

9.7.33. An analysis of the impact of the proposed development on VSC was also carried out on 4 no. windows on the eastern elevation of a structure to the west of the Croke Park Industrial Estate, which from the photographs included in the report appears to be the rear of no. 25 and 26 Portland Row. This is a vacant building which originally formed part of the Mountjoy Brewery and is listed on the NIAH. The analysis indicates that the proposed development would have a negligible impact on VSC the four windows assessed. The assessment indicates that the impact on APSH and WPSH for the vacant structure (4 no. windows) at 25 and 26 Portland Row would be negligible.

9.7.34. *Croke Park Hotel* is located to the north of the appeal site, on the opposite side of the canal and the railway line. The analysis of 36 no. windows on the southern elevation of the hotel indicate that the proposed development would have a negligible impact on 34 no. windows and a minor effect on two. The impact on these existing windows is acknowledged. However, having regard to the city centre location, the relatively limited number of windows impacted, the nature of the hotel use and national and local policy to support compact growth in the urban environment it is my opinion that, on balance,

the impact on VSC is acceptable in this instance The assessment indicates that impact on APSH and WPSH for the Croke Park Hotel would be negligible.

Overshadowing

9.7.35. The BRE guide states that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Section 3.3 of the applicants report addressed the effect to sun on the ground from the proposed development to the front patio areas of St. Patricks Terrace to the east of the site and to amenity spaces on the eastern elevation of The Oat House to the west of the appeal site. The report notes that areas to the front of no. 1, 4 and 6 St. Patricks Terrace and areas labelled A and C associated with The Oat House currently do not achieve the recommended BRE standard. At least 50% of the remaining areas assessed would continue to receive at least 2 hours of sunlight on 21st March. Having regard to the information submitted, which is evidence based, I am satisfied that the proposed development would not result in undue overshadowing of adjacent amenity spaces.

Internal Daylight, Sunlight and Overshadowing

9.7.36. I.S. EN 17037 is a European wide standard which provides target spatial daylight autonomy (SDA) values to be applied for new residential developments, these values do not vary depending on the room function. Under I.S. EN 17037, at least 50% of the working plane should receive above 300 lux for at least half the daylight hours, with 95% of the working plane receiving above 100 lux.

9.7.37. The 2022 BRE Guidelines gives alternative methodology for accessing access to daylight. In this regard, illuminance recommendations of 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens. These are the median illuminance, in accordance with the UK National Annes, which is reference in the BRE Guidelines, and these target lux levels are to be exceeded over at least 50% of the assessment points in the room for at least half of the daylight hours. The BRE notes that where rooms serve more than one function the higher target value should be applied. The applicant's assessment used the higher target of 150 Lux for the student accommodation bedrooms. The applicants assessment indicates that 100% of the

apartments and 98% of the student accommodation rooms are compliant with these alternative standards. I am satisfied that these are the appropriate standards to be applied in this instance and that the scheme would receive adequate daylight provision.

9.7.38. The BRE Guidelines also recommends that at least one habitable space within a dwelling should receive the recommended minimum value of 1.5 hours of sunlight on the 21st of March. The applicant assessed all apartments K/L/D room windows, and the analysis indicates the apartment would have a 91% compliance with this standard. The communal clusters and the studio units within the student accommodation scheme were assessed. The analysis indicates that the student accommodation would have an 82% compliance rate. I am satisfied that the applicable main living room windows would appear reasonably well lit.

9.7.39. The Building Height Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out.

9.7.40. The applicants report clearly identifies rooms that do not achieve the recommended targets of daylight and sunlight and notes that inner corner rooms are inherently constrained by the angle of the building and other required features such as fire regulations. Compensatory design solutions are addressed within the report and include design features to compensate for the lower levels of daylight and sunlight include larger windows and dual aspect units. I am satisfied that all of the rooms would receive adequate daylight and sunlight and having regard to the need to develop sites at an appropriate density, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. I am satisfied that adequate justification for non-compliance exists, and that the design solutions are appropriate.

9.7.41. With regard to the amenity spaces the report indicates that at least half of the public open space, the communal open space associated with the apartments and the 6th floor level communal open space associated with the student accommodation would should receive at least 2 hours of sunlight on 21st March and, therefore, is in accordance with the BRE standard. However, the ground floor level communal open space and the first-floor level communal open space would not achieve with standard,

with the ground floor level achieving only 8% compliance with the BRE standards and first floor level communal open space receiving no sunlight (0% compliance).

9.7.42. I am satisfied that adequate high-quality passive communal open space is provided to serve the student accommodation scheme at 6th floor level. The lack of access to sunlight for the ground and first floor communal open spaces associated with the student accommodation scheme is noted. To compensate for this the first-floor area is designed as an active space, with a half basketball court. The ground floor area is the access point to the student accommodation. It should also be noted that in city centre schemes there are challenges in achieving the recommended standards in all instances, and to do so would unduly compromise the design / streetscape.

Conclusion

9.7.43. As outlined above the proposed development does not achieve all of the standards set out in the BRE. The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Commission can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.

9.7.44. The proposed development results in wider planning benefits, such as the delivery of housing and the redevelopment of an underutilised urban site which would support the consolidation of the urban environment. Therefore, in my opinion the significant shortfall in sunlight to the ground and first floor communal open spaces when considered in isolation is acceptable. However, when considered with the inter-related issues of density, plot ratio, separation distances, open space provision and permeability it is my view that it is indicative of overdevelopment of the site.

Micro-Climate

9.7.45. A Microclimate Modelling was submitted with the application. The analysis indicates that the proposed development is expected to provide a comfortable environment

appropriate to the intended use of the site. However, there are localised areas of higher wind speeds that have been identified, in particular at ground floor level around Block C and on the upper balconies along the north-western and western elevation of Block C. The report recommends mitigation measures to improve comfort levels. No details of these mitigation measures are provided. However, I am satisfied that this could be addressed by way of condition. It is noted that no areas within the scheme are considered unsafe.

Noise and Nuisance

9.7.46. It is noted that concerns were also raided by third parties regarding undue noise and nuisance from the proposed scheme. An Acoustic Design Statement was submitted with the application. To ascertain the baseline noise environment attended and unattended noise monitoring was carried out at four locations within the site between 24th February and 4th March 2026. A summary of the data from the noise monitoring is illustrated in Section 4 of the Acoustic Report. The report provides a breakdown of average sound level (L_{Aeq}), maximum sound level measured with a fast time-constant (L_{AFmax}) and the noise level that is exceeded for 90% of the measurement time period (L_{A90}) which is a measurement of the more consistent background noise level when louder, intermitted sounds are excluded. Having regard to the monitoring data the site was characterised as low-medium risk and mitigation measures were not considered necessary to control baseline noise levels.

9.7.47. The Acoustic Design Statement states that the appropriate criteria for the allowable construction noise levels may be found in BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise. The proposed construction phase would be carried out in accordance with the prescribed limits. It is acknowledged that there would be increased noise and nuisance associated with the construction phase. However, these are standard practices for any construction site, would be temporary in nature and carried out within acceptable limits for construction and demolition noise. Therefore, the impacts are considered acceptable.

9.7.48. The third partied raised specific concerns that Condition 18 of the Planning Authority's grant of permission relating to noise is impossible to achieve as the development includes balconies, roof terraces and amenity spaces. Condition 18 is a standard condition relating to noise. Condition 18(a) states that the development shall be

acoustically insulated and managed to ensure that noise generated within the development shall be inaudible within any residential unit located adjacent to, or in close proximity to the development. The noise assessment predicts that operational noise from the proposed development will not cause a negative noise impact on the nearby noise sensitive locations during both daytime and nighttime operations. Having regard to the information provided and the residential nature of the scheme I am satisfied that any noise generated form the areas of open space would be within the norm of an urban area. It is also noted that the student accommodation element would be professionally managed and any concerns regarding ongoing or excessive noise could be addressed during the operation phase with the management of the facility.

9.7.49. With regard to inward noise, the sites proximity to the public road, Croke Park and a rail line are noted. The noise impact assessment calculated the predicted internal noise levels, with closed windows, will achieve the targeted noise levels in line with BS 8233:2014 and ProPG 2017 guidance.

9.7.50. The balconies on the western elevation of Block C, adjacent to Croke Park Industrial Estate, the ground floor level communal external amenity space and the first-floor level roof terrace in Block A and the communal amenity in Block C are predicted to achieve the recommended external amenity noise levels. The remaining balconies on the northern, southern and eastern elevation of Block C, and the remaining amenity areas within the scheme are not predicted to achieve the external amenity noise levels in accordance with BS8233:2014 of 55dB $L_{Aeq,16hr.}$ The information provided in the applicants Acoustic Design Statement represents the worst-case scenario. While they are acknowledged, having regard to the baseline noise environment and to the site's city centre location the predicated external noise levels are in my opinion acceptable.

9.8. ***Built Heritage***

9.8.1. The third parties raised concerns that the proposed development would have a negative impact on the local character and heritage including the loss of the former Mountjoy Brewery.

9.8.2. The site is located within an urban block bound by the Royal Canal, the North Circular Road, Russell Street and Portland Street. within Dublin's north inner-city. There is one protected structure within this urban block, no. 539 North Circular Road (ref. 1757)

located c. 50m south of the appeal site. This protected structure is a two-bay four storey houses over basement built in c. 1800 and currently in multi-occupancy units.

9.8.3. The Royal Canal and Bloody Sunday Bridge to the north of the appeal site which are located within a conservation area. The Royal Canal was constructed between 1790-1817 and is listed on Dublin City Inventory of Architectural Heritage (DCIAH) represents a significant feature of industrial heritage that extends across the north side of the city to Longford.

9.8.4. To the west of the appeal site no. 25-26 Portland Street North is listed on the NIAH (ref. 50011063) as a multiple-bay two and three-storey range of rubble limestone buildings, built c.1860, as part of Mountjoy Brewery with regional importance and technical interest. The NIAH notes that these structures are part of the north inner city's diminishing industrial heritage.

9.8.5. St. Patricks Terrace on the opposite side of Russell Street comprises a terrace of 2-storey red-brick houses constructed in c. 1900. These houses are zoned Z1: Sustainable Residential Neighbourhood and are not protected structures. However, I agree with the assessment of the applicants Heritage Impact Assessment (HIA) that they have pleasing uniformity and define the character of the street. Croke Park to the northeast of the site is prominent feature in the streetscape and forms part of the city's civic and cultural context.

9.8.6. The historic, social and cultural significance of the surrounding built environment is acknowledged. The submitted photomontages clearly indicate that the proposed development would be visible from the surrounding streets and would change the character of the site from low density commercial / retail / warehousing use to a residential scheme with significantly increased height and density. Having regard to the city centre location, the variety of architectural form of the existing buildings, to the size of the site and to the high-quality nature of the proposed scheme it is my opinion that it the site has the capacity to absorb the proposed development and create its own character without negatively impacting on the character of the wider area.

9.8.7. The guiding principles for Opportunity site 3 of SDRA 10 states that the regeneration of the site should seek to retain and integrate existing buildings of heritage. The appeal site does not contain any protected structures, buildings listed in the National Inventory of Architectural Heritage (NIAH) or afforded any special protection and is not

location within an Architectural Conservation Area (ACA). However, the site does include remnants of the former Mountjoy Brewery, which was founded in 1852 with the majority of the brewery buildings demolished in the 1970's. The historic structure that remains within the appeal site was part of a former warehouse element of the original brewery, which has previously been altered and reduced in height. The building comprises of random rubble stone building with some brick quoins to the corners and a corrugated iron roof.

9.8.8. The applicants Heritage Impact Assessment (HAI) notes that the eastern elevation, which fronts onto Russell Street, appears to have been rebuilt and the interior contains late 20th century structures and notes that original roof trusses appear to have been reinstated after the external walls were lowered and finished (with asbestos) sheeting. A number of original openings have been blocked-up and in some instances the exact location of the original openings will require further investigation at construction stage.

9.8.9. The proposed development also includes the removal of a section of the wall on the eastern elevation to provide access to the basement level car park. The applicants note that no other alternative location is feasible for the car lift. It is also proposed to provide a new opening on the northern elevation of the structure to provide a visual link to the Royal Canal.

9.8.10. The HIA also notes that at basement level a range of masonry-walled tunnels with cambered brick arches run parallel with Russell Street, along the front of the site. To facilitate the proposed development, it is proposed to remove a section of the tunnels.

9.8.11. The alterations proposed to the historic brewery structure and the associated underground tunnels, and the concerns of the third party are noted. However, the historic brewery structure is not a protected structure, listed on the NIAH or afforded any special protection and the applicant has provided a written record of all features of potential interest within the HIA. As set out in the Architectural Heritage Guidelines keeping a building in use is recognised as the best method of conserving a historic building and some degree of compromises will be required to meet the requirements of modern living. It is my opinion that the retention and reuse of the building adds to the visual interest of the scheme and the streetscape and would contribute to the historical, social and cultural narrative and character of the local area. Therefore, its retention and incorporation into the proposed scheme is welcomed and supported. I

am also satisfied that the proposed development is in accordance with the provisions of Policy BHA24 of the Development Plan regarding the reuse and refurbishment of historical buildings. However, as outlined above, it is my view that it is appropriate that the first to 5th floor levels of Block C be set back. In addition to providing a uniformed approach to the form of the structure this would ensure the proposed development does not detract from the historic base, which is a defining feature of the Block and the scheme.

9.8.12. It is noted that the Planning Authority's Conservation Officers report raised no objection in principle to the proposed development. However, the report recommended a number of conditions including the engagement of a conservation expert to design, manage, monitor and implement the works. If permission is being contemplated it is recommended that similar conditions be attached.

Public Art

9.8.13. During the LRD Opinion the Parks Department of Dublin City Council requested that consideration be given to providing a public artwork within the area of public open space that was reflective of the former Mountjoy Brewery. The applicants Heritage Impact Assessment (HIA) notes that no authentic original equipment or fittings relating to the Mountjoy Brewery are available for display. Having regard to the relatively limited size of the area of public open space, it is proposed that the site's history be interpreted through artwork that would be incorporated into the landscaping design materials. Examples of similar features are provided in Figures 23 and 24 of the HIA. I have no objection to the proposed design features and note that the Planning Authority raised no concerns in this regard. It is my opinion that the final details of public art and / or landscape design features could be addressed by way of condition.

9.9. ***Transportation***

9.9.1. The appeal site is located within Dublin city centre. As outlined above, I am satisfied that this is a central and accessible location.

9.9.2. The third parties raised concerns that during events / matches at Croke Park Russell Street is closed which will limit access to the proposed development. Appendix III of the applicant's response to the appeal includes correspondence from Croke Par regarding match day events. The correspondence indicates that local residents are issued a pass which provides access to the cordoned area and that An Garda

Siochana may restrict vehicular access during periods of high pedestrian traffic. This is acknowledged as the existing baseline environment which would continue irrespective of the proposed development.

9.9.3. During the construction phase it is noted that this may require certain works to be delayed during specific major event days. This is considered reasonable and acceptable.

9.9.4. The third parties raised concerns the emergency vehicular access to the site is reliant on land outside of the applicant's ownership. In response to the appeal the applicant states that emergency access to the site is proposed from Russell Street. An additional, emergency access is identified via the private access road / laneway to the north of the appeal site which provides access to the Croke Park Industrial Estate. A legal letter is provided in Appendix II of the applicant's response to the appeal which indicates that the applicant has a right of way over the access road / laneway.

9.9.5. The third parties also raised concerns regarding the quantum of car parking and the lack of capacity for overspill car parking generated by the proposed scheme. It is also noted that due to the city centre location car parking on the surrounding streets is predominately restricted by pay and display measures. Therefore, there is no capacity on the surrounding road network to accommodate any overspill car parking generated by the proposed development.

9.9.6. The appeal site is located within Zone 2. It is noted that the boundary with Zone 1 is c. 80m south of the appeal site on the North Circular Road. Table 2 of Appendix 5 of Volume 2 of the Development Plan sets out maximum car parking standards for various land uses, which permits a maximum of 1 no. car parking space per 20 student bedspaces and 1 no. space per apartment. This equates to a maximum provision of 18 no. spaces to serve the student bedspaces and 54 no. to serve the apartments. Therefore, a maximum of 72 no. car parking spaces is permissible.

9.9.7. The proposed scheme includes 12 no. standard car parking spaces including 1 no. accessible space at basement level / lower ground floor level of Block C. This equates to c. 0.2 no. space per residential unit. It is noted proposed to provide any car parking for the student accommodation scheme.

9.9.8. Appendix 4 of the Development Plan states that a relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly

accessible location subject to a number of criteria, including location, proximity to public transport, accessibility, proximity to services and employment, impact on amenities (overspill) and safety. Furthermore, Section 15.13.1.4 of the Development Plan states that designated car parking for student accommodation schemes will not be supported in the city.

9.9.9. As set out above, the Compact Settlement Guidelines identify types of locations. The appeal site is considered to be located within the City - Centre. City centres are the most central and accessible urban locations nationally with the greatest intensity of land uses. In accordance with Table 3.8 of the Guidelines the site would also fall within the category of high- capacity public transport node or interchange. SPPR 3(i) of the Guidelines states the in city centres car parking provision should be minimised, substantially reduced or wholly eliminated. It further stated that applicants should be required to provide a rationale and justification for the number of car parking space proposed.

9.9.10. In addition, the Apartment Guidelines 2025 state that car parking ratios should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. The applicants Planning Report notes that the sites is located within the city centre in close proximity to a wide variety of services, amenities, employment areas, tourist attractions, existing and planned public transport modes and that the car parking provision is in accordance with SPPR3 of the Compact Settlement Guidelines.

9.9.11. Having regard to the provisions of SPPR 3 of the Compact Settlement Guidelines, the provisions of the Apartment Guidelines, the maximum standards set out in the Development Plan, and the sites characteristics I have no objection to the proposed ratio of car parking and consider it appropriate at this highly accessible city centre site and in accordance with the maximum car parking standards set out in the Development Plan.

9.10. ***Ecology – Royal Canal pNHA.***

9.10.1. The appeal site is located within Dublin's northeast inner city. The site contains existing commercial premises with areas of hard standing. There are no trees or vegetation within the site.

9.10.2. The third parties raised concerns that the proposed development would have a negative impact on the Royal Canal pNHA (002103). The NPWS website (Natural Heritage Areas (NHA) | National Parks & Wildlife Service) states that a proposed Natural Heritage Area is an area considered important for the habitats present or which holds species of plants and animals whose habitat needs protection. The Royal Canal is located c. 11m north of the appeal site in an urban environment and forms part of the Royal Canal Greenway, which is route that is encouraged for walking and cycling in the city. During my site visit on the 1st October 2026, the towpath / walkway adjacent to the waterway was closed for maintenance. However, it is noted that this section of the canal has a concrete footpath and does not contain any special features such as hedgerows, grassland, reed fringe, scrub and woodland. While the sites proximity to the Royal Canal pNHA is noted I am satisfied that due to the separation distance, the nature of the proposed development and the urban location of the canal that the proposed development would not result in a negative impact on the pNHA.

9.11. ***Planning Assessment Conclusion***

9.11.1. I am satisfied that there is a clear demand for student accommodation and apartments within the city centre and consider the proposed mix of uses is in accordance with the sites Z10 zoning objective to *consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses* and with the provisions of Policy QHSN11 to promote the realisation of the 15-minute city.

9.11.2. It is acknowledged that the proposed development is generally reflective of the indicative layout provided for Opportunity Site 3, in SDRA 10 of the Development Plan and it is my opinion that this urban site is capable of absorbing increased density, height and scale. The retention and incorporation of the former Mountjoy Brewery structure, which is not a protected structure or listed on the NIAH is welcomed. However, I have serious concerns that the proposed density of 452 uph, which is significantly in excess of the ranges set out in the Compact Settlement Guidelines and, Appendix 3 of the Development Plan, and, therefore, does not comply with Policy SC10. The schemes plot ratio of 4.65 which significantly exceeds the 2.5 – 3.0 set out in Table 2 of Appendix 3 for the central area, in combination with inter-related elements of the scheme would result in a substandard form of development.

9.11.3. The particular concerns, relate to the limited separation distances within the scheme, which in some instances do not comply with SPPR1 of the Compact Settlement Guidelines, with a maximum separation distance of c. 14m between the student bedspaces on the eastern elevation of the internal courtyard and the student bedspaces on the western elevation of the internal courtyard and a separation distance of 15.2m between the northern elevation of Block B and the southern elevation of Block C. In my opinion these separation distances could result in undue overlooking and result in poor quality amenity for future residents.

9.11.4. The scheme is also located c. 3m from the site's western boundary with an adjacent site, which is also indicated as having built form on Opportunity Site 3 of SDRA 10 and within the applicant's masterplan provided in the Architectural Design Statement. The limited separation distance in combination with the location of windows within the scheme has the potential to unduly overlook this parcel of land and impede its future development.

9.11.5. The under provision of usable public open space which equates to c. 9.2% of the site, below the required of 10% as set out in Table 15-4 of the Development Plan, in an area which has an existing deficit of public open space infrastructure. The lack of usable permeability through the site, which is identified within the key guiding principles for Opportunity Site 3 of SDRA 10.

9.11.6. With regard to the BRE standards the ground floor level communal open space would only achieve 8% compliance with the BRE standards and the first-floor level communal open space would not receive any sunlight (0% compliance).

9.11.7. It is also my view that the proposed density contributes to the bulky form of the first to 5th floor level of Block C, which is disproportionate to the building and detracts from the historic base. It is my opinion that current form of Block C does not comply with Objective SDRAO1 of the Development Plan with regard to Architectural Design and Urban Design.

9.11.8. It is acknowledged that in city centre schemes there are challenges in achieving the recommended standards in all instances, and to do has the potential to unduly compromise the design of the scheme and / or the streetscape. However, in my opinion the quantum of development is excessive and results in overdevelopment of

the site and in combination with the design approach results in a substandard form of development.

9.11.9. As outlined in my assessment conditions to amend the scheme, could address some of the individual concerns. However, it is my view that in combination they could result in significantly altering the proposed development with particular regard to the design and layout of the scheme, unit mix and open space provision. Therefore, it is my opinion that the proposed development should be refused as the scheme does not comply with Policy SC10 with regard to density and Objective SDRAO1 with regard to architectural design and urban design and access and permeability and the provisions of Appendix 3 of the Dublin City Development Plan 2022 – 2028 and the separation distances and density ranges set out in the Compact Settlement Guidelines.

10.0 AA Screening

10.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay SAC (000210), South Dublin Bay and River Tolka Estuary SPA (004024), North Dublin Bay SAC (000206) or North Bull Island SPA (004006) or the North West Irish Sea SPA (004236) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

10.1.2. This determination is based on:

- The urban location.
- The nature and extent of the proposed development.
- The absence of any surface water feature within the appeal site.
- The distance to the nearest European Site.
- Lack of a direct hydrological of ecological pathway to a European Site.

11.0 Water Framework Directive

11.1. I refer the Commission to Appendix 3 of this report.

11.2. The appeal site is located within Dublin's Northeast Inner City. The nearest watercourse is The Royal Canal (IE_09_AWB_RCMLE) located immediately north of the appeal site. This waterbody has a Good Status and is currently Under Reivew. The groundwater body underlying the site is Dublin (IE_EA_G_008). The groundwater has a Good Status and is Not at Risk.

11.3. No water deterioration concerns were raised.

11.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and / or groundwater water bodies either qualitatively or quantitatively.

11.5. The reason for this conclusion is as follows

- The urban location.
- The nature and extent of the development.
- The location of the appeal site outside an area at risk of flooding.

11.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

12.0 **Recommendation**

12.1. Having regard to the above assessments, I recommend that permission be refused for the reasons and considerations set out in the draft Order below.

13.0 Recommended Commission Order

Planning and Development Acts 2000 to 2020 as amended.

Planning Authority: Dublin City Council

Planning Register Reference Number: WEBLRD6089/26-S3

Appeal by Kerri Farnsworth and Others again the decision made on the 29th June 2026 by Dublin City Council to grant permission to Westward Property Limited for the proposed Large Scale Residential Development application.

Location: Westward House, 10, 10A and 10B, Russell Street, Dublin 1,

Proposed Development: Development of a Large-scale Residential Development (LRD) will consist of:

- Demolition of all existing buildings on site including the part demolition of the Former Mountjoy Brewery structure and the removal of the majority of existing boundary walls and railings.
- Construction of 365 no. student bedspaces arranged in 53 no. clusters of 6, 7, and 8-bedroom units and 26 no. studio units (including 7 no. accessible units) each with associated shared kitchen/living/dining areas in 2 no. interconnected blocks (Block A and B) ranging in height from 1 to 9 storeys. Internal amenity spaces (approx. 849.7 sqm) including reception / common lounge / social area, parcel store, study, games room, cinema / media room, laundry room, meeting room, music practice room, recording studio, multi-purpose arts room, 2 no. private study rooms, study area, and 1 no. accessible bathroom at ground floor level in Block A, a gym at ground floor level in Block B and a student's lounge and accessible bathroom at sixth floor level in Block B; External amenity areas (approx. 978.8 sqm) including external patio at surface level, a roof terrace at first floor level, and 2 no. roof terraces at sixth floor level; A total of 436 no. bicycle parking spaces to serve the student accommodation units (368 no. long terms spaces at lower ground floor and ground floor levels and 68 no. visitor spaces at surface and ground floor level); Back of house areas including admin room, security room, staff canteen, 1 no. store rooms and bin store in Block A.
- Construction of 54 no. apartment units in 1 no. block (Block C) ranging in height from 6 to 14 storeys (above lower ground floor) comprising 18 no. 1 bedroom

units, 5 no. 2 bedroom (3 person) units, 18 no. 2 bedroom (4 person) units and 13 no. 3 bedroom (5 person units). Each residential unit will have access to private open space in the form of a balcony. Total residential communal open space of approx. 367.9 sqm including a landscaped courtyard at surface level and roof terrace at sixth floor level. A total of 130 no. bicycle parking spaces to serve the residential units (103 no. long term spaces at lower ground floor level and 27 no. visitor spaces at lower ground floor level and surface level). A total of 11 no. car parking spaces and 2 no. motorbike parking spaces are proposed to serve the residential units at lower ground floor level accessible via a car lift and 1 no. accessible car parking space is proposed at surface level. 2 no. bin stores are proposed at lower ground floor level.

- 2 no. commercial spaces including an office / we work unit (approx. 284.5 sqm) and café / retail unit (approx. 102 sqm) at ground floor level in Block B. m).
- A cultural / community space (approx. 845.2 sqm) at lower ground, ground floor (partial double height) and mezzanine levels in Block C.
- A total of 18 no. bicycle parking spaces are proposed to serve the commercial units at surface level (4 no. bicycle spaces for the café / retail unit; 4 no. bicycle spaces for the office unit and 10 no. bicycle spaces for the cultural / community use).
- Approx. 409.4 sqm of public open space in the form of a public plaza between Block B and C fronting onto Russell Street. p) An ESB substation, 2 no. switch rooms and a comms room at ground floor in Block A. A switch room and generator room at ground floor in Block B.
- An ESB substation, switch room and riser room at ground floor in Block C. 2 no. plant rooms and sprinkler plant room at lower ground floor in Block B. 2 no. plant rooms, a generator room, mech vent exhaust room and comms room at lower ground floor in Block C.
- Vehicular access/egress to be provided off Russell Street for a new internal street allowing access to the proposed EV accessible car parking space and the car lift.

- Provision of 2 no. drop off / loading bay spaces and an area of on-street parallel parking bays on Russell Street.

Decision: Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Matters Considered: In making its decision, the Comision 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.

14.0 Reasons and Considerations

1. The proposed scheme results in a residential density of 452 units per hectare. Table 1 of Appendix 3 of the Dublin City Development Plan 2022 - 2028 sets out a density range of 100-250 units per hectare for Strategic Development Regeneration Area (SDRA) lands. Section 3.2 of Appendix 3 states that in general there is a presumption against schemes in excess of 300 units per hectare, with schemes in excess of this density only considered in exceptional circumstances. Policy SC10 seeks to ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. These Guidelines were superseded by the Sustainable Residential Development and Compact Settlement Guidelines in 2024. Section 3.2 of the Sustainable Residential Development and Compact Settlement Guidelines, 2024 sets a density range of the 100 units per hectare to 300 units per hectare density range for city centre sites. The proposed density significantly exceeds the range set out in Appendix 3 of the Dublin City Development Plan 2022 – 2028 and the range set out in Sustainable Residential Development and Compact Settlement Guidelines, 2024 and would materially contravene Policy SC10 of the Dublin City Development Plan 2022 – 2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Appendix 3 of the Dublin City Development Plan 2022 – 2028 sets out a maximum density of 300 units per hectare and a maximum plot ratio of 3 for the appeal site. The proposed density of 452 units per hectare and the plot ratio of 4.65 significantly exceeds these ranges. The density and plot ratio in combination with:

   (i) the limited separation distances within Block A and between Blocks B and C, which would negatively impact on future residential amenity by way of undue overlooking and limited separation distances to the sites western boundary which would potentially impede the future development of an adjacent site;

   (ii) the under provision of public open space in an area which has an existing deficit of public open space infrastructure;

   (iii) the bulky and disproportionate form of the first to fifth floor level of Block C, which the proposed building and detracts from the historic base;

   (iv) the provision of a public walkway via a gated entrance.

   (v) the undue overshadowing of communal open spaces associated with the Student Accommodation

   results in a substandard form of development. This does not comply with Objective SDRAO1 of the Dublin City Development Plan 2022- 2028 with regard to Architectural Design and Urban Design, Access and Permeability and Urban Greening, Policy QHSN10 to promote residential development at sustainable densities having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area and the provisions of Appendix 3 of the Dublin City Development Plan 2022- 2028 and would be contrary to the proper planning and sustainable development of the area.

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

_____

Elaine Power

Senior Planning Inspector

15th October 2026

Appendix 1: EIA Pre-Screening

Case Reference	ACP-324467-26
Proposed Development Summary	The demolition of existing structures (2,905sqm), the part demolition works to the Former Mountjoy Brewery structure, the removal of the majority of the existing boundary walls and railings and the construction of 54 no. residential apartments units, 365 student accommodation bedspaces, 2 commercial units and a cultural / community use in three urban blocks ranging in height from 1-14 storeys.
Development Address	Westward house, 10, 10A and 10B Russell Street, Dublin 1.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources).	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	Part 2, Schedule 5, Class 10 Infrastructure Projects – (b) (i) Construction of more than 500 dwelling units. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	Schedule 7A information is provided in the applicants EIA Screening Report.
No ☐	

Inspector: _____ **Date:** _____

Appendix 2: EIA Screening Determination

A. Case Details		
An Coimisiún Pleanála Case Reference	**ACP-324467-26**	
Sub-threshold - development class referred to under Schedule 5 of Planning and Development Regulations 2001 (as amended) or Article 8 of Roads Regulations 1994	Part 2, Schedule 5, Class 10 Infrastructure Projects – (b) (i) Construction of more than 500 dwelling units. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Class 15 of Part 2, Schedule 5 relates to any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.	
	Yes / No / NA	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	Yes	The Planning Authority's EIA Screening concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA is not required.

2. Has Schedule 7A information been submitted?	Yes	Schedule 7A information was submitted within the applicants EIA Screening report. The applicant submitted a Statement in accordance with Article 103 (1A) of the Planning and Development regulations, 2001 (as amended).
3. Has an AA screening report or NIS been submitted?	No	An Appropriate Assessment Screening Report was submitted. Givern the nature and scale of the proposed development and the distance to the nearest designated site, there is no requirement to proceed to Stage 2 of the Appropriate Assessment process and the preparation of an NIS is not required.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	Having regard to the nature of the proposed development an IED/ IPC or Waste Licence (or review of licence) is not required from the EPA.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	The applicants Statement in accordance with Article 103 (1A) of the Planning and Development regulations, 2001 (as amended) provides a comprehensive assessment of relevant EU Legislation. • The Appropriate Assessment Screening Report and the Ecological Impact Assessment Report had regard to *Directive 92/43/EEC (as amended) The Habitats Directive* and the Convention on the Conservation of European Wildlife and Natural Habitats - Bern Convention, Convention on the Conservation of Migratory

		Species of Wild Animals – Bonn Convention, The Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat. • The Engineering Services Report, Water Framework Directive Assessment Report, Flood Risk Assessment, Construction Environmental Management Plan (CEMP), Appropriate Assessment Screening Report and the Environmental Impact Assessment Screening Report had regard to *Directive 2000/60/EC (as amended) EU Water Framework Directive.* • The Construction Environmental Management Plan, the Acoustic Design Statement and the EIA Screening Report had regard to *Directive 2002/49/EC, Environmental Noise Directive.* • The Construction Environmental Management Plan and the EIA Screening report had regard to *Directive 2008/50/EC (as amended) on ambient air quality and cleaner air for Europe.* The Flood Risk Assessment, the Construction Environmental Management Plan and the EIA Screening report had regard to *Directive 2007/60/EC on the assessment and management of flood risks.* • The Climate Action and Energy Statement had regard to Directive 2010/31/EU (energy performance of Buildings). • Directive 2001/42/EC, SEA Directive is referenced in the DCC Development Plan, 2022-2028

		It is noted that the proposed development is not especially vulnerable to risk of major accidents as there are no substances to be stored as part of the proposed development that would be controlled under the Seveso Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU.	
B. Examination	**Yes / No / uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** **(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)** **Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.**	**Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain**
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposed development comprises the demolition of existing structures, the retention of the remnants of the historic Mountjoy Brewery and the construction of 54 residential apartment units, 365 student accommodation bedspaces2 no. commercial units (c. 284.5 sqm), café / retail unit (c. 102 sqm) and cultural / community use unit (c. 845.2 sqm) in 3 no, urban blocks. The density and the building height are greater than the existing residential developments in the immediate vicinity of the site.	No

		However, from an environmental perspective the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located within the urban area. It is proposed to demolish existing structures within the site and retain the remnants of the former Mountjoy Brewery structure, retain and expand the existing lower ground floor level and slightly increase the level of the western portion of the site by c. 1m. It is considered that this issue is minor in nature. The proposed development would result in a change of land use from low density commercial use to high density predominantly residential scheme.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	Construction materials will be typical of such urban development sites. The construction and operation of the proposed development will not result in any significant loss of natural resources or local biodiversity.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and	No

which would be harmful to human health or the environment?		temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	No significant risk identified. Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. Significant operational impacts are not anticipated.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	Demolition works may involve the removal of hazardous materials, such as asbestos, insulation, mercury-containing lamps, and PCB-based sealants. Where hazardous materials are identified, appropriate control measures will be implemented. All works would be carried out in accordance with relevant legislation and guidelines. The implementation of the standard measures outlined in the EIA Screening report and the Outline Construction and Environment	No

		Management Plan relating to the control emissions from the site of will satisfactorily mitigate emissions during construction. The operational development will connect to mains services and discharge surface waters only after passing through interceptors and SUDS.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Outline Construction Environmental Management Plan.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	As noted above, the demolition works may involve the removal of hazardous materials, such as asbestos, insulation, mercury-containing lamps, and PCB-based sealants. Where hazardous materials are identified, appropriate control measures will be implemented. Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated.	No

1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted. Any risk arising from the construction phase would be highly localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location	No
1.10 Will the project affect the social environment (population, employment)	Yes	The development of this site would result in an increase in employment opportunities during the construction phase and would increase the population of the area. The development would provide PBSA and apartments, that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No. This is a stand-alone development, comprising development of a greenfield site and is not part of a wider large scale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: **- European site (SAC/ SPA/ pSAC/ pSPA)** **- NHA/ pNHA** **- Designated Nature Reserve** **- Designated refuge for flora or fauna**	No	No European sites located within or within close proximity to the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites. This site does not host any species of conservation interest.	No

- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan			
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	The proposed development is located on a brownfield site in the urban area. The site comprises structures and hardstanding. The re-development of the site would not result in significant impacts to protected, important or sensitive species.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are no protected structures or building listed on the NIAH within or immediately adjacent to the site and the site is not located within an ACA. However, The historic, social and cultural significance of the surrounding built environment is acknowledged. The retention and incorporation of the remnants of the historic Mountjoy Brewery structure as the base of Block C would help preserve a sense of place and maintain a connection to the site's industrial heritage and is welcomed.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the	No	No such features arise at this urban site.	No

project, for example: forestry, agriculture, water/coastal, fisheries, minerals?			
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	There are no waterbodies within the appeal site, and the site is not at risk of flooding. The site is located c. 11m from the Royal Canal. The development will implement SUDS measures to attenuate and control surface water run-off. The development would not increase risk of flooding to downstream areas as surface water run off would be limited to greenfield rates of a maximum of 2l/s. The estimated attenuation volume is designed to cater for the 1:100-year return period. All drainage and flood risk calculations include 20% climate change.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No risks identified at this urban location.	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local road network. The proposed scheme includes 12 no. car parking spaces. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The appeal site is located within Dublin city centre, adjacent to Croke Park Stadium. No negative impact on sensitive land uses are anticipated as a result of the proposed development.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No	No
3.3 Are there any other relevant considerations?	No	No	No
C. Conclusion			
No real likelihood of significant effects on the environment.	☒	EIAR Not Required	
	☐	EIAR Required	
D. Main Reasons and Considerations			
Having regard to			

- The nature and scale of the proposed development, which is significantly below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 15 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001 (as amended),
- The location of the proposed development on lands zoned Z10 in the Dublin City Development Plan 2022 -2028 with the associated land use objective to *consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses*. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The urban nature of the existing site and the pattern of development in the surrounding area,
- The availability of mains water and wastewater services to serve the proposed development,
- The location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) 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),
- The criteria set out in Schedule 7 and Schedule 7A of the Planning and Development Regulations 2001, as amended,
- The results of other relevant assessments of the effects on the environment submitted by the applicant including the Engineering Report and site-specific Flood Risk Assessment, and
- The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the environmental Impact Assessment Screening Report, Outline Construction Environmental Management Plan, the Resource and Waste Management Plan, Operational Waste Management Plan, Ecological Impact Assessment, Archaeological Impact Assessment, Landscaping Report and the Engineering Services Report.

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 would not, therefore, be required.

Inspector _____ **Date _____**

Approved (DP/ADP) _____ **Date _____**

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
Case Reference	**ACP-324467-26**	**Townland, address**	Westward house, 10, 10A and 10B Russell Street, Dublin 1.
Description of project		The demolition of existing structures (2,905sqm), the part demolition works to the Former Mountjoy Brewery structure, the removal of the majority of the existing boundary walls and railings and the construction of 54 no. residential apartments units, 365 student accommodation bedspaces, 2 commercial units and a cultural / community use in three urban blocks ranging in height from 1-14 storeys.	
Brief site description, relevant to WFD Screening,		The appeal site is located within Dublin's northeast inner site. it has a stated area of 0.433 ha and currently accommodates a car/van rental service, a plumbing supply store, a courier service, the Ladies Gaelic Football Association club and a car parts store. The buildings on site range in height from single to 3-storeys. The remaining potions of the site comprise hardstanding. There is no surface water drainage infrastructure within the vicinity of the site. The site is currently served by a combined sewer located under Russell Street. There are no water features within or adjoining the site. The existing site comprises buildings and hardstanding, with no on-site surface water storage or SUDS features.	

Proposed surface water details	Surface water runoff will be collected and attenuated within the site through the use nature-based rainwater management and sustainable urban drainage systems (SUDS). SUDS features include extensive Green – Blue Roof (2,189sqm), Blue Podium (692sqm), permeable paving (410sqm), gravel paths (79sqm), grassed areas (215sqm), tree pits along Russell Street 944sqm), petrol interceptor and hydrobreak. Within the site surface water and foul water would be separate. However, as there is no public storm sewer in the vicinity of the site surface water would be discharged to the public combined sewer network on Russell Street at a greenfield rate (maximum 2.0 l/s).
Proposed water supply source & available capacity	The proposed development would connect to the public network on Russell Street. Appendix B of the applicants Engineering Services Report includes a Confirmation of Feasibility from Uisce Eireann indicates that a connection is feasible without infrastructure upgrade.
Proposed wastewater treatment system & available capacity, other issues	The proposed development would connect to the combined foul network under Russell Street. The surface water and foul water network within the proposed development would be separate before connecting into the combined public sewer. Appendix B of the applicants Engineering services Report includes a Confirmation of Feasibility from Uisce Eireann indicates that a connection is feasible without infrastructure upgrade.

	The Uisce Eireann Wastewater treatment capacity register indicates that there is capacity at Ringsend WWTP (green status).
Others?	N/A

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective e.g.at risk, review, not at risk**	**Identified pressures on that water body.**	**Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)**	**Mitigation Measures Proposed**	**Is mitigation sufficient, will there be any residual impacts?**
River Waterbody	Royal Canal Main Line (Liffey and Dublin Bay) (IE_09_AWB_RCMLE)	Good Status	Under Review	Under Review	Surface Water run-off.	Standard construction practices. SuDS measures include the incorporation of petrol/oil interceptors.	No residual risk. I am satisfied that the preventative measures will reduce any possible effects
Groundwater Waterbody	Dublin (IE_EA_G_008)	Good Status	Under Review	Under Review	Infiltration to groundwater.		

							to a non-significant level.
Coastal Waterbody	Dublin Bay (IE_EA_090_0000)	Good Status	Not At Risk	N/A	The foul network is treated at Ringsend WWTP which ultimately discharges to Dublin Bay.	No mitigation measures proposed	No residual risk.