

Chief Executive's Report

ABP REF:	ABP-313278-22
DCC REF:	SHD0009/22
Location:	White Heather Industrial Estate, South Circular Road, & 307/307a South Circular Road, and 12a St James's Terrace, Dublin 8
Applicant:	U and I (White Heather) Limited
Proposal:	Construction of a residential development comprising of 335 no. Build to Rent (BTR) apartments and associated ancillary residential uses.
Application Type:	Strategic Housing Development

Response to An Bord Pleanála in accordance with the requirements of Section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016

SITE DESCRIPTION

The 1.443ha site is located along the South Circular Road at Dolphin's Barn, immediately adjacent to and north of the Grand Canal. It largely comprises the two storey former industrial estate known as 'White Heather' and takes in a residential dwelling at No. 307/307a South Circular Road and 12a St. James's Terrace, a vacant industrial unit.

The former industrial estate is accessed via the South Circular Road, an additional access point from St James's Terrace provides access to one industrial unit at 12a St. James's Terrace.

The immediate context is generally residential in character and the site bounds residences along St. James's Terrace, Priestfield Cottages and Our Lady of Dolour's Church – a protected structure RPS No. 1849.

PROPOSED DEVELOPMENT:

The proposed development is described in the public notices as follows:

1. The demolition of all existing buildings on site except 307/307a South Circular Road including industrial storage warehouses and office buildings comprising a total of c. 6,604 sq. m. floorspace;
2. A mixed residential and commercial development with a total floorspace of c. 30,242 sq. m. Total proposed residential floorspace is c. 26,119 sq. m. and consists of a total of 335 no. Build to Rent residential units including Part V provision as follows:
 - A terrace of 7 no. 3-storey 3 bed townhouses,

- Block B01 (5 storeys) comprising 24 no. units (14 no. 1 bed units and 10 no. 2 bed units),
 - Block B02 (5–7 storeys) including a link to Block B02A (5-storeys) comprising 84 no. units (56 no. 1 bed units and 28 no. 2 bed units),
 - Block B03 (5-10 storeys) including 77 no. units (48 no. 1 bed units and 29 no. 2 bed units) and Resident’s Amenity (c. 1,001 sq.m) with main entrance hall, Concierge/Management Office at undercroft and ground floor, Gym, Events Suite and a ‘Canal Café’ at ground floor level, Co-Working/Lounge, Cinema/Media Room, Dining/Kitchen area and access to an external roof terrace at fifth floor level (Level 05),
 - Block B04 (5-7 storeys) comprising 72 no. units (48 no. 1 bed units and 24 no. 2 bed units),
 - Block B05 (5 storeys) comprising 10 no. units (6 no. 1 bed units and 4 no. 2 beds) with a café unit (c. 46 sq. m) at ground floor level,
 - Block B06 (2-5 storeys) comprising 29 no. units (2 no. studio units, 7 no. 1 bed units, 14 no. 2 bed units and 4 no. 2 bed duplex units and 2 no. 3 bed duplex units),
 - Block B07 (3-5 storeys) comprising 32 no. units (17 no. 1 bed units and 15 no. 2 bed units),
3. 1 no. 2-storey Childcare Facility / Creche (c. 260 sq. m);
 4. A total of (c. 2,960 sq. m) Public Open Space landscaped and broken into 7 no. distinct character areas and linking through Canal Square, a Pedestrian Priority Street between Blocks B03 and B04 to a publicly accessible landscaped Linear Park along the Grand Canal within the Z9 Amenity/Open Space Lands;
 5. Communal Open Space of c. 2,160 sq. m made up of c. 1,560 sq. m at ground floor and c. 600 sq. m on roof terraces;
 6. The proposed Part V provision of 34 no. units and 10% of the total units are proposed to be provided at Block B01 and Block B05 as 20 no. 1 bed units and 14 no. 2 bed units;
 7. 106 no. car parking spaces are provided with 41 no. car parking spaces at grade, including 5 no. parking spaces within the curtilage (carports) of townhouses, and 65 no. car parking spaces at undercroft area (c. 1,890 sq. m) with lobbies linking to Blocks B02 and B03 entrance lobbies, cycle parking storage areas, staff area, refuse store areas and plant areas;
 8. 558 no. cycle spaces at surface (352 no. spaces) and undercroft level (206 no. spaces) of which 491 no. are secure bicycle spaces (3 no. of which are cargo spaces) and 67 no. are visitor spaces (5 no. of which are cargo spaces);
 9. Realignment and improvement works to the existing entrance junction on South Circular Road and the existing entrance to Priestfield Cottages to provide road markings, footways and formal uncontrolled crossing points;
 10. Works to surface treatments to provide pedestrian and cycle access only to the existing entrance at St James’s Terrace;
 11. A change of use of the existing 2-storey residential units 307/307a South Circular Road from residential to shared workspace/office space (c. 165 sq. m);
 12. 3 no. electricity sub-stations in blocks B02, B03 and B04; and

13. All enabling and site development works, hard and soft landscaping, public realm works, public art, lighting, services and connections, waste management and all other ancillary works.

The application contains a statement setting out how the proposal is consistent with the objectives of the Dublin City Development Plan 2016-2022. It also contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37 (2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

An Environmental Impact Assessment Report has been prepared in respect of the proposed development and accompanies this application.

PLANNING HISTORY:

Subject Site

- 2458/10: Permission granted for Development of a postal delivery service unit on a circa 0.222ha site. The development comprises the amalgamation and change of use of the two existing light industrial/warehouse units to accommodate an An Post delivery service unit and 209sqm additional ancillary accommodation internally including offices and welfare facilities. The proposal will result in: - Alterations to the north and east elevations including new doors, windows, canopies and signage. The provision of a single storey external store for 30. No bicycles tree planting and landscaping along the eastern and southern boundaries of the site 25no. off street car parking spaces. Repairs and renewal of existing hardstanding areas and roof and wall fabric. New security railings and gates including the provision of architectural railings above the existing stone-faced wall to the eastern boundary and block wall to the southern boundary to give an overall height of 2.7m signage to main entrance.
- 4236/09 Permission granted for the installation of new pedestrian and vehicular access gates at the front entrance.
- 2316/07: Permission granted for Demolition of one existing warehouse and sheds and the construction of two new warehouse / light industrial units, with associated parking unit A comprising 904sqm of warehouse / light industrial space with 302 sqm of offices on three floors, Unit B comprising 718 sqm of Warehouse / light Industrial Space with 156 sqm of offices on two floors and 65.5 sqm estate management store.
- 1287/00: Permission granted to Construct 3.0 metre high palisade fence to the south boundary.

Surroundings:

- ABP Ref:307221: Permission granted at the former Bailey Gibson Site, 326-328 South Circular Road, Dublin 8 for demolition of all structures, construction of 416 no. residential units (4 no. houses, 412 no. apartments) and associated site works

ABP Ref: 308917: Permission granted at the Former Player Wills site and undeveloped Land in Ownership of Dublin City Council, South Circular Road, for Demolition of all buildings excluding the original fabric of the former Player Wills Factory, construction of 492 no. Build to Rent apartments, 240 no. Build to Rent shared accommodation along, creche and associated site works.

PRE-APPLICATION CONSULTATIONS

Pre-application meetings were held with the planning authority on:

- 19th October 2020;
- 6th January 2022;
- 1st March 2021; and
- 20th May 2021.

A Tripartite meeting with An Bord Pleanála was carried out on 29th November 2021.

South Central Area Committee

A presentation of the application was made to the area committee on the 11th May 2022. Minutes of this meeting are attached as Appendix 1 of this report.

OBSERVATIONS

A Total of 24 third party submissions have been received in relation to the proposal.

The issues raised in the submissions are summarised under the headings below. However, given the technical and legal nature of the issues raised, it is recommended that the Inspector reviews the submissions in their totality.

Build to Rent Proposal

- There is significant concentration of proposals/applications for this type of accommodation and student accommodation, a lack of balance in providing housing throughout the city.
- It is proposed to significantly limit B2R in the 2023-2028 City Development Plan.
- This form of development offers substandard accommodation that deters long term dwelling and decreases the stability of the community.
- The development fails to provide suitable accommodation for families.
- Renters are becoming the majority of residents in Dublin City Centre and as such must be protected through sustainable, long-term planning.
- Standards for Build-to-Rent accommodation must be brought up to the level of general apartments to ensure that the city's housing stock can be flexible and adaptable for housing need in the future.
- The community needs a better blend of social housing, affordable housing, rental properties and private housing to actually address the housing crisis.

Height

- Images of the height seem intentionally selective and fail to display how the residential homes at St James Terrace and Priestfield Cottages are impacted upon. No consideration to the proximity to these homes.
- Height, scale and density must be reduced.
- The scheme is overbearing and will also have a significant impact on the skyline.
- The significant height of 10 stories is excessive given the surrounding context of 2 story houses and will have a significant visual impact on the surrounding context.
- 10-storey block positioned at the northern end of the development is a sub-optimal design.
- The Location for the scale and density of the residential component of the proposal given the proposed heights and layout proposed are excessive having regard to the particular site constraints arising from the adjoining receiving environment.
- The proximity of Fatima, St. Teresa's Gardens, the former Bailey Gibson site and the Dolphin House redevelopments raises the question of the impact such an over-concentration of similar type developments on this area, especially given the presence of modestly scaled residential streets, the Grand Canal conservation area and Protected Structures adjoining this site.
- There is an over-concentration of "big block" residential development existing, permitted (not yet constructed) and proposed in the vicinity of the subject site. Such an over-concentration of such uses would be contrary to the proper planning and sustainable development of the area.
- Overbearing impact on St. James Terrace and the Residential Amenity of adjoining Residents and Streets.
- Height of Block 01: Height: For instance, the east area of the proposed development steps up from 2- stories to respect Priestfield, yet the west side steps from 4 to 5 storey in a block that is of close proximity to existing dwellings.
- Distance: Block 01 is 5 metres from 13B St. James's Terrace b. The living room window of the North-East facing unit of the block is 8 metres from direct viewing of the residents bedroom. That is under 35% of the recommended distance.
- Not only is the building extremely close, but they are overbearing by way of five stories and five separate households looking in over private bedrooms, which is unacceptable.
- Overbearing for the residents of Grand Canal View, who's bedroom windows will be between 10 metres (Number 3 Grand Canal View), to 14 metres (2 Grand Canal View), and 18 metres (1 Grand Canal View)
- All of the new blocks demonstrate further distances apart from each other than they do from existing dwellings. Block 01 is 19.633 metres from Block 02, with plenty of room to move closer. Block 01 is designed with target unit count and unit mix in mind in order to meet Part V obligations only. The fifth floor set-back is considered gratuitous and, for all intents and purposes, immaterial to the hugely over bearing impact the block has on the neighbouring properties

Car Parking

- The developer has failed to demonstrate that this limited provision will not have a negative impact on the surrounding local road network already congested and with limited parking facilities.
- Ratio of occupants to car park spaces is limited to 106 spaces for a potential population of 1,000 people. It will generate overspill onto adjacent residential streets.
- The proposal states there will be less than the recommended number of parking spaces (1 per unit) as part of the development. This will mean a flood of extra cars consuming parking

spots on James's Terrace. Given its proximity to the Coombe and James's Hospitals it is already difficult enough to park on streets, the situation will deteriorate.

- The reduced car space ratios should be all Electric Vehicle charge points.
- It is a more and more common developer driven approach and it would be in the interests of sustainable developments and future proofing the development.

Infrastructure

- Low water pressure is already a problem.
- Drainage is problematic with the city council drain regularly blocking in the past. The effects of 300+ units will compound problems for our antiquated drainage system.
- Rings End WWTP cannot support the scheme.
- Regarding sewerage pipes/waste water and water pressure in general. There are significant issues with the existing infrastructure let alone adding a development of this scale into the mix. There is already a glut of apartments in the area thus putting extra pressure on the system. Also, the proposed development at Bailey Gibson/John Player site adds to the pressure on existing services.
- Water Pipe Connection:
 - i. The developer will need to connect a 150mm water pipe connection from the development to water services on the Dolphin Barn Road via St. James's Terrace. The area is referred to an "area of consent" in the application.
 - ii. As a result there will, at some stage during construction, be significant works to the roadway at St. James's Terrace.
 - iii. The condition of the existing road on St. James's Terrace in which the pipe connection will be laid is poorly maintained, bordering on neglected, at present and should be upgraded / re-laid by the developer as part of the works.
 - iv. Furthermore, it is noted that the existing watermain infrastructure on St. James's Terrace is over 100 years old and caution and due care should be provided for when carrying out works for the new pipes.

Residential Supports & Amenities

- Request that a condition be added to any permission mandating these amenities be open to the whole local community as this will enhance the integration of the development and its residents into the local community.

Public Open space/Canal

- The impact on the canal and its leisure open space amenity - the height, scale and proximity.
- Waterways Ireland has advanced plans to develop this as an important amenity for Dubliners the developer should adequately address concerns that it will compromise these plans.

Residential Amenity

6 St James's Terrace

- This house is not correctly depicted in the design drawings. The drawings are inaccurate and misleading in a very material way.

- The window map provided by the developer is incorrect. The windows shown on the window map are much smaller than actual windows (photographs provided).
- The proposed houses are just six metres away from the back of the garden, will be able to look straight into the dwelling's living area, bedroom and bathroom. Privacy will be severely affected by overlooking from the adjacent buildings and gardens proposed.
- The measured loss of light entering the working and habitable area of our house is also wildly inaccurate.
- The internal daylight distribution as shown on the light report furnished by the developer is incorrect. Even the inaccurate measurements show a loss of light into the living area in the winter of over 33%.
- The real figure must in fact be much higher because the windows are much larger.
- This can't be mitigated therefore further reducing light entering the house.
- The developer does not refer to how the walls will be protected by the significant work that will be carried out in very close proximity.
- Not at all clear how the developer intends to mitigate the significant air and noise pollution that will arise over a period of four years during the demolition/construction phase of the development.

12 St James's Terrace

- The side entrance, is currently blocked by the gate at the entrance to the garage.
- A minimum of 1.5-metre pathway (the minimum requirement separating a private dwelling and a business property) along the side of the house to facilitate access and exit to the property at number 12 is necessary.
- The proposal for the new apartments includes the use of the garage entrance as a walkway entrance. A narrow walkway into the side entrance would not disrupt this proposal.
- Occupants have been deprived of what was formerly a fire exit.
- No access to side window, even for cleaning purposes.
- A gas pipeline runs along the side the house, the occupants are currently blocked from accessing, should an emergency leak occur.

13 St James' Terrace

- Negatively impact privacy, overshadowing, overbearing in nature, visually obtrusive, result in noise disturbance as well as causing traffic hazards and conflicts within the local street network.
- The level of negative impact is clearly contrary to the zoning objectives of the subject site and the proper planning and sustainable development of the area, on that basis the proposed development must therefore be refused by An Bord Pleanála.
- The subject site is not an appropriate location for the scale and density of the residential component of the proposal given the proposed heights, mass, scale and layout proposed by way of this application due to the particular site constraints arising from the adjoining receiving environment.
- *(Submission includes an excerpt diagram showing that the daylight analysis did not assess the rear ground floor window).*
- Based on an examination of the floor plans of Block B01, it is noted that much of the proposed fenestration of this block is associated with the main living areas of the proposed apartments as well as circulation areas. In addition there are corner balconies at all upper levels located on the southern and western elevations of Block 01 which will have outlooks over the existing dwelling. Whilst these will be partly screened to the side they will overlap

these screens, and will provide overlooking of the home. This will be seriously detrimental to privacy and residential amenity.

- The degree of overshadowing will be severe.
- The EIA Report that sets out that the loss of daylight and sunlight will be seriously injurious to residential amenity, irrespective of the overbearing impacts.
- It is not in question that no. 13 St. James's Terrace will be negatively impacted by the proposed development to the front, side (northern gable) and the rear, therefore diminish the existing residential amenity of this property.
- The rear garden has not been included in the assessment of sun hours/overshadowing diagrams presented in pages 27-30 of the Supplementary Daylight/Sunlight and Overshadowing report prepared by Avison Young dated March 2022. This is a serious omission of the assessment.
- Negative impact on Property Values.

St James's Terrace

- There is nothing "locally sensitive" about locating a 5 storey apartment (such as Block 01) c. 5m from the boundary wall of a two storey dwelling at No. 13 St. James's Terrace and c.6.7m from the rear boundary wall of No. 12 St. James's Terrace.
- These properties will experience loss of privacy, loss of light, noise disturbance, overbearance.
- The provision of a row of 7 no. 3 storey houses in close proximity to St. James's Terrace does not represent an appropriate transition in scale, particularly given the close proximity of the new dwellings to existing dwellings, c.16.5m from the rear elevation of No. 8 St. James's Terrace and c.17.8m from the rear elevation of No. 5 St. James's Terrace.
- This is also exacerbated by the fact that proposed Block 02 which is located behind the new dwellings will be 5 and 6 storey and Block 01 which is primarily 5 storey will have outlooks over the existing residences and their rear garden area at St. James Terrace.
- The location of balconies on the north and south elevation of Block B01 are all level above ground floor and will seriously overlook the rear of the houses at nos. 10, 11 and 12 St. James's Terrace.
- This impact will be compounded and extended to the rest of the terrace as a result of overlooking balconies within blocks 2 and 3 that will be seriously injurious to the privacy and residential amenity of all the St. James's Terrace properties, and particularly those backing onto the site.
- Questions the accuracy of the Sunlight and Daylight Impact report.
- A series of modelled visuals are presented, however the finding/results is difficult to interpret. A clear set of findings would need to be presented to An Bord Pleanála in order for them to have all of the information before them in order to make a considered, reasoned determination based on evidence.
- Concerns in relation to the impact of the proposal in relation to the capacity of already installed solar panels, or that it would significantly deter and make it inefficient to install solar panels on other houses that would be contrary to the policies at local, regional and national level in relation to climate change.
- The proposed development will have a negative impact on the value of properties adjoining the boundaries of the subject site in particular our client's properties along St. James's Terrace

2 Grand Canal View

- Request confirmation that the Daylight impact on north facing rooms is not excessively reduced by a new 5 storey building in such close proximity.
- In a work from home environment, where the home office is north facing and already short on light, it would be a disaster to have such additional loss of light in the rooms and could lead to the well-researched Seasonal affective disorder (SAD's) in Winter months when light is already at minimum.
- This request is not unreasonable when DCC opinion raised concerns about the impact on houses had not been sufficiently addressed.

356 Sth Circular Rd

- Scale and height of the development is excessive and will impact on the daylighting of this home as well as privacy.
- A shadow analysis diagram indicating impacts should have been submitted to allow visual assessment.
- The BRE guidelines recommend that a target value of 27% Vertical Sky Component should be obtained to achieve reasonable levels of daylight, however, the developer in this instance has commissioned a consultant to justify that Vertical Sky Component levels of 10-15% are acceptable.
- Concerns in relation to sunlight and loss of privacy from overlooking arising from this development.
- A number of neighbours will see sunlight to their properties reduced by more than 1/3, and in some cases as much as 40%.
- A condition for a greater setback from existing properties be imposed to protect privacy.

2&3 St. James's Terrace

- The proposal will result in 3 storey townhouses, with walls being less than one metres from the side wall of this home.
- The windows of blocks 2 and 3 will be overlooking the garden and bedrooms and kitchen.
- Balconies of the three upper stories of block 2b's northwest corner looking over the property, plus the upper floors of balconies on block 3b's west side and block 3's 4th and 5th floor balconies on its northern side, all within 50m of the back door directly overlooking.
- Noise due to residents having balcony access.
- Already has considerable traffic noise on the Dolphin's Barn Side.
- The light in St. James's Terrace will be seriously affected, blocks 2 and 3 at current planned height will cause a marked deterioration in light during the winter months, however this will be nothing compared to the effects on numbers 12 and 13 on the terrace under current plans for block 1.
- Cannot understand how developers could propose a 100% light loss to surrounding houses and expect to be taken seriously.
- The three houses in Grand Canal View at the end of our terrace have a solar power system in service. The size of block 1 threatens the efficiency and yield of their system. In the current political landscape of climate change and fuel dependency on imperial powers such systems should be encouraged and facilitated and not rendered useless.
- Dolphins Barn has had its issues with anti-social behaviour over the years.
- Under the current plans, the rear of the townhouses will form a secluded corner between the northeast most town house and the rear of number 3 St James's terrace. This will attract anti-social behaviour, putting us at risk of theft and intimidation.

- Orientation of balconies should be altered to avoid overlooking the back of the houses and gardens of St. James's Terrace.
- The town houses near St. James's Terrace to be shifted further away from the boundary wall of the backgarden of number 3 and the main boundary wall of numbers 4-13.

Access, Pedestrian & Vehicular Activity

- The proposed main vehicular entrance to the development is used for children's commute to school, Griffith Barracks MD.
- The developers have not considered their proximity to the Bailey Gibson site on the other side. This junction will be very dangerous for cyclists and pedestrians, fear for the safety of our kids on the way to school.
- Future route or transportation arrangements should not be relied upon in the assessment and determination of an SHD.
- The SHD proposal intends to channel pedestrians through St. James's Terrace. It is also noted that cyclists will be channelled through a residential street. St. James's Street is narrow and has on-street car parking for residents with none of the houses having off-street car parking that reduces the street to having the capacity for a single lane of traffic only, with a significant pinch point at the corner to the front of no. 13 and no. 14.
- Concerns in relation to the negative impacts arising from increased pedestrian and cyclist activity within the street which at present does not experience high traffic volumes, pedestrian footfall or high levels of cyclist usage.
- Given that the proposed development seeks to provide over 500 cycle spaces as well as pedestrian usage of St. James Terrace to access the main road network, there is very real potential for conflicts to arise between a merging of road users including vehicles, pedestrians and cyclists on St. James Terrace. This is compounded by the lack of any co-ordinated proposals to improve cycling infrastructure or access into the site from elsewhere.
- Access and egress are at a dangerous enough bend on South Circular Road and not enough consideration has been given to this as there are many in the area with impaired movement and with proposed crèche etc. potential for collisions would be increased.
- Question the bin storage solution just inside the entrance and the policing of same.
- The proposed location of the bike and bin storage is in a "black spot" from a surveillance perspective.

Construction

- White Heather Industrial Estate has asbestos roofs. Would like to see detailed plans on what asbestos is present and how and when it will be removed.
- Any grant should condition that the Environmental Protection Agency be notified 4 weeks before commencement of demolition, and oversee the process.
- Dust and pollution in general during construction. A period of up to 4 years.
- Potentially damage the foundations of houses as has occurred in the Ceannt Fort estate during digging phases of the new Children's Hospital.
- The volume of construction vehicles turning into White Heather and Bailey Gibson construction sites will make that stretch of the South Circular road very hazardous to pedestrians and cyclists including our own children on their way to school. There have been cyclist fatalities at similar construction site entrances for the children's hospital.

Built Heritage

- Negative impact on the adjoining Protected Structure at Our Lady of Dolour's (Protected Structure).
- It will result in an overbearing form and overdevelopment of this site and have resultant negative impacts upon the Protected Structure and the modestly scaled residential development.
- The impacts that the proposed development would have on the Protected Structure (the Church) is contrary to the Dublin City Development Plan conservation policies under Policy CHC2. The development should be refused on this basis.

Natural heritage

- Excessive levels of Tree Removal and reference to tree retention outside of the subject site.
- The Tree retention and Tree removal plan, note that all the trees shown to be retained appear to be located outside of the red line area or at the boundary of the subject site with adjoining properties.
- Only one tree shown to be retained within the site. This is contrary to the policies and objectives of the Dublin City Development Plan.
- There are several instances where car parking spaces are shown overlaid upon proposed trees, there is evidence of this on the proposed site layout plan prepared by OMP Architects.
- Impact on wildlife in the area as there are bats, foxes, kingfisher, kestrel, sparrowhawk, swifts (which unfortunately are dwindling in numbers but do come back yearly), wildfowl to name a few.
- The canal side has never been open to the public. Note from the drawings a cycle way but that can only go out to South Circular Road and would be a few hundred metres. Concerned that any wildlife present would no longer be welcome due to human encroachment.
- An endangered European Species *Myxas glutingsa* has been discovered in the lily pads along the Canal. It is a protected species in UK.

Form and content of the Application

- The notices reference the provision of car parking within an undercroft area. However the drawings presented with the planning application show and make reference to "basement" car parking. There is also reference in the EIAR to a basement. The term basement is not referenced within the statutory notices. The full nature and extent of the proposed development does not appear to be accurately described within the statutory notices presented with the planning application.
- This leaves the overall SHD open to potential legal challenges in the future.
- The applicant proposes to provide for the removal of 'Storage World' operated by DTW Capital, which is sited within the White Heather Industrial Estate and lease units 297 & 295. This constitutes a leaseholder interest over part of the site.
- No written permission/authorisation has been submitted by DTW Capital for the application.
- The EIAR refers to Storage World's building as being empty – untrue.
- The climate assessment ignores cumulative effects.
- Storage World is not a warehouse or Industrial house but a repository.
- The description of development does not refer to extinguishing existing uses.
- The proposal provides for the demolition of Storage World. An existing tenant should be integrated into the scheme as it forms the last remaining employment use in the area. The area is being converted to residential at the expense of commercial uses. Other SHDs present a better mix of uses, storage world is a compatible use and should be retained.

- The loss of an existing business is contrary to national & regional policies as well as the City Development Plan.
- Storage World was not mentioned in the pre-planning meetings.
- The project reports take for granted that Storage World will be removed.
- Retaining the Storage world use would improve mixes within the development, the site is sufficiently large to accommodate this.
- The proposal should not materially contravene the City development plan.
- Players Wills & Baily Gibson are under Juridical Review.
- The Development Management Standards are greatly exceeded in terms of the zoning, building height, unit mix, private & public open spaces. ABP has not uploaded its documents to the website.
- EIA Directive – incorrect procedure for sub-threshold development. The applicant has not made it clear as to why the development has been voluntarily screened in.
- The EIAR and Screening was not discussed during pre-planning with DCC or the ABP.

PART V

- The Part V social housing accommodation is marginalized to the fringes and is not integrated into the scheme,
- Best practice these housing units should be “pepper potted” throughout the development to ensure that social & affordable residents do not suffer social exclusion and have the same and equal access to the amenities of the development as their privately-renting neighbours.
- The two blocks are located at either end of the development and even have distinctly different façade treatment, so as to distinguish them from the rest of the development.
- The locations of the two blocks are at the most disadvantaged areas of the development, over-looking into nearby neighbourhoods in an overbearing manner, particularly Block 01.
- Ownership of land changed hands after the new legislation for 20% Part V came into existence.
- Part V should be applied here also.

EXTERNAL CONSULTEES/INTERESTED PARTIES

The following provides a summary of the main points raised:

Department of Housing, Local Government and Heritage

- Examined the archaeological component of the Cultural Heritage chapter of the Environmental Impact Assessment Report (EIAR, April 2022, Vol. 2, Chapter 17). Recommends planning conditions pertaining to Archaeological Testing and Monitoring at pre-construction stages.
- Concerns from a nature conservation perspective are its potential effects on flora and fauna associated the adjacent Grand Canal proposed Natural Heritage Area (pNHA) during both its construction and operational phases:
 - pollutants from the development site into surface runoff,
 - potential effects on mammal species included on Annex IV of the Habitats Directive (92/43/EEC) i.e. common pipistrelle and soprano pipstrelle bats, which have been identified foraging over the Grand Canal bank adjacent to the site, and the otter which

has been regularly reported from neighbouring stretch of canal and are believed to have holts in the canal's bank in this area where individuals can lie up during daylight hours.

- The proposed development should not increase the levels of illumination and disturbance occurring at present along the canal.
- A buffer zone between the proposed development and the Grand Canal should be preserved.
- Unfortunate that the existing strip of amenity grassland within the site boundary facing the canal is proposed for removal, to be replaced by hard surfaces.
- The proposed planting of seven oak and horse chestnut trees and some shrubs along this boundary, while welcome, will only weakly screen the canal from the proposed development, and the access to the canal bank, from which the public is at present excluded, provided for in the landscaping will lead to increased disturbance to the pNHA.
- Conditions provided.

Inland Fisheries Ireland

- The developer proposes to discharge both surface and foul water during the construction and operational phase of the proposed development to a newly constructed drainage network within the site, which will discharge to an existing combined surface/foul network.
- This would be an acceptable proposal, subject to receipt of appropriate discharge licences and approvals from the relevant authorities in conjunction with a detailed site-specific CEMP to protect the receiving environment which is Dublin Bay.
- Conditions listed.

INTERDEPARTMENTAL REPORTS

Archaeology Section

- The site is located approximately 40m to the south of the zone of archaeological potential (ZAP) for Recorded Monument and Place (RMP) DU018-030 (Historic City).
- Chapter 17 of the submitted EIAR, discusses the archaeological impact of the proposed development.
- Recommended that the following archaeological strategy be applied to the site;
 - Archaeological Monitoring of demolitions and Site Investigation works.
 - Archaeological Test Excavation to establish the location, nature and extent of subsurface archaeology and Industrial Heritage features to inform an excavation strategy
 - Open area archaeological excavation to expose and record any surviving features in advance of the main construction contract.
 - Preservation in situ and presentation of the docks /other suitable features in the design of the proposed development.
- Suggested Conditions listed.

Environmental Health Officer – Air Quality Monitoring & Noise Control Unit

- Any proposed demolition of existing buildings will require an asbestos survey to be carried out and all identified asbestos material removed by a specialist contractor.

- The developer adhere to this units Construction & Demolition Good Practice Guidelines
- Suggested Conditions Listed.

DCC Parks, Biodiversity & Landscape Services

- The application includes a landscape report and masterplan, which are well developed and indicates proposals for new public realm within the site and adjacent to the canal. A development-wide green roof approach is also presented, which is welcomed.
- The public open space (POS) provision requirement is 10% of the site area or 1535m² and the stated provision is 2960m in 3 areas yellow and pink as below. The area calculation plan seems to include required buffer strips to private buildings which should have been excluded.
- It is advisable that a public right of way is established from the South Circular Road to connect to the proposed public open spaces, as indicated with red-dashed arrow above to ensure public access.
- Park Services do not support the removal of T6141 an early mature beech tree (*Fagus sylvatica*) which is located at the entrance to the site from the South Circular Road (images below). It is considered that this tree should be retained to help form the entrance to the scheme and as marker of the scheme's sustainable design as stated in 16.3.3 of the Development Plan's development standards.
- Draft conditions recommended.

Drainage Division

- No objection subject to conditions.

Housing & Community Services

- The applicant has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site if permission is granted.

Waste Regulations

- Information regarding waste management during construction and operational of the development is outstanding.

Transportation Planning Department

- No objections subject to conditions

PLANNING POLICY CONTEXT

National Planning Framework

The National Planning Framework (NPF) which together with the National Development Plan forms Project Ireland 2040, the government's vision for how to develop the country over the coming decades, was published on 29 May 2018. The NDP sets out a strategic framework for shaping the future growth and development of the country up to the year 2040 in order to accommodate an

additional one million people in addition to hundreds of thousands of new jobs. It is an objective of the NPF (NPO2a) that at least half of future population and employment growth will be focused on the five existing main cities and their suburbs. This development should take place in well-served urban locations, particularly those served by good public transport and supporting services, including employment opportunities. NPO3b is the delivery of at least half of new homes within the main cities within their existing built-up footprints.

Other objectives of the NPF include: (NPO4) ensuring the creation of attractive, liveable, well designed, high quality urban places, which are home to diverse and integrated communities enjoying a high quality of life and wellbeing; (NPO5) developing cities and towns of sufficient scale and quality to compete internationally and to be drivers of regional growth, investment and prosperity; (NPO6) to regenerate and rejuvenate cities, towns and villages of all types and scales as environmental assets, which can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality. Building height is seen as an important measure for urban areas to deliver and achieve compact growth as required.

NPO 13 is that:

In urban areas, planning and related standards, including in particular building 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.

Urban Development and Building Heights Guidelines for Planning Authorities December 2018

In December 2018 the Department of Housing, Planning and Local Government issued statutory guidelines for planning authorities on Urban Development and Building Heights. The guidelines note that, in determining planning policy and making planning decisions in relation to appropriate building heights, the planning process has to strike a careful balance between enabling long term and strategic development of areas and ensuring the highest standards of urban design, architectural quality and place making. It is noted that the guidelines should be considered in conjunction with other policy guidelines, including the Design Manual for Urban Roads and Streets (DMURS) (2013), the Retail Design Manual (2012) and the Urban Design Manual (2009).

The Guidelines state that, in order to meet the objectives of the National Planning Framework, significant increases in building heights and overall building densities need to be not only facilitated but actively sought out and brought forward by the planning process, particularly at local authority and An Bord Pleanála level, with increasing building heights having a critical role to play in delivering more compact growth in urban areas.

Section 2.7 of the guidelines states that, in order to give effect to these broad policy directions and a more active land management centred approach as set out in the NPF, the preparation of development plans, LAPs and SDZ planning schemes and their implementation must become more proactive and more flexible in securing compact urban growth, through a combination of facilitating increased densities and building heights, while also being mindful of the quality of development and balancing amenity and environmental considerations. In identifying areas suitable for increased density and height, planning authorities will need to consider the environmental sensitivities of the receiving environment as appropriate.

In identifying locations suitable for additional height, issues to be taken into account are:

- Central and accessible locations and intermediate urban locations;
- Potential contribution to the development of new homes, economic growth and regeneration in line with the compact urban growth principles as set out in the NPF and Project Ireland 2040;
- Reliance of locations from a public access and egress perspective in the event of major weather events or emergencies;
- Ecological and environmental sensitivities of the receiving environment;
- Visual, functional, environmental and cumulative impacts of increased building height.

SPPR1 of the Guidelines is that:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR 2 is that:

In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy.

Assessment criteria for buildings taller than the prevailing height in an area are set out in Section 3 of the guidelines. Broad principles to be followed include whether the proposal positively assists in securing National Planning Framework objectives in relation to focussing development in key urban centres, whether the proposal is in line with the policies of the relevant development plan, where this has taken clear account of the requirements set out in Section 2 and, where a development plan predates the guidelines, where it can be demonstrated that the implementation of the pre-existing policies and objectives of the relevant plan or planning scheme do not align with or support the objectives and policies of the NPF.

ZONING & POLICY:

Zoning

The subject site is located in an area zoned Z1 with an objective 'to protect provide for and improve residential amenities'. Residential use is permitted in principle in such zones. It also includes a 0.166ha Z9 zoned strip of land along the Canal. The objective of this zoning is to 'preserve, provide and improve recreational amenity and open space and green networks'.

The southern frontage of the site also falls within the Grand Canal Conservation Area. The residential properties at 122 to 319 South Circular Road which back onto the site from the north and the adjoining Priestfield Cottages to the east are zoned Z2 with the objective to protect and/or improve the amenities of residential conservation areas.

The site is also bounded to the north by Our Lady of Dolour's Church which is a Protected Structure in the Dublin City Development Plan 2016-2022; RPS 18 49.

Relevant Chapters and Policy from the Dublin City Development Plan 2016-2022

Chapter 4	Shape and Structure of the City
Chapter 5	Quality Housing
Chapter 6	City Economy and Enterprise
Chapter 10	Green Infrastructure, Open Space and Recreation
Chapter 11	Built Heritage and Culture
Chapter 12	Sustainable Communities and Regeneration Areas
Chapter 16	Development Standards
Appendix 2	Housing Strategy
Appendix 13	Guidelines for Childcare Facilities
Appendix 14	Safety and Security Guidelines

The relevant policy in the current Development Plan when assessing large scale residential developments includes:

- SC13:** ‘To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city; which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities’.
- SC14:** ‘To promote a variety of housing and apartment types which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces’.
- SC25:** ‘To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city’s built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate’.
- QH1:** ‘To have regard to the DECLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007); ‘Delivering Homes Sustaining Communities – Statement on Housing Policy’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying Urban Design Manual: A Best Practice Guide (2009)’
- QH3:** ‘(i) To secure the implementation of the Dublin City Council Housing Strategy` in accordance with the provision of national legislation. In this regard, 10% of the land zoned for residential uses, or for a mixture of residential and other uses, shall be reserved for the provision of social and/or affordable housing in order to promote tenure diversity and a socially inclusive city’

- QH5:** 'To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.'
- QH6:** 'To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city'.
- QH7:** 'To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area'
- QH9:** 'To require that larger schemes which will be developed over a considerable period of time are developed in accordance with an agreed phasing programme to ensure that suitable physical, social and community infrastructure is provided in tandem with the residential development and that substantial infrastructure is available to initial occupiers.'
- QH13:** 'To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in The Residential Quality Standards and with regard to the Lifetime Homes guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)'.
- QH18:** 'To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation'
- QH19:** 'To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure'

The relevant Sections in the current Development Plan 2016-2022 include: -

Section 16.10 Standards for Residential Accommodation

The provision and protection of residential amenities is a primary concern of Dublin City Council. This will be achieved through the relevant objectives of the Dublin City Development Plan. As outlined in the 'Quality Housing' chapter, it is an aim of Dublin City Council to encourage and foster living at sustainable urban densities through the creation of attractive mixed-use sustainable neighbourhoods. It is critical that new residential development is sufficiently flexible to allow for changing circumstances (e.g. aging, disability, growing family) and sufficiently spacious with all the necessary facilities to provide a level of residential amenity attractive to families with children on a long term basis

When assessing applications for taller buildings the relevant Policy and Sections of the current Development Plan includes: -

- SC16:** 'To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA)'.
- SC17:** 'To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in chapter 15 (Guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the river Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance'.

Section 16.7 Building Height in a Sustainable City

Dublin City Council acknowledges the intrinsic quality of Dublin as a low-rise city and it is policy that it should predominantly remain so. When assessing open space requirements and landscaping proposals for mixed use developments the relevant Policy of the current Development Plan includes: -

- GI13** 'To ensure that in new residential developments, public open space is provided which is sufficient in quantity and distribution to meet the requirements of the projected population, including play facilities for children'.
- GI14:** 'To promote the development of soft landscaping in public open spaces, where feasible, in accordance with the principles of Sustainable Urban Drainage Systems'.

ENVIRONMENTAL IMPACT ASSESSMENT

The Planning Authority notes that an Environmental Impact Assessment Report has been submitted as part of the application. This is a matter for An Bord Pleanála to assess, as the competent authority for this application.

PROPOSED DEVELOPMENT

The proposed development consists of the following:

Construction of a mixed residential and commercial development with a total floorspace of c. 30,242 sq. m. across seven blocks ranging from 2-storeys to 10 storeys for provision of 335 x Build to Rent (BTR) residential units comprising:

Apartments (328 in total)

- 2 x Studios (1%);
- 196 x 1-bed apartments (60%).
- 6 x 2-bed (3-person) apartments (1.8%);
- 122 x 2-bed (4-person) apartments (37%);
- 2 x 3-bed units (1%)

Dwellings

- A terrace of 7 no. 3-storey 3 bed townhouses

Each of the blocks are briefly described below:

Block B01: (5 storeys) comprising 24 no. units:

- 14 x 1 bed units; and
- 10 x 2 bed units),

Block B02: (5–7 storeys) including a link to Block B02A (5-storeys) comprising 84 no. units:

- 56 x 1 bed units; and
- 28 x 2 bed units.

Block B03: (5-10 storeys) including 77 no. units:

- 48 x 1 bed units
- 29 x 2 bed units

Block B04: (5-7 storeys) comprising 72 no. units:

- 48 x 1 bed units; and
- 24 x 2 bed units,

Block B05: (5 storeys) comprising 10 no. units

- 6 x 1 bed units; and
- 4 x 2 beds

A café unit (c. 46 sq. m) at ground floor level,

Block B06: (2-5 storeys) comprising: 29 no. units

- 2 x studio units,
- 7 x 1 bed units,
- 14 x 2 bed units, and
- 4 x 2 bed duplex units; and
- 2 no. 3 bed duplex units.

Block B07: (3-5 storeys) comprising 32 no. units:

- 17 x 1 bed units; and
- 15 x 2 bed units,

Non- Residential Development

- A change of use of the existing 2-storey residential units 307/307a South Circular Road from residential to shared workspace/office space (c. 165 sq. m);

- 1 no. 2-storey Childcare Facility / Creche (c. 260 sq. m);

Access & Movement

The development also includes for the following Access related works:

- Realignment and improvement works to the existing entrance junction on South Circular Road and the existing entrance to Priestfield Cottages to provide road markings, footways and formal uncontrolled crossing points.
- Works to surface treatments to provide pedestrian and cycle access only to the existing entrance at St James's Terrace.

Public Open Space

- c. 2,960 sq. m landscaped and broken into 7 no. character areas and linking through Canal Square, a Pedestrian Priority Street between Blocks B03 and B04 to a publicly accessible landscaped Linear Park along the Grand Canal within the Z9 Amenity/Open Space Lands;

Communal Open Space

- c. 2,160 sq. m comprising c. 1,560 sq. m at ground floor and c. 600 sq. m on roof terraces;

Resident's Amenity (Block B)

- c. 1,001 sq.m as follows:
 - Main entrance hall
 - Concierge/Management Office at undercroft and ground floor
 - Gym, Events Suite and a 'Canal Café' at ground floor level,
 - So-Working/Lounge, Cinema/Media Room, Dining/Kitchen area and access to an external roof terrace at fifth floor level (Level 05),

PLANNING ASSESSMENT

Principle

The 1.535ha site is largely zoned Z1 (1.277 ha) – Sustainable Residential Neighbourhoods, with the stated zoning objective 'To protect, provide and improve residential amenities.' It also includes a 0.166ha Z9 zoned strip of land along the Canal. The objective of this zoning is to 'preserve, provide and improve recreational amenity and open space and green networks'.

Residential uses are 'permissible' within the Z1 zoning category and the proposed development is therefore considered acceptable with regard to permissible land uses as set out in the City Development Plan 2016-2022. The proposal does not include for the provision of any buildings on the Z9 land which accords with the relevant objective.

It is therefore considered that the development as proposed is consistent with the land-use zoning objectives for the site.

Plot Ratio and Site Coverage

Indicative plot ratio and site coverage standards are set out in Chapter 16 of the Dublin City Development Plan 2016-2022. Plot ratio standards for Z1 range from 0.5-2.0 and indicative site coverage is 45-60%.

The stated plot ratio for the development is 2.1 and site coverage is 42%. The plot ratio slightly exceeds the development plan standards however it is noted that the layout does not provide for any buildings on the Z9 lands. Also, 1,300 sq m of site area for public open space on Z1 lands, is to be provided.

The National Planning Framework (NPF), also promotes higher density compact residential development on brownfield urban sites, by seeking to make better use of under-utilised land, including 'infill' and 'brownfield' and publicly owned sites together with higher housing and jobs densities, better serviced by existing facilities and public transport. In reference to the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009), Chapter 5 deals with appropriate locations for increased densities, with section 5.7 dealing with brownfield sites within city centres. The Guidelines encourage the promotion of higher densities for these sites, particularly those close to public transport corridors, subject to considerations relating to residential space standards, neighbouring amenity, conformity with development plan policy in terms of urban form, plot ratio and site coverage standards and the preservation of the character of protected buildings and ACAs. It is also noted that the Urban Development and Building Height Guidelines (2020) encourage consolidation and densification at appropriate locations.

Overall, while the site is considered suitable for high density development, this is subject to the provision of a high quality scheme, which protects the residential and visual amenities of the wider area.

Design and Layout

An Architectural Design Statement and CGI photomontages of the development have been submitted with the planning application.

It is considered that the overall approach to the site surroundings is positive from a layout point of view. The architectural design statement explains that the layout responds to neighbouring development as follows:

- Stepping down in height to 2-storeys along the northern boundary where existing dwellings fronting the South Circular Road back onto the site.
- Provide a 2-storey street edge along the eastern edge of the site which adjoins Priestfield Cottages.
- Provision of 3-storey townhouses to provide a transition in height between the dwellings fronting St James's Terrace and Block BO2.

Within the central element area of the site, the layout is based on the use of 'Finger Blocks' along the Grand Canal. The arrangement of these blocks is logical as it provides for the creation of connections/new streets and public open spaces as well optimising sunlight penetration into the residential areas. The north south orientation of these blocks also link the new internal street along the inside of site's the northern boundary towards the linear park along the Grand Canal which adjoins the southern boundary. The entrance from the South circular Road is marked by a distinctive 'Marker Building'.

The applicant has articulated the blocks with an architectural treatment to mask bulk and massing. The range of materials proposed would also contribute to the creation of good public realm and avoids the creation of slab blocks and uninterrupted street walls. In terms of uses, the concept of using varied ground floor uses would contribute to a supervised public realm and clear wayfinding. It is noted that public space is overlooked by meeting rooms and gyms and the southern edge addresses the linear park with the cafe, which designates the entrance to the neighbourhood from the canal.

Regarding the design and layout of the proposal and having regard to the backland nature of the site, the Planning Authority has no objection in principle to the approach used in particular the design rationale to integrate the proposal by providing height at the centre of the site in order to minimise impacts on the surrounding long established communities.

Height and Visual Impact

It should be noted that the proposed building height was a recurring issue throughout the pre-planning consultation process.

Section 16.7.2 of the City Development Plan: Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development addresses the issue of building height in the city. The Plan sets 24m as the maximum height permissible for residential developments at this location.

Block B03 which ranges from 7-storeys to 10 storeys (33m) in height, exceeds the 24m residential building height whereas the other constituent blocks fall within the height standard. As such, the proposed development represents a material contravention of the development plan. The applicant has submitted a Material Contravention Statement in this regard, together with a Landscape and Visual Impact Assessment and Computer Generated Images of the proposed scheme.

The proposal is of a greater height, scale and mass than existing largely low-rise development in the vicinity which is predominantly residential in nature and made up of two storey terraced dwellings. While the approach to the distribution of the scale and massing, is appropriate i.e. the proposed blocks step down in height towards the eastern and western boundaries, there remains concerns regarding the relationship between the proposal and adjoining development. In terms of Block 06 and Priestfield Cottages to the east of the site, it is considered that the provision of a five storey block at this location adjacent to the existing two storey terraces would result in an abrupt transition in height and scale. Furthermore, it is considered that the potential impact of Block B01 on the adjoining St James's Terrace and Grand Canal View has not been fully assessed and therefore the impact of the proposal as set out in the EIAR is understated – these impacts are discussed in further detail below.

The proposed increase in building height towards the central portion of the site to provide a significant landmark element in the form of a 10-storey 'Marker' building is noted. As shown by the submitted photomontages, this building would be visually apparent from a number of wider viewpoints. This would represent a significant departure from the prevailing low-rise character of development in the vicinity. Given the backland character of the site i.e. its location to the rear of existing 2-storey residential properties, it is not considered that this building height is appropriate to the local area. The focus of the development should be to respect and enhance its context and integrate with its surroundings, ensuring a more coherent cityscape.

The need to mark the entrance into the proposed new residential neighbourhood from the South Circular Road is noted. However, the provision of a 10 -storey building is considered excessive given that the site does not occupy a visually prominent location, that the proposed building itself would not terminate a locally important vista nor is the site of strategic importance. It is considered that a suitably scaled building of architectural merit would make a positive contribution to the urban realm at this location.

The submitted Verified Photomontages include an outline of the development approved on the nearby Baily Gibson and Player Wills sites. It is noted that unlike the subject application site, both the Bailey Gibson and Player Wills sites were zoned as part of a larger Strategic Development Regeneration Area with the aim to provide a cluster of tall buildings. The Planning Authority has concerns that the excessive height of proposed Block B03 with the bulk and massing provided by blocks B02 and B04, would result in a sprawl of tall buildings at this sensitive location. This sprawl can be seen from several of the submitted verified photomontages (the key critical view point would be View 08 – South Circular Road, however the applicant has not included a ‘cumulative image’).

In the context of the above, it is recommended that the Board attach a condition seeking a removal of three floors to Block B03 and one floor from Blocks B02 & B04.

Impact on adjoining residential amenity

Privacy

The proposed scheme is located within a low density residential area with two storey semi-detached properties in the vicinity. The nearest residential properties that could potentially be affected by the proposal include the terraced residences at St James’ Terrace to the west, the properties to the north along South Circular Road and Priestfield Cottages to the east. In terms of spacing from neighbouring properties, the following distances are noted –

- | | |
|---|----------|
| 1. St James’ Terrace and 7 x townhouses: | c21-22m. |
| 2. Rear of 13 St James’s Terrace and Block B01: | 4.3m. |
| 3. South Circular and Blocks B02 & B03: | 25-30m. |
| 4. Priestfield Cottages and Block B06 and Duplex Apartments | 10-12m. |

Although the distances between St James’s Terrace and the Town houses accord with the minimum separation distances from neighbouring residential properties, it is noted that the proposed three storey town houses would be set just 6m off the common boundary. Therefore potentially giving rise to an overbearing appearance when viewed from the rear amenity spaces of these established properties.

Block B01 is located to the south of St James’s Terrace and forms a five storey block of apartments containing five units on each floor level. It is positioned within 5m of the rear boundary of no. 13 St. James’s Terrace; and 6.8m from the rear boundary of no. 12. There are concerns regarding the potential overlooking from the north facing balconies towards the rear of nos. 11 and 12 at each level, as well as windows facing the rear of no. 13.

Daylight, sunlight & overshadowing

A Daylight and Sunlight analysis regarding the impact of the proposed development on surrounding properties has also been submitted as part of the EIAR. It states that the assessments undertaken by

the applicant concludes that there will be negligible (not significant) to moderate adverse effects (significant) on adjoining properties.

However, the results show that there would be a profound impact on 1-7 Priestfield Cottages and St James's Terrace whereby the site facing windows and rooms (generally living rooms) will experience a reduction and perceptible change in daylight and Sunlight. The most significant percentage changes in Annual Probable Sunlight Hours (APSH) being:

- 3 Priestfield Cottages, GF Living room: 50% loss in winter.
- 5 Priestfield Cottages, GF Living room: 40% loss in winter.
- 6 Priestfield Cottages, GF living room: 40% loss in Summer & 100% loss in winter.

- 13 St James's Terrace, ground floor rooms: loss of 81.82% in winter;
First floor rooms: loss of 100% in winter.
- 12 St James's Terrace: ground floor rooms loss of 78/96% in winter:
First floor rooms loss of 65%
- 11 St James's Terrace: Ground floor rooms loss ranges from 45-70%

Given that the site, St James's Terrace and Priestfield Cottages are zoned Z1 with an objective to retain and enhance residential amenities, the Planning Authority would have concerns regarding the extent of the proposal's impact on this long established residential area and therefore its compliance with the Zoning objective.

The Inspector is also referred to the submissions received from adjoining residents which indicate that the window map included within Appendix 14 of the EIAR is inaccurate. This could potentially undermine the accuracy of the assessment carried out by the applicant.

Residential Amenity within the scheme

The proposed development comprises a Built to Rent residential scheme which would provide 335no. residential units across 7 Blocks (Blocks B01-B07) in total. The applicant has submitted a schedule which sets out the proposal's performance when assessed against the design parameters of Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHPLG, December 2018 (apartment guidelines).

It is considered that the mix complies with the Apartment Guidelines having regard to SPPR 8.

Floor Areas

The submitted Housing Quality Assessment provides a schedule of accommodation which indicates that minimum floor areas are achieved for all units.

Dual Aspect

A total of 174 out of the 335 units (approximately 53%) are dual aspect, which meets the minimum requirements of the Development Plan in relation to dual aspect. No north-facing single-aspect units are proposed.

Floor to Ceiling Height

The Statement of Consistency notes that the proposed floor to ceiling heights of approximately 2.7m will be provided for all ground floor apartments.

Lift and Stair Cores

In accordance with the Apartments Guidelines 2018, the scheme provides a maximum of 8no. apartments per floor per core.

Storage

The Housing Quality Assessment states that storage is provided in excess of minimum requirements for all units.

Communal Facilities/Residential Support Facilities

SPPR 7 (b) (i) and (ii) of the Apartment Guidelines required that BTR development must be accompanied by proposals for supporting and recreational amenities categorised as

- (i) *Resident Support Facilities* – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services and waste management, etc. and
- (ii) *Residents Services and Amenities* – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge area, works/study spaces, function rooms for use as private dining and kitchen facilities.

The Housing Quality Assessment sets that the tenant facilities and amenities will be located in one central area of Block 03 at Levels 00 & 05. These are as follows:

Block B03	Canal Café:	175 sq m
	Gym/Yoga studio:	105 sq m
	Business Hub:	130 sq m
	Cultural Events Space:	130 sq m
	Residents Lounge/Cinema/ dining/kitchen bar:	384 sq m.
	Café:	46 sq m
Block B05:	Café:	46 sq m
307/307a:	Community work space:	165 sq m
	Child care/crèche facility:	260 sq m.

A main reception area is also located at ground floor in Block B02 which is serviced by a concierge and a management office at ground and undercroft floor levels (177 sq.m). The overall provision equates to 1,001 sq m or 3.1 sq m per unit which is considered sufficient.

Private Open Space

The Housing Quality Assessment Schedule identifies that a total of 28 no. (c. 8.4%) apartment units are not provided with balconies as private amenity space. It is submitted that the level of public open space and communal open space provided for within the proposed scheme, as well as the

provision of residential amenity spaces throughout the scheme, provides for compensatory amenity as mitigation for the apartments which are not provided with balconies.

In this regard, the proposed scheme contravenes the Development Plan in terms of residential private amenity space. However, it is consistent with the 2020 Apartment Guidelines under SPPR 8(ii) in relation to private residential amenity space provision considering the alternative, compensatory communal support facilities and amenities within the development.

The total private amenity space required for the Apartments equates to 1897sq.m, whereas the actual proposed provision equates to 2294.9sq.m. The sunlight, Daylight & Overshadowing Analysis assess the 306 proposed private balconies and terraces in Buildings B01-07 during 21st March. It indicates 234 (76%) will achieve two or more hours of sunlight to over 50% of their areas. However it notes that where balconies/terraces will fall below the standard due to orientation, although these spaces will still afford residents with high levels of private external daylight amenity. The accessibility of a number of shared amenity spaces within the Site that achieve high levels of direct sunlight has been offered as mitigation. Furthermore, the analysis advises that 291 (95%) balconies & terraces will achieve two or more hours of sunlight to over 50% of their areas on 21st June and thus will be well sunlit when they are most likely to be in use during the summer months.

The 7 no. terrace houses all either meet or exceed the 40 sq.m minimum private amenity requirement.

Public Open Space & Communal Open Space

The statement of consistency has advised that c1,300 sq m (10.%) of the Z1 zoned lands will be given over to public open space.

Communal open space, equating to 2,160 sq m comprising 1,560 sq m at ground level and 600 sq m via roof terraces, exceeds the required 1,897 sq.m total required for the apartments.

The public open space will incorporate a number of seated landscaped zones, however, as per the report received from the DCC Parks, Biodiversity & Landscape Services, these areas include the landscaped buffers to the residential units at ground floor level and therefore should be excluded from the overall open space calculations.

In general terms, public open space will provide a key route through the site, increasing permeability for both pedestrians and cyclists and incorporating a link between the site and the Grand Canal Linear Park at 1,660 sq m which provides for a significant amenity area and welcomed by the Planning Authority.

Five of the seven roof terraces will achieve two or more hours of direct sunlight to 54%-97% of their areas on 21st March. The remaining two roof terraces No. 2 and No. 3 will achieve two or more hours of direct sunlight to 31% and 24% of their areas on 21st March. These roof terraces are oriented north and thus are restricted in their access to sunlight amenity due to the sun's trajectory from east to west throughout the day. By the 21st of April all seven roof terraces will achieve two or more hours of direct sunlight to over 50% of their areas.

Daylight and Sunlight to Residential Accommodation

The Residential Standards for Apartments of the City Development Plan, Section 16.10.1, require that development is guided by the principles of the BRE Guidance: Site Layout Planning for Daylight and Sunlight (2011). A Daylight, Sunlight and Overshadowing Study has been submitted by the applicant.

In terms of Average Daylight Factor (ADF), an assessment was carried out against the minimum values of ADF for studio apartments (2%), living/dining (1.5%) and bedrooms (1%). The report concludes the following:

In total, 725 (90%) of the 805 habitable rooms (full rooms depth) assessed would meet the minimum recommended ADF targets as follows:

- 437 (94%) of the 465 bedrooms assessed will achieve an ADF of 1%+;
- 277 (84.5%) of the 328 LKD's assessed will achieve an ADF of 2%+;
- One of the two studios assessed will achieve an ADF of 2%+;
- All five (100%) kitchen/dining (KD) rooms assessed will achieve an ADF of 2%+;
- All five (100%) living rooms assessed will achieve an ADF of 1.5%.

Childcare Facilities

The proposed scheme includes the provision of a c. 260 sq m childcare facility providing for c. 74 childcare spaces with. 67 sq m of amenity space is provided adjacent to the proposed childcare facility. It is considered that this is sufficient to cater for the expected demand for childcare generated by the proposed development and is consistent with the requirements of the Development Plan and the Childcare Guidelines.

Statement of Material Contravention

The Statement of Material Contravention with the City Development Plan, submitted with this proposal is noted. The Material Contravention Statement refers to the Urban Development and Building Heights – Guidelines for Planning Authorities, December 2018.

Part V – Social housing

It is understood that the applicant has engaged in discussions with the City Council's Housing Division and that an agreement in principal has been reached in respect of Part V obligations.

Statement of Consistency

The Planning Authority has considered the Statement of Consistency and is satisfied that the application is consistent with the relevant National, Regional and Local Policies.

Transport

Pre-application Consultation

An Bord Pleanála's pre-application consultation opinion (ABP Ref: 311359-21 dated 7th December 2021 is noted.

The response outlined that 21 no. Items are to be addressed in the application. Item No's. 15, 19 and 20 relate specifically to this division.

Item 15:

A response to the issues raised in the Drainage Planning Report and the Transportation Planning report, accompanying the PA Opinion submitted on the 7th October 2021.

Item 19

A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

Item 20

Site specific Construction and Demolition Waste Management Plan

In addition, this division raised a number of matters to be addressed within any future planning application. These can be found within the Transportation Planning Report dated 4th October 2021 of ABP Ref; 311359-21.

Submission/Observations

TII – No observations.

Irish Waterways – maintenance access and Grand Canal Greenway

Observations have raised the following matters of relevance to this division:

- Car parking ratio limited and overspill parking into adjacent streets. Applicant has not demonstrated that the car parking provision won't result in a negative impact on surrounding roads.
- Junction to development will be very dangerous for cyclists and pedestrians. School route. Located on a dangerous bend.
- Increase in pedestrians and cyclists on St. James Terrace in proximity to several vehicular exits, a narrow street, conflict between cars and pedestrians and cyclists and potential overspill parking. Others welcomed the pedestrian access via St James terrace.
- Lack of any co-ordinated proposals to improve cycling infrastructure or access into the site from elsewhere.
- Construction vehicles for both White Heather and Bailey Gibson sites, impact on South Circular Road including cyclists and pedestrians.
- Additional vehicular traffic resulting in traffic hazards within the local road network.
- Cumulative impacts of the numerous large scale residential developments in the vicinity of the subject site have not been taken into account in this SHD application.
- The proposed opening up to have canal side walk and open areas will only give rise to antisocial activity and increased noise level.
- All parking should be EV spaces.

TPD Comments

Location

The site is bounded by South Circular Road to the north, Priestfield Cottages to the east, St James' Terrace to the west and the Grand Canal to the south.

The application boundary appears to be setback approximately 6.5 m from the canal. A further approximately 7.5 m wide landscape strip within the boundary is proposed along the canal frontage. The proposed development includes works to the public domain at the junction with South Circular

Road. Landscaping proposals also appear to be proposed within the public domain adjacent to the site access. The application boundary along the eastern boundary appears to vary.

The site is within walking distance of bus services along South Circular Road and Dolphin's Barn. Dolphin's Barn is a Bus Connects Core Bus Corridor (CBC), Greenhills to City Centre. Fatima Redline Luas Stop is within 10 minutes walking distance. The city centre is within 2.8 km, approximately 35 minutes walking distance or 10 minutes cycling distance.

Walking and Cycling Accessibility and Infrastructure sections as outlined within the Traffic and Transport Assessment (TTA) are noted. The Community & Social Infrastructure Audit is also noted. Existing signalised pedestrian crossings at the Dolphin's Barn and South Circular Road junction and the South Circular Road and Donore Avenue junction are noted. Whilst the site is highly accessible with regards to cycling, there is limited cycling infrastructure in place along the main connecting routes including no cycle lanes along South Circular Road or on the side streets connecting to the city centre, and advisory lanes on Dolphin's Barn and Clanbrassil Street Lower. Future proposals to improve the cycle lane network near the site are noted including the Grand Canal Greenway, the Primary Routes 8 and SO1 / N10 and the Secondary Routes 8C and SO2.

Access and changes to the public road

Vehicular access is proposed via the existing White Heather Industrial Estate junction with South Circular Road. The speed limit along South Circular Road is 50kph.

Upgrades to the existing junction are proposed and a letter of consent has been issued and submitted in the application consenting to the inclusion of public lands in order upgrade the junction.

It is proposed to change the existing access to a simple priority of 5.5 m width and 5 m radii. Drawings have been submitted confirming that the proposed junction design allows for the access and egress of servicing and emergency vehicles for both the site and the adjoining Priestfield Cottages. The junction has been designed to DMURS standard. It is noted that the proposed design will also improve the junction layout which is shared with the adjoining Priestfield Cottages and create 2 separate accesses both to Priestfield and the application site. The existing arrangement is of a c.21 m wide vehicular access. The proposal will create 2 no. vehicular access points with buildouts and substantially improved pedestrian facilities

A drawing have been submitted showing that visibility splays can be achieved each way for the access to the proposed development. However, no visibility splay are provided for the amended access into Priestfield Cottages. This matter was raised at opinion stage and has not been addressed. As noted under item 2.1 in Stage 1 RSA (Appendix C of the TTA), the visibility splays along South Circular Road may be obstructed for drivers exiting both access point by vehicles parked along the south side of the road. Measures ensure visibility splays can be achieved shall also address Item 2.2 of the RSA. In the event of an approval and in agreement with the Area Engineers in DCC, the applicant shall ensure that visibility splays can be achieved for the revised access points to both the application site and Priestfield Cottages.

Pedestrian visibility for pedestrians walking from the north / west and either entering the site or continuing eastward may be restricted by soft / hard landscaping on the north side of the internal access road. In line with Item 2.3 of the RSA, the applicant shall ensure that no hard or soft landscaping is located within the public realm along the north side of the internal access road close

to the access with South Circular Road. It is noted that on some submitted drawings the uncontrolled pedestrian crossings of the site junction and Priestfield Cottages are setback from the public footpath along South Circular Road. For the avoidance of doubt, pedestrian crossings of junctions with South Circular shall align with the existing public footpath and the established pedestrian desirelines. Any stop marking will need to be setback to facilitate this.

While the main pedestrian and cycle access is via the South Circular Road junction, an additional pedestrian and cycle access is proposed from Dolphin's Barn via St James' Terrace and between proposed Blocks B01 and T09. A continuous 190 m amenity strip along the Grand Canal Linear Park is proposed which facilitates direct access onto the canal frontage. This would allow linkages to any future Grand Canal Greenway proposals in this location. Clarity on whether this setback area is to be taken in charge should be addressed through conditions.

Overall, this division welcomes the improvements to the vehicular access and particularly, the improvements to pedestrian movements at the access along South Circular Road. In the event of planning permission being granted, the applicant shall seek the written agreement with the Environment & Transportation Department at DCC.

Internal Access Roads

The TTA notes that recommendations of the RSA have been taken into consideration into the design of the main internal access road, particularly with regard the potential for vehicles travelling at high speed. The TTA states that the internal access road will be designed to maximise pedestrian and cycling priority. Previous concerns raised by this division regarding pedestrian safety and the overall design for pedestrians being unclear has been amended to include corduroy paving along the footway edges where it meets the shared surface in order to improve the legibility for visually impaired pedestrians and all other users. Reference to DMURS is noted and maximising permeability and priority for pedestrians and cyclists through design.

None of the internal roads are proposed to be taken in charge.

It is not clear from the submission if Irish Waterways right of way and maintenance access requirements have been accounted for.

Service and delivery

All servicing needs for the development will take place from within the site. Section 5.7 and 5.8 of the TTA states that all servicing is to be provided in centralised locations in the vicinity of each block.

Bin storage areas will be provided internally with bins brought out to the appropriate set down areas by the management company for collection. Access routes for service vehicles have been assessed using Auto Track to ensure a 7.9 m refuse vehicle can access and egress the site safely. Full analysis drawings are provided in SYSTRA Drawing No. 300726-010 included within Appendix B of the TTA and within the package of plans submitted.

Bin collection days / times will be staggered to reduce the amount of bins and service vehicles within the site at any one time.

A concierge service will be provided by the management company for the whole site, located within Block 3, with small / standard deliveries being left at that point and the recipients contacted for collection. The applicant confirms that there will be no allocated vehicular set down / pick up

points, however, the submitted auto track drawings and Figure 37 within the TTA show the ability of an LGV and refuse vehicle being able to pass without incident along the northern spine road.

Emergency vehicle access

Fire tender access with vehicles of 8.7 m in length have also been auto tracked and drawings submitted demonstrating that such vehicles can access all blocks without issue.

Mobility and Parking

The proposed development is Built-to-Rent (BTR) accommodation. 335 residential units are proposed and an approximate population of 723 persons are noted. Additional management requirements and commercial uses and their mobility requirements are also noted. The Mobility Management Plan is noted.

Car Parking

The maximum car parking standard for the location as per the Development Plan Map J and Table 16.1 is 1 space per unit.

A total of 106 no. spaces are proposed to serve the development of 335 no. units. 4 no. motorcycle spaces are also proposed. The brake down of vehicle parking spaces is as follows:

- 106 no. total car parking spaces (including 7 accessible spaces)
 - 103 no. spaces for residential use
 - 65 no. at under-croft / basement level
 - 4 no. of which are Car Club spaces
 - 38 no. at surface level
 - 3 no. of which are Car Club spaces
 - 3 no. for Crèche use at surface level.

The 96 no. car parking to serve the 335 BTR units, minus the car share (7) and crèche (3) car parking equates as a car parking ratio of 0.28. This is a slight increase than that proposed during the opinion stage. The overall layout and design of the car parking is acceptable to this division. The crèche drop off / parking is considered acceptable. At least 20% of all car parking spaces will be fitted with electric charging points with the remainder future proofed for the provision of 100%. In addition, the applicant has also confirmed that the internal road network and car parking at surface level will remain in private ownership and will not be taken in charge.

Having regard to precedent in the vicinity together with a clear rationale within Section 6 of the TTA along with a Car Parking Management Strategy, Section 7.2, the level of car parking serving the development is acceptable to this division.

Cycle Parking

The Development Plan standards is a minimum 1 cycle parking space per unit. The Sustainable Urban Housing: Design Standards for New Apartments standard is 1 space per bedroom for residents and 1 space per 2 units for visitors.

The applicant is proposing a total of 558 no. cycle parking spaces, including 8 no. cargo bike spaces. The cycle parking will be shared as following:

- 206 no. secure long stay spaces at under-croft / basement
 - 2 no. cargo bike spaces

- 352 no., spaces at ground floor level
 - 290 no. secure long stay spaces
 - 6 no. cargo bike spaces
 - 62 no. visitor

The proposed cycle parking provision ratio for residents results in 488 no. long stay secure cycle parking spaces split between dedicated cycle parking compounds at surface level and at under-croft / basement level. An additional 8 no. cargo cycle parking spaces are provided. This is in line with the desired cycle parking standards within the Sustainable Urban Housing: Design Standards for New Apartments guidelines. All remaining spaces are designed as short stay visitor spaces located at multiple locations across the development.

The target for commuting cycle mode share for the proposed development is 20.1%, although as above varying targets are noted within the MMP.

Table 2 in the MMP outlines the proposed cycle parking provision within each building and how this corresponds to proposed units. Figure 7 in the MMP and the accompanying SYSTRA drawing No's. 300726-001 and 300726-003 highlight the locations of proposed residential and visitor cycle parking spaces is noted. Both figures are welcome.

Traffic and Transport Assessment and Environmental Impact Assessment

The assessment within Chapter 10 of the EIAR and the TTA are noted. Traffic generated by the existing industrial estate has been estimated. The estimated trips generated by the proposed development shows a small increase in trips as well as a reversal of travel patterns i.e. increased outgoing AM traffic and reduced inbound AM traffic as well as increased inbound PM traffic and reduced outbound PM traffic. The existing commercial use generates more incoming traffic during am peak hours and more outgoing traffic during pm peak hours than the proposed.

The assessment references that service and delivery vehicles generated will be negligible, however it is not clear how this conclusion can be reached for the proposed 335 residential units with additional uses and limited car parking provision. It is reasonable to assume that a substantially car free development is likely to generate service and delivery vehicle trips which has the potential to be noticeable. However, it is accepted that such traffic is likely to be spread throughout the day and as such, the impact during peak hours are likely to be low.

The traffic impact, junction impact analysis and consideration BusConnects proposal is noted. It is noted that the junction assessment takes account of committed developments adjacent to the site.

Construction Management Plan

The submitted EIAR, Construction Traffic Management Plan (CTMP) and the Outline Construction Management Plan are noted.

The framework for traffic routing, management and mitigation measures outlined within the CTMP are noted. The methodology applied for estimating construction vehicles relates to deliveries of materials and estimates on average 22 construction/HGV vehicle movements per Day for a development of the proposed scale which is expected to spread over 3.5 years. The estimate does not appear to consider the bulk excavation and site enabling works phase which when a basement is

proposed, tends to generate more HGV trips albeit for a temporary period. Daily construction workers are estimated to range between 100-200 depending on the construction stage. Temporary car parking facilities is to be provided within the site.

In regards to the existing access, potential conflict with the Priestfield Cottages junction is noted. The proposed works to the junction would address this, but it is not clear if this is proposed to take place as part of the early construction phases. Temporary measures might have to be considered in order to implement the necessary construction traffic management measures.

Mitigation measures outlined in Section 10.7.2 are noted. A schedule or compendium of mitigation measures and monitoring commitments to provide clarity and to assist with enforcement does not appear to have been submitted.

CONCLUSION

The proposed development is acceptable in principle in the context of the Z1 zoning objectives of the City Development Plan and the objectives for making efficient use of vacant land in sustainable locations.

The proposed development exceeds the height limitations of the City Development set out in Section 16.7. The height of Block B04 is not considered appropriate at this location within an established residential area of the South Circular Road. Furthermore, the supporting assessments and analysis submitted by the applicant demonstrates that the proposal could result in an adverse impact on the amenity of adjoining long established, residential neighbourhoods. This impact is considered contrary to the Z1 Zoning objective applicable to this site which seeks '*to protect, provide and improve residential amenities*'.

In the event of An Bord Pleanála deciding to grant permission, the Planning Authority requests that the following conditions be attached.

Recommended Conditions

In the instance that the Board is of the opinion that sufficient information has been provided within the application to adjudicate a decision on the proposal and a recommendation to grant permission is deemed appropriate the following conditions are recommended by the planning authority:

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned, the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. The development permission shall be amended as follows:

- a) Block B03 shall be reduced in height by the removal of three storeys to form a 7-storey building.
- b) Blocks B02 and B04 shall be reduced in height by the removal of one storey to form a 6-storey building.

The development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity.

- 3. The residential units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018).

Reason: In the interest of the proper planning and sustainable development of the area.

- 4. The development hereby permitted shall operate as a Build to Rent Development as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018). The scheme shall be professionally managed, where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities. Prior to the commencement of development, final details of the proposed communal facilities shall be submitted for written agreement of the planning authority.

Reason: In the interests of the proper planning and sustainable development of the area.

- 5. Prior to the commencement of development, the developer shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first 'shared living units' within the scheme.

Reason: In the interests of the proper planning and sustainable development of the area.

- 6. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes, to the proposed development, shall be submitted to and agreed in writing by the Planning Authority.

A panel of all the proposed finishes shall to be placed on site to enable the planning authority adjudicate on the proposals. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area.

- 7. Prior to the commencement of development the developer shall submit a maintenance strategy for materials within the proposal for written agreement of the planning authority.

Reason: In the interests of orderly development and the visual amenities of the area.

8. Prior to the commencement of development, an Adaptability Study for the development shall be submitted for written agreement of the planning authority.

Reason: In the interests of the proper planning and sustainable development of the area.

9. The following Transportation Planning requirements shall be adhered to:
 - A. Prior to commencement of development, and on appointment of a main contractor, a Construction Environmental Management Plan having regard to construction mitigation measures and monitoring commitments outlined in the Environmental Impact Assessment Report shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including construction compound(s), traffic management, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.
 - B. Traffic management shall be set-out in a Construction Traffic Management Plan providing details of the traffic management programme, routing and access arrangements, estimated vehicle numbers and phasing, traffic management safety and monitoring measures and applicable licenses and permits requirements. Any temporary measures and works to the site junction in order to reduce potential conflict with Priestfield Cottages junction shall be identified.
 - C. A construction phase mobility strategy incorporating onsite mobility provisions shall be submitted.
 - D. A minimum of 491 no. secure resident cycle parking spaces (including 3 no. secure cargo bike spaces) and a minimum of 67 no. visitor cycle spaces (including 5 no. cargo bike spaces) shall be provided. Resident cycle spaces shall be secure, conveniently located, sheltered and well lit. Key/fob access should be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within the resident cycle parking areas shall be provided.
 - E. Prior to the commencement of the development, a revised surface car parking layout shall be submitted to the planning authority for written agreement. The most northern perpendicular car parking space located adjacent to Block 02b shall be omitted and the indented bay redesigned to facilitate improved turning requirements for a refuse vehicles.
 - F. The applicant shall undertake to implement the measures outlined in the Mobility Management Strategy.
 - i. The applicant shall incorporate a Car Parking Management Strategy for the overall development which shall address the management and assignment of car spaces to residents and commercial uses over time and shall include a strategy for the crèche, medical centre, drop-off and visitor parking. The Strategy shall address the management of access roads, turning areas and loading bays to prevent overspill parking. Car parking spaces shall not be sold with units but shall be assigned and

managed in a separate capacity via leasing or permit arrangements. A minimum 7 no. car parking spaces within the development shall be permanently allocated to Car Club use.

- ii. The Mobility Management Strategy shall incorporate a Cycle Parking Management Strategy for the overall development which shall address the management and assignment of cycle spaces to residents, staff and visitors. Electric bike charging facilities shall be provided for residents and staff cycle parking. Key/fob access should be required to bicycle compounds. Cycle parking design including visitor parking shall allow both wheel and frame to be locked. Shower and changing facilities shall be provided for all staff including specific shower facilities within crèche for its staff. Cycle parking shall be in situ prior to the occupation of the proposed development.
- G. A minimum 20% of both basement and surface car parking spaces and 50% of car share spaces shall be fitted with electrical charging points and all remaining spaces shall be ducted to facilitate future cabling to serve charging points for Electric Vehicles.
- H. Prior to the commencement of development, all works proposed along South Circular Road and St James' Terrace shall be subject to written agreement and approval from the Environment and Transportation Department. All works to the public road and the public realm to facilitate the development including pedestrian crossing, road and footpath modifications and signage shall be carried out at the applicant's expense at no cost to Dublin City Council and to the detailed requirements of the Environment and Transportation Department. All materials should be agreed in detail with Dublin City Council and should be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council.
- I. Prior to the commencement of the development, the applicant should submit a drawing detailing any areas to be taken in charge in particular having regard to the Grand Canal Linear Park and the Grand Canal Greenway project.
- J. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.
- K. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of the proper planning and sustainable development of the area.

10. The following requirements of the DCC Parks, Biodiversity & Landscape Services shall be adhered to:

a) Open Space Management

The applicant/developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws for public open space of the Planning Authority at all times. Public access to public open spaces from the South Circular Road shall be permanent and without any barriers of a manner that could prevent public access.

b) Landscape scheme to be implemented

The developer will retain the professional services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the site development works. He/she will submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented and for bond release. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development or completion of any phase of the development, and any vegetation which dies or is removed within 3 years of planting shall be replaced in the first planting season thereafter.

c) Public Art

The proposed artwork shall be of good quality and procured by the development of a design brief with a limited competition between 5 artists selected from a panel. Advice may be sought with the Dublin City Council's Public Arts Officer. The artwork will be completed and installed within 6 months of the completion of the development's first phase.

d) Tree Protection

Prior to the commencement of development, the developer will retain the professional services of a qualified Arboriculturist throughout the life of the site development works. The Arboriculturist will advise and supervise all works associated or in proximity to the existing trees to ensure their retention and condition. All trees shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

e) Tree Bond

Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted by the planning authority to secure the protection of existing trees to be retained on or adjacent the site and to make good any damage caused by construction, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any trees adjacent or on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species, or to apply to new tree planting in the local area. The amount of the security shall be determined by the Helliwell or Cavat method by the developer's arboriculturist. The form and amount of the security shall be as agreed between the

planning authority and the developer or, in default of an agreement, shall be referred to An Bord Pleanála for determination.

f) Protection of Canal Corridor Area

The canal corridor public open space lands will be protected from impacts as a result of the development works, except for permitted landscape works in accordance with the agreed landscape scheme. Prior to construction a temporary protection fence with appropriate signage will be erected along the public open space boundary and storage of materials, vehicular access, disposal or dumping of materials/waste/spoil, liquid run-off, soil excavation and vegetation clearance will be prohibited within the protected area. Prior to development the details and alignment of the protection fence will be submitted to the Planning Authority for written approval.

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including open spaces and ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

11. Any external signage shall be the subject of a separate application for permission. All signage to ground floor units should consist of individual lettering mounted or hand painted on building, with the lettering to be of an appropriate scale and consist of a high quality material such as stainless steel.

Reason: In the interests of visual amenity.

12. Notwithstanding the provisions of the Planning and Development Regulations (2001, as amended) no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags or other projecting elements shall be displayed or erected on the building or within its curtilage, or attached to the glazing, without a prior grant of planning permission.

Reason: In the interests of visual amenity.

13. The mitigation measures set down in the EIAR shall be implemented in full during the construction and operation of the permitted development.

Reason: In the interests of environmental amenity.

14. The developer shall comply with the requirements of the Department of Housing, Local Government & Heritage as set out in their submission.

Reason: In the interests of orderly and sustainable development.

15. The developer shall comply with all requirements of the Drainage Division:

Reason: To ensure a satisfactory standard of development.

16. The developer shall comply with all requirements of Inland Fisheries Ireland.

Reason : To ensure a satisfactory standard of development.

17. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads Streets & Traffic Department and the Noise & Air Pollution Section.

Reason To ensure a satisfactory standard of development.

18. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area

19. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity and public safety

20. The developer shall comply with the requirements of the Environmental health Officer as set out in their submission.

Reason: In the interests of the amenities of both the immediate neighbours and general surroundings

21. The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays – 07.30 to 18.00

Saturdays – 08.00 to 14.00

Sundays and public holidays - No activity on site.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to ensure a satisfactory standard of development and safeguard the amenities of adjoining residential development.

Liam Currie
Executive Planner
31st May 2022

Kiaran Sweeney
Senior Executive Planner
31-05-22

Rhona Naughton
Senior Planner 31st May 2022

ADDENDUM A

Record of the consultation meetings held with the Planning Authority

ADDENDUM B

Opinion from other Departments

Drainage Division

Roads & Traffic Division

Housing & Community Services

Parks & Landscape Services

