

# Planning Report

Including:

Statement of Consistency,

Material Contravention Statement, and

Response to An Bord Pleanála's opinion

For a Strategic Housing Build To Rent Development at  
CROSS GUNS BRIDGE, PHIBSBOROUGH, DUBLIN 7.

PREPARED BY

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## Section 1 Introduction

On behalf of the applicant Bindford Limited of 13-18 City Quay, Dublin 2, this planning report accompanies a planning application to An Bord Pleanála under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act (2016) for a proposed strategic Housing Development at the site of Cross Guns Bridge, Phibsborough, Dublin 7, in accordance with the Planning and Development (Housing) and Residential Tenancies Act 2016.

The application has been prepared by a multidisciplinary team on behalf of Bindford Limited as set out in the table below.

Company Name	Documents Prepared
McGill Planning	Planning Report including <ul style="list-style-type: none"> <li>- Statement of Consistency with Planning Policy</li> <li>- Statement of Response to An Bord Pleanála's Opinion</li> <li>- Material Contravention Statement</li> </ul>
	EIA Screening
O'Mahony Pike Architects	Building Life Cycle Report Design Statement Housing Quality Assessment Architectural Drawings
Áit Urbanism + Landscape Architecture	Landscape Design Rationale Landscape Masterplan
Waterman Moylan Engineering Consultants	Site Specific Flood Risk Assessment Infrastructure Design Report Construction and Environmental Management Plan Construction Waste Management Plan Infrastructural Drawings
ILTP Consultancy	Traffic and Transport Assessment Report Mobility Management Plan Statement of Consistency with DMURS
IN2 Engineering Design Partnership	Outdoor Lighting Report Utilities Report Wind Study Daylight and Sunlight Assessment Operational Waste Management Plan
Whitehall Environmental Consultants	NIS Ecological Impact Assessment
Brian Keeley	Bat Assessment
Modelworks	Photomontages
AWN Consulting	Operational Waste Management Plan
IAC	Archaeological Assessment
Molloy Associates	Heritage Impact Assessment
Macroworks	Townscape Visual Impact Assessment
Liv Group	Build to Rent Justification Report

Table 1 Design Team and Documents Prepared

Please note, that while every effort has been made to ensure consistency throughout the application, inconsistencies may arise due to human error.

This planning report is set out into 9 chapters:

- Section 2 outlines the development description as set out in the statutory notices and provides a brief summary of the proposed development
- Section 3 sets out the site location and context
- Section 4 outlines the relevant planning history for the subject site and the surrounding area.
- Section 5 provides the rational for the proposed development
- Section 6 includes the response to An Bord Pleanála's Opinion
- Section 7 assesses the proposed development against national, regional & local planning policy
- Section 8 includes the material contravention statement
- Section 9 provides an overall conclusion



## Section 2 The Proposed Development

### Statutory Notices

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

**The development will consist of the demolition of the existing buildings on site and the construction of a Build to Rent (BTR) residential scheme comprising:**

- 205 no. apartments within 3 no. blocks ranging in height up to 12 storeys.
- A new café/ retail unit area, and public plaza to the east of the site.
- The apartment mix will comprise 55 no. studios, 85 no. 1-bed, and 65 no. 2 bed apartments along with internal residential amenity space (located in block C at ground and top floor levels and including gym, lounge, shared workspaces, parcel store, reception). All apartments with balconies/ terraces facing north/ south/ east/ west. Communal open space will be provided on the top floor of each block and at the ground floor level.
- Provision of 29 no. car parking spaces (20 no. at basement and 9 no. at surface); 272 no. residential bicycle parking spaces along with a further 72 no. visitor surface parking spaces.
- Vehicular and pedestrian connection via Phibsborough Road with two additional pedestrian accesses to be provided along the Royal Canal to the north (necessitating alterations to the existing boundary wall).
- All associated site development works and services provisions including bin storage areas, substations, plant rooms, boundary treatments and landscaping.



Figure 1 Site location (source google maps)

### Summary of the Development

The site is located on the Former Bakery site at Cross Guns Bridge, Phibsborough, Dublin 7 and extends to an area of c. 0.7269 ha. The site is immediately south of the Royal Canal and north of Leinster Street North. The proposed development statistics are set out in the table below:

Development Proposal	Statistics
No. of residential units	205 residential units as follows: - 55 no. studios (26.82%) - 85 no. 1-bed apartments (41.46%) - 65 no. 2-bed apartments (31.7%)
Community facilities	Residential amenities area (c.460.5sqm) Café/ Retail area (c.67.3sqm)
Site Area	Overall application site area: 0.73 ha
Density	c.292 units per hectare
Plot Ratio	2.25
Site Coverage	36.40%
Building Height	4 storeys to 12 storeys
Aspect	53.65% Dual Aspect
Public & Communal Open Space	2,978 m2
Carparking	24 residents car spaces 2 Go Car spaces 3 Set Down Spaces
Cycle parking	272 residents bicycle spaces 72 visitor bicycle spaces
Vehicular Access	Off existing Phibsborough Road access (to the east of the site)



## Section 3 Site Location and Context

The subject site is located within Dublin City Council area. The application site is bounded by the Royal Canal to the north, Cross Guns Quay apartments to the east, and is accessed from Phibsborough Road to the east. The western side of the site adjoins Shandon Mill, a residential scheme comprising of duplex units. The south of the site abuts a laneway behind the rear gardens of two storey, red brick terraced dwellings along Leinster Street North and Shandon Road.

The site is a brownfield, linear infill site which falls from west to east and currently consists of large agglomeration of derelict buildings associated with the former bakery. The proposed development seeks to demolish the existing structures and deliver a new residential development adjacent the Key District Centre and Inner City settlement of Phibsborough, close to the city centre.

The site itself does not contain any protected structures, however, there is a protected structure to the south east of the site, protected structure no. 6732, a multi-storey stone former mill building that is currently used as apartments. The development site is not within a architectural conservation area, however there is a DCC Development Plan conservation area to the north of the development site, The Royal Canal.

The site is within a well-established inner-city location within walking distance of a multitude of services, exceptional public transport options and local amenity and employment opportunities. It adjoins the Phibsborough Key District Centre, the hub of which is around Phibsborough Shopping Centre which has a range of shops, pubs, takeaways and restaurants. It is bounded by Cabra, Glasnevin and Grangegorman which provide further additional facilities including a university (Grangegorman TUD). There is also a range of existing schools and community facilities in the area. The Mater University Hospital is within a kilometre of the site.

It is within c. 1.5km of the Rotunda Maternity Hospital, O Connell Street, and Dublin City Centre . As a result, it has access to a wide range of significant employment and social infrastructure options within reasonable walking distance of the site.

### PUBLIC TRANSPORT

The subject site is highly accessible and is served by seven bus routes, two luas stops, one train line and cycle paths, listed in the table below. The bus routes connect the site with numerous places including the city centre, UCD, Bray, Liffey Valley Shopping Centre, Tyrrelstown, Walkinstown, Phoenix Park and Dun Laoghaire. The planned Bus Connects project will further improve these existing bus services.

The site is a c. 10-minute walk to the Cabra Luas Stop (c.10 minute to Phibsborough Luas stop) that provides connection to a range of employment and educational hubs such as the Grangegorman TU campus, Dublin City Centre, Dundrum, Stillorgan and Sandyford industrial estate. The site is also a c. 14-minute walk from Drumcondra Railway Station on the Dublin-Longford commuter line which provides direct connection to the city's DART services and Northern and Southern Commuter lines (at Connolly Station) as well as a host of urban centres outside Dublin.

Under the current MetroLink proposals a new station is due to be delivered at Glasnevin on lands directly opposite the application site on the northern side of the Royal Canal. Glasnevin Station is one of the fifteen new stations proposed on the preferred MetroLink route. The proposed station is

located to the west of Prospect Road (R135) and is situated below the existing Irish Rail Maynooth and Kildare railway lines. The new metro interchange station is intended to serve as an interchange station with the existing railway line which is also due to be electrified with a DART services planned to Maynooth.



Figure 2 Integrated transport network schematic (source NTA)

When fully completed the new station will become one of the main public transport interchanges in the city allowing easy transfer between the Metro (90 second frequencies in peak / 20,000 passengers per hour) and the Maynooth-Connolly/Docklands line (15 trains per hour) as well as providing future residents in the Phibsborough area direct access to a range of high frequency public transport options on their doorstep.



Figure 3 Site location in relation to transport interchange (source NTA)

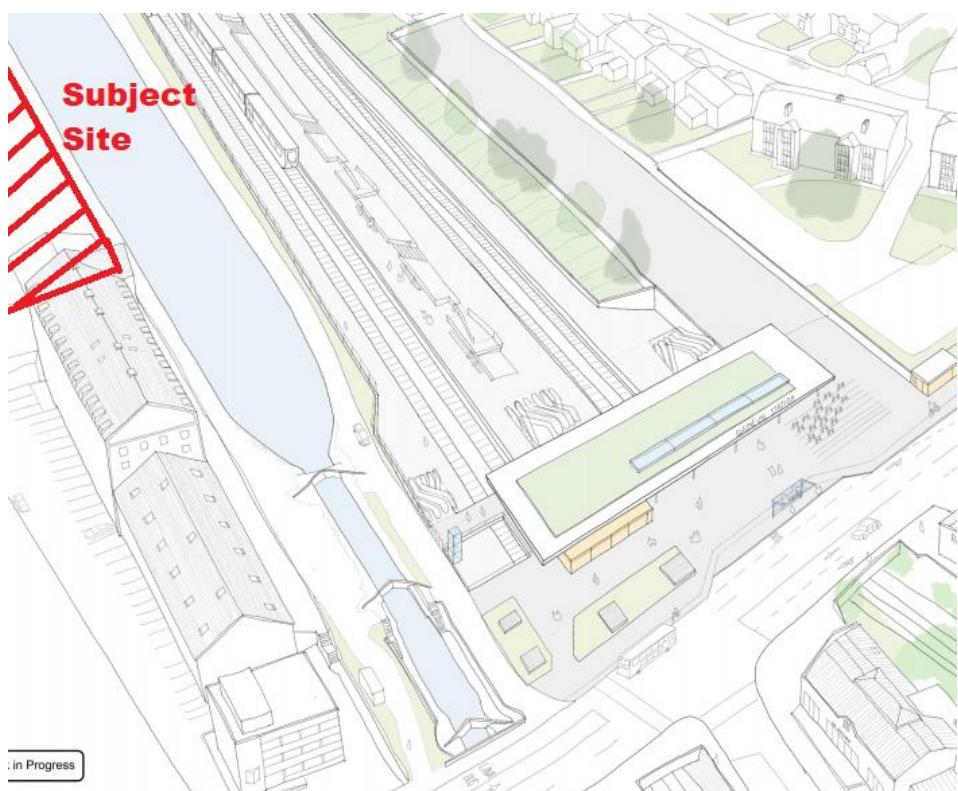


Figure 4 Proposed transport interchange (source NTA)

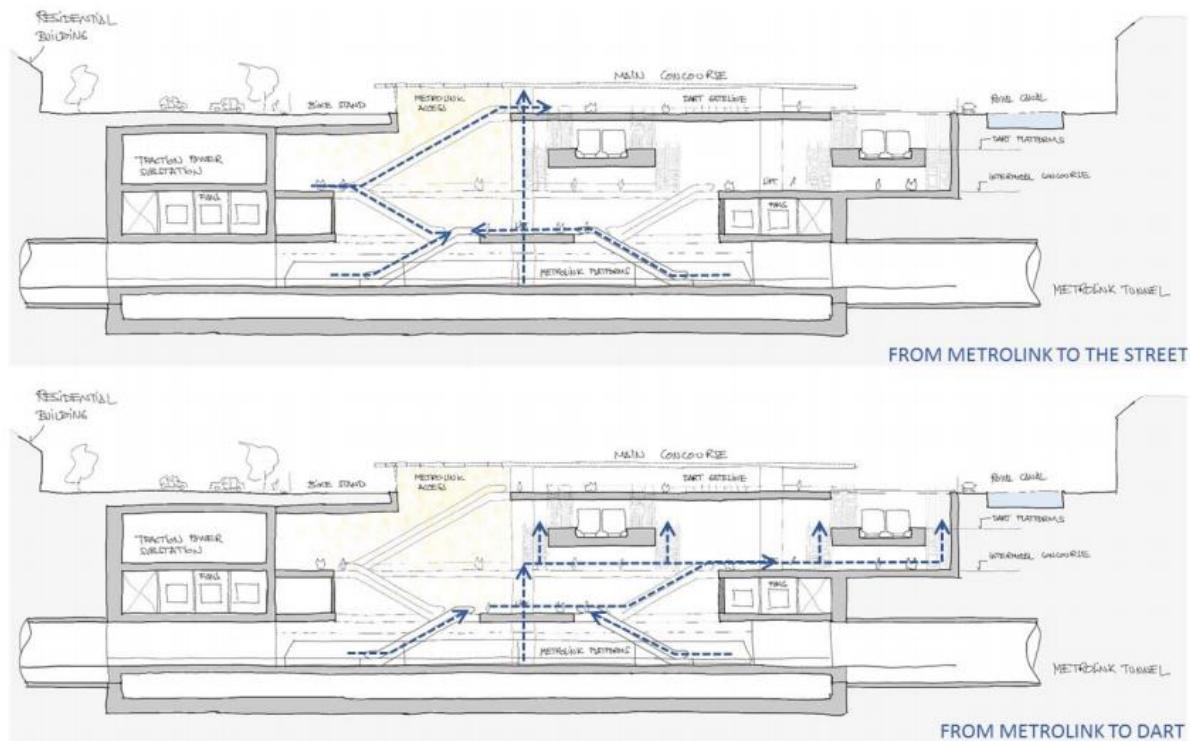


Figure 5 Section of proposed transport interchange (source NTA)

Overall, it is considered that the site is well located in a central and high accessible location well served by public transport, bike and walking facilities providing connection to the employment, commercial, health and education services within the vicinity and wider City.

Form of Transport	Destination	Distance from the Proposed Development	Peak Frequency
Bus routes	<b>46A</b> Phoenix Park – Dun Laoghaire	7-minute walk	9-10 minutes
	<b>4</b> Herristown – Towards Monkstown Avenue	3-minute walk	12-15 minutes
	<b>9</b> Charlestown – Limekiln Ave	3-minute walk	15-20 minutes
	<b>140</b> Palmerston Park – Ballymun	3-minute walk	10–15 minutes
	<b>155</b> Ikea - Bray Rail Station	3-minute walk	20 minutes
	<b>40</b> Charlestown Shopping Centre – Liffey Valley Shopping Centre	3-minute walk	10 – 12 minutes
	<b>40D</b> Parnell Street – Tyrrelstown	3-minute walk	15 – 30 minutes
	<b>83</b> Harristown - Kimmage	3-minute walk	15
	<b>83a</b> Harristown – Kimmage (Via Tolka Estate)	3-minute walk	Every 60 minutes
Luas	Cabra Luas Stop – Broombridge to Brides Glen	10-minute walk	c. 3 minutes
	Phibsborough Luas Stop – Broombridge to Brides Glen	10-minute walk	c. 3 minutes
Train	Drumcondra Rail Station serving Connolly, Grand canal Dock, Maynooth, Newbridge, Pearse, Sligo, Hazelhatch and Celbridge	14-minute walk	c.10 minutes

Proposed Metrolink/Rail station	Proposed Glasnevin Metrolink and rail interchange station is planned to be located immediately to the north of the site.	c. 1 minute walk	n/a
Cycle	There is a greenway along the northern boundary of the development site. Please see map below for proposed cycle network.	c. 1-minute walk to closest cycle path	n/a



**Legend:**

Primary	Inter-Urban	I Institute of Technology	Greenline Tram Stops
Secondary	Feeder	S Shopping Centre	Redline Tram Stops
Greenway	Minor Greenway	T Town Centre	Stations
Primary/Secondary	New Cycle Bridge	E Employment Zones	U University
		H Hospitals	V Village Centre

Figure 6 Existing Cycle Paths Serving Subject Site (ILTP 2020)

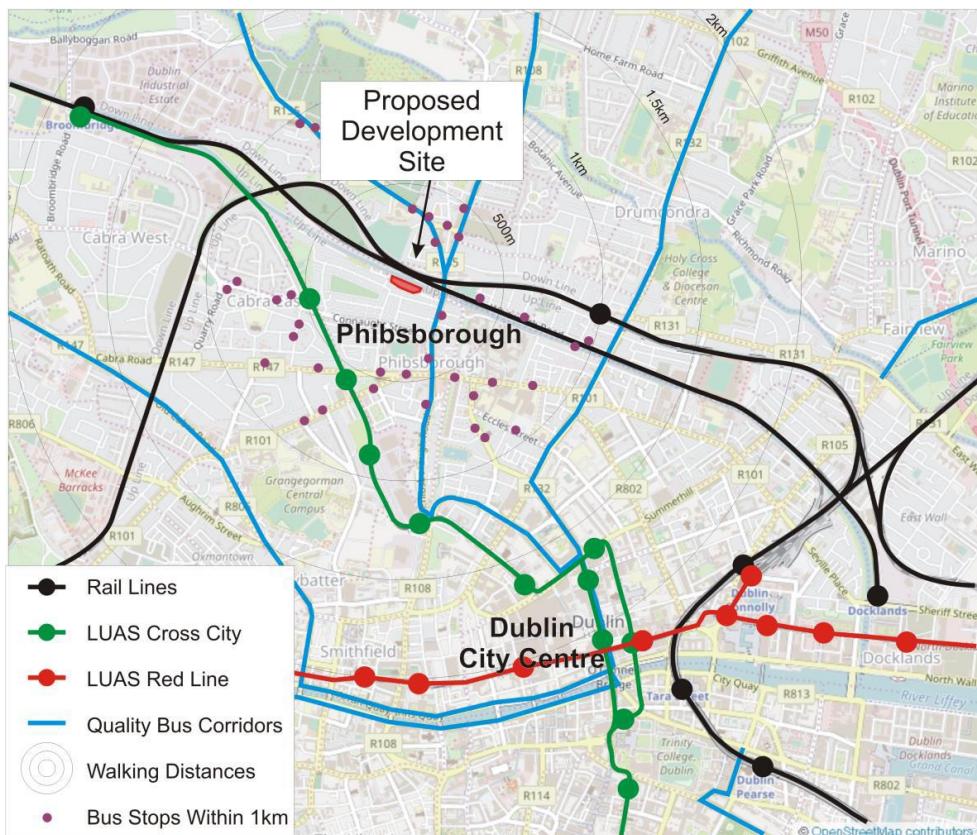


Figure 7 Public Transport Map (ILTP 2020)

#### RETAIL, COMMUNITY FACILITIES AND EMPLOYMENT

The site has excellent access to a range of retail facilities owing to its central urban location. Phibsborough Shopping Centre is located within a c.5-minute walk from the subject site providing the site with access to commercial hubs with a variety of services including large supermarkets, clothes shops, restaurants, takeaways and pubs. The subject site is location c. 15 to 20 minutes' walk from O'Connell Street Upper, this will allow future residents of the proposed site to benefit from retail services within Dublin City Centre.

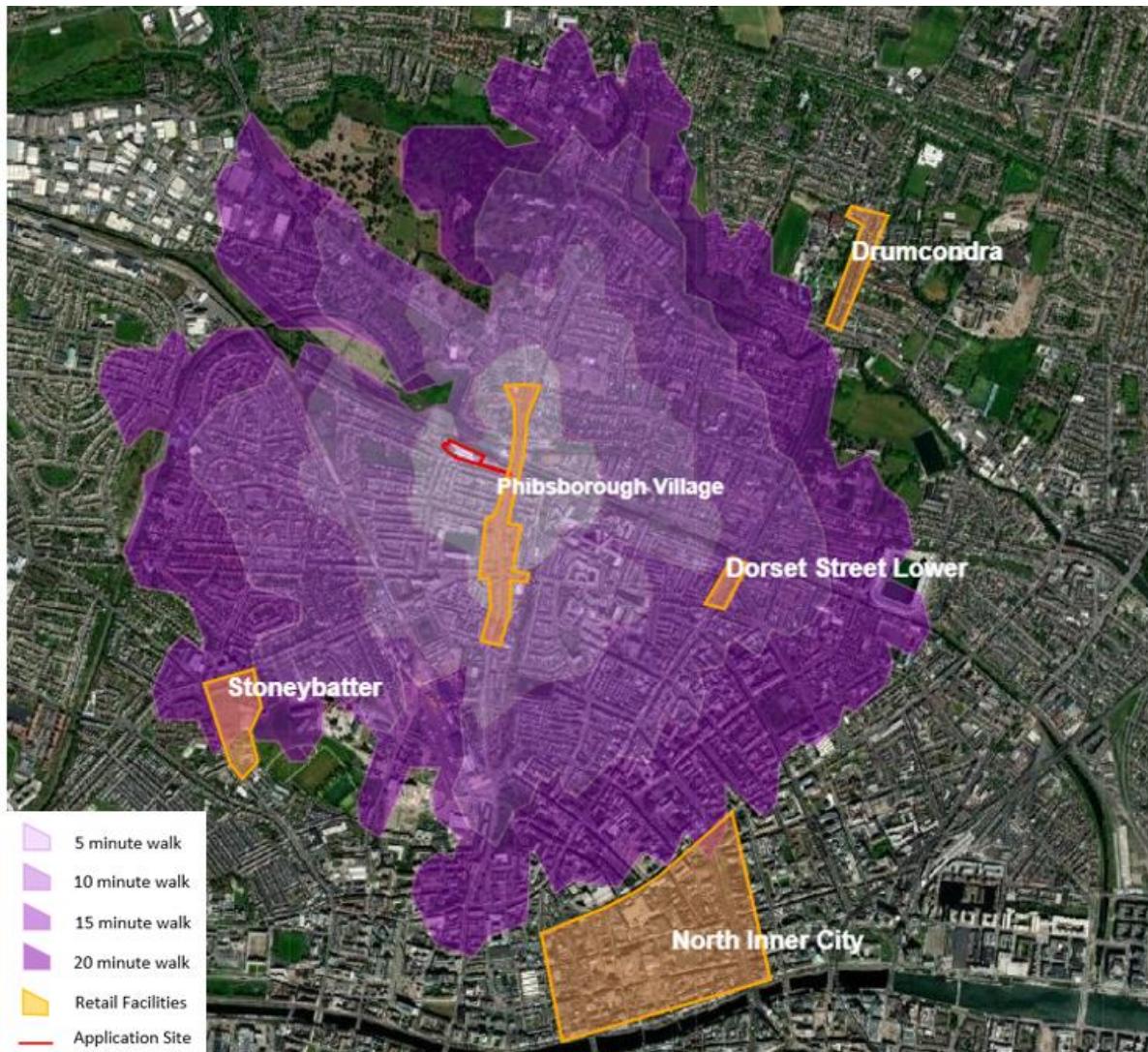


Figure 8 Retail Hubs in proximity to the subject site

A variety of existing leisure amenities exist in the local area such as parks, The Royal Canal Bank Playgrounds, Glasnevin Cemetery, Dalymount Park and sports clubs are within a short walk or cycle of the site including St. Brendan's GAA club, Inspire Fitness Centre (Gym, Swimming pool, outdoor pitches and multipurpose sports hall), Charleville Lawn Tennis Club and St Vincent's GAA club. There is a wider variety of community facilities within Dublin City Centre to also serve future residents of the proposed development.

Due to its urban location there are a wide range of existing large employment areas within 1 to 1.5km as well as ease of access to employment areas further afield. The Mater Hospital, Mountjoy Prison, and Grangegorman TU Dublin campus are all within c. 15 minutes' walk of the site, all of which are large employers within Dublin. Further afield there is Dublin City Centre, the Four Courts, Dublin Port and Dublin Digital Docklands. These areas host a range of different businesses and offices, including corporate offices, legal practices, google, amazon, distribution centres, and company support services.

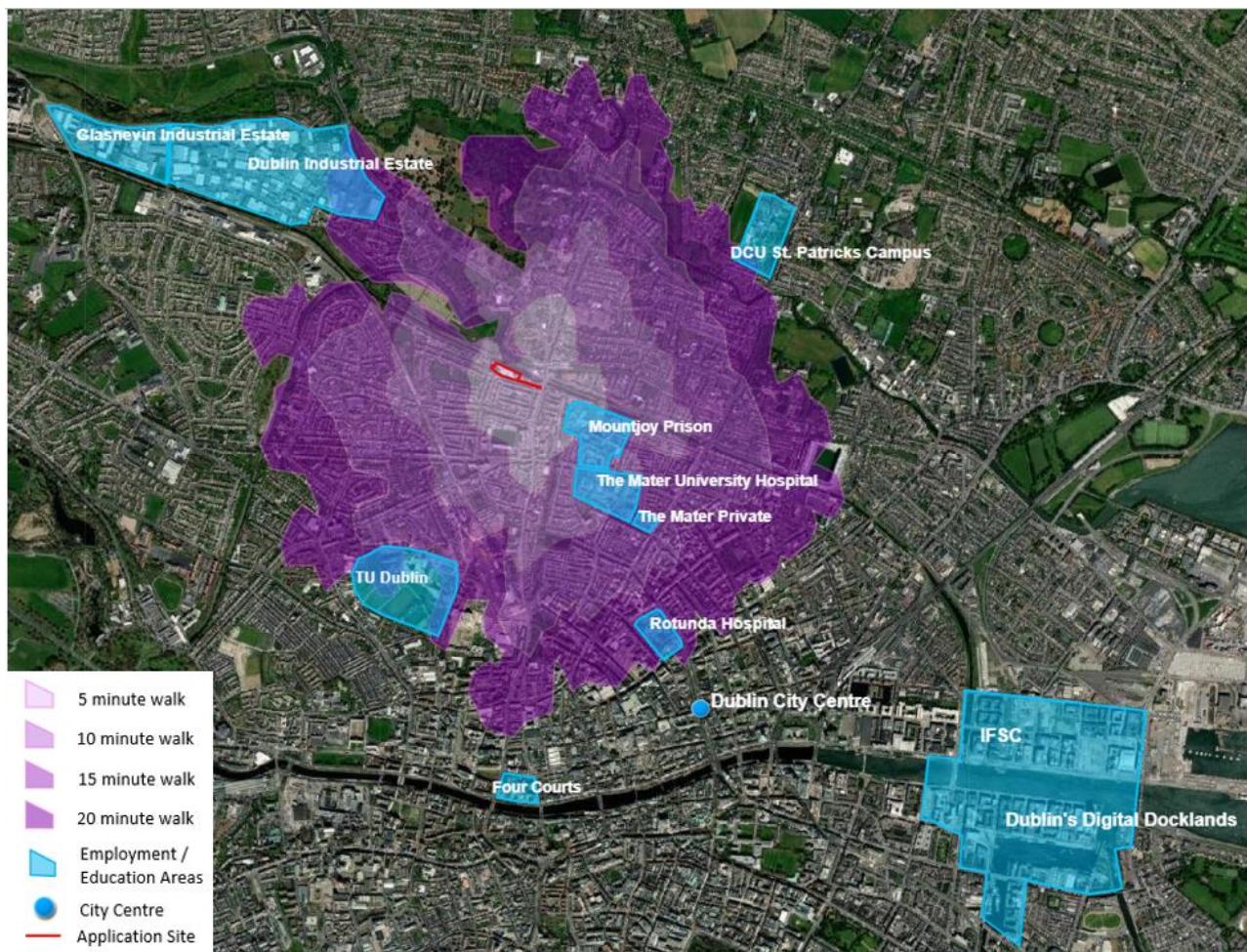


Figure 9 Employment and Educational centres in proximity to the subject site

## EDUCATION

There are c.10 primary schools and 2 post-primary schools within c. 25-minute walk of the site. These are listed in the table below. There are further primary and post primary schools located in the wider area that may also serve the residents of the proposed development.

Primary School	Distance from the Site
St Patrick's Boys' National School	c.20 minute walk
Broombridge Educate Together National School	c.25 minute walk
St. Finbarrs Boys Catholic National School	c.25 minute walk
Christ The King Girls National School	c.16 minute walk
Christ The King Boys National School	c.16 minute walk
The Mater Special School	c. 10 minute walk
St Peters National School	c. 10 minute walk
Ghaelscoil Bharra	c. 20 minute walk
St Vincent's Primary School	c. 8 minute walk
St Columbas School	c. 11 minute walk
Post Primary Schools	Distance from the Site
Christ the Kings Girls Senior School	c.16 minute walk
St Vincent's Secondary School	c.9 minute walk

#### PUBLIC PARKS

In addition to the public space provided within the scheme, the site is located within 1 km (c. 15-minute walk) from a range of public parks including the Royal Canal Way, Glasnevin Botanic Gardens, Dalymount Park, Mount Bernard Park, Blessington Street Park. Tolka Valley Park is located 2.9km (c. 35 minute walk) from the site.



Figure 10 Map of Parks within a 15-minute walk of the proposed development site



## Section 4 Planning History

McGill Planning have carried out a desktop review of the planning history of the site. The site has been subject to 4 planning applications since 2006. The planning history for the site is set out below.

<b>DCC reg. ref.:</b>	2402/14
<b>ABP reg ref.:</b>	PL29N.243444
<b>Application date:</b>	21 March 2014
<b>Decision:</b>	Grant Permission
<b>Final Grant date:</b>	6 <sup>th</sup> October 2014

The development consisted of the demolition of existing buildings on site and the construction of a predominantly residential development with some commercial use, giving an approximate total gross floor area of 3979sqm (260sqm commercial & 3719sqm residential). The proposed development provided for 21 no dwelling units, 8 no. apartments and 2 no. commercial. The development will also include 29 car parking spaces, 16 bicycle spaces, plant rooms and bin storage. Access to the development will be from the site access road off Phibsborough Road.

The proposal was granted permission by Dublin City Council on the 15<sup>th</sup> May 2014. This decision was appealed to An Bord Pleanála (ABP Reg. Ref.: PL 29N.243444). The board concluded that the planning authority decision be upheld and the permission be granted for the following reason:

*"Having regard to the residential zoning of the site as set out in the current Dublin City Development Plan, the provisions of the Phibsborough/Mountjoy Local Area Plan, 2008 specifically the Local Site Framework Strategy for Cross Guns Bridge and having regard to the pattern of development in the area and the layout of the scheme, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not adversely affect the character of nearby protected structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area."*



Figure 11 Site layout plan 2402/14 (Source DCC)

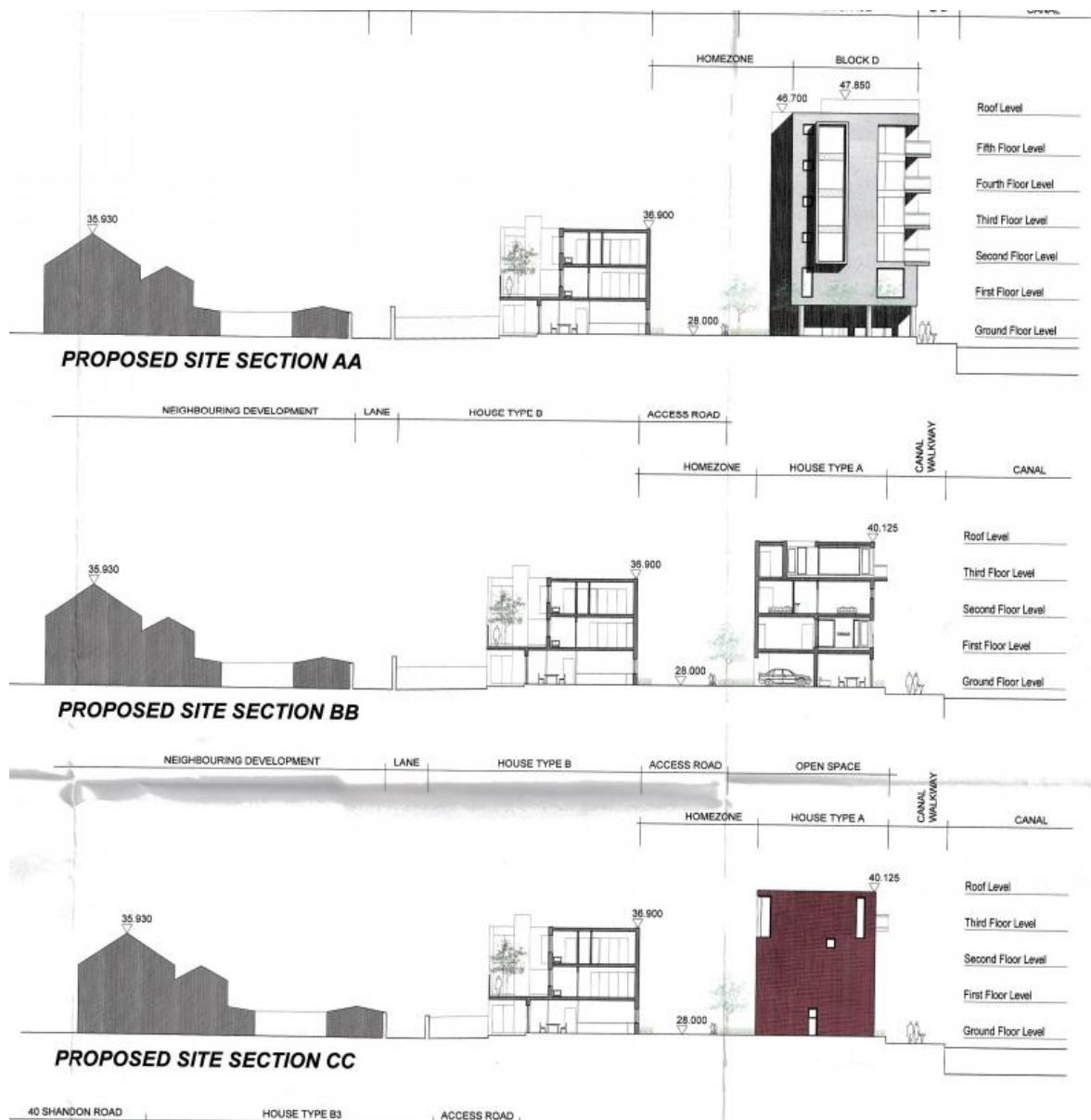


Figure 12 Section 2402/14 (Source DCC)



Figure 13 Contiguous elevations 2402/14 (Source DCC)

It is noted that this scheme had 3 storey buildings backing onto the laneway, and existing houses along Leinster Street North. This would result in a greater impact on these residential units due to the proximity of the development. It is also noted that the buildings, when taken together, would result in a significantly bigger footprint than that of the currently proposed development and significantly less public open space.

<b>DCC reg. ref.:</b>	6818/07
<b>ABP reg ref.:</b>	231198
<b>Application date:</b>	21 December 2007
<b>Decision:</b>	Refused Permission
<b>Final Decision:</b>	5 <sup>th</sup> June 2009

The proposed was for the demolition of the existing buildings on site and the construction of a mixed use scheme which was predominantly residential in nature with total gross floor area of 18,384 sq.m, approximately. The proposed development ranged in height from 2 to 13 storeys over 2 no. basement levels and comprised of 148 no. residential units, 35 no. medical consulting suites, creche facility, a cafe and gym. The development also included 2 no. basement levels (9,845 sqm in total) principally comprising; 304 no. car parking spaces (141 no. spaces on upper level and 163 no. spaces on lower level); 352 bicycle spaces; plant rooms; private residential storage; bin storage; and a recycling centre.

Dublin City Council granted permission for this development on the 9<sup>th</sup> September 2008 subject to conditions. However, this decision was appealed to An Bord Pleanála (ABP Reg. Ref.: 231198). The board decided to refuse permission for the following reasons:

- 1.) *"The proposed development is situated on lands which adjoin the Royal Canal (to the north) and which are bounded (to the south) by the rear gardens of predominantly two-storey terraced houses. The zoning objective for the site is 'primarily residential use' in the current Dublin City Development Plan and, also, in the recently adopted Phibsborough/Mountjoy Local Area Plan (LAP), within which it is a stated objective to develop the northern part of the site '...in a series of pavilion type structures with active uses at ground floor level to take advantage of the aspect of the Royal Canal...' It is also envisaged that these buildings would be 'three to six residential storeys' in height and that 'the bulk and mass of new development should be broken to allow sunlight to penetrate onto the canal tow paths and onto the canal itself.' Furthermore, the opportunity for enhancing the recreational and amenity value of the canal side public realm, by introducing 'a strategic pedestrian and cycle route', is a stated objective of the LAP in respect of the development site. Having particular regard to these provisions of the statutory development plans for the area it is considered that by reason of excessive height, bulk and continuity of building facades, the proposed canal side structures would be visually obtrusive and overbearing and would give rise to extensive overshadowing which would prejudice the potential use and enjoyment by the public of this important amenity space, and by reason of inadequate separation distances between the proposed apartment and medical suites buildings and the edge of the canal basin, the proposed development would prejudice the satisfactory provision of a strategic pedestrian and cycle route at this location. Furthermore, having regard to the proximity of existing residences on Leinster Street North it is considered that the proposed row of townhouses along the southern boundary of the site would, by reason of overlooking and overbearing appearance, seriously injure the residential amenities of these adjoining properties. Accordingly, it is considered that the proposed development would conflict materially with the use and design objectives of the Phibsborough/Mountjoy Local Area Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.*
  
- 2.) *Having regard to the restricted width of the access laneway at the site entrance on Phibsborough Road and to the extent of floorspace proposed in this mixed-use development it is considered that the additional vehicular traffic which would be generated (particularly in respect of the medical suites and other non-residential uses proposed) would exceed the safe*

*capacity of the existing entrance arrangements. Accordingly, it is considered that the proposed intensity of development at this location is excessive and would endanger public safety by reason of traffic hazard and obstruction of road users. "*

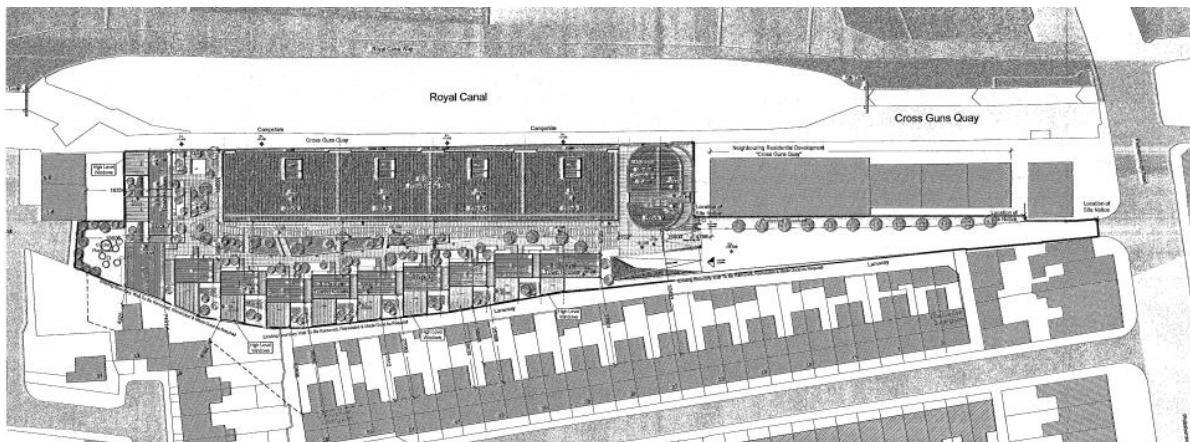


Figure 14 Site layout plan 6818/07 (source DCC)

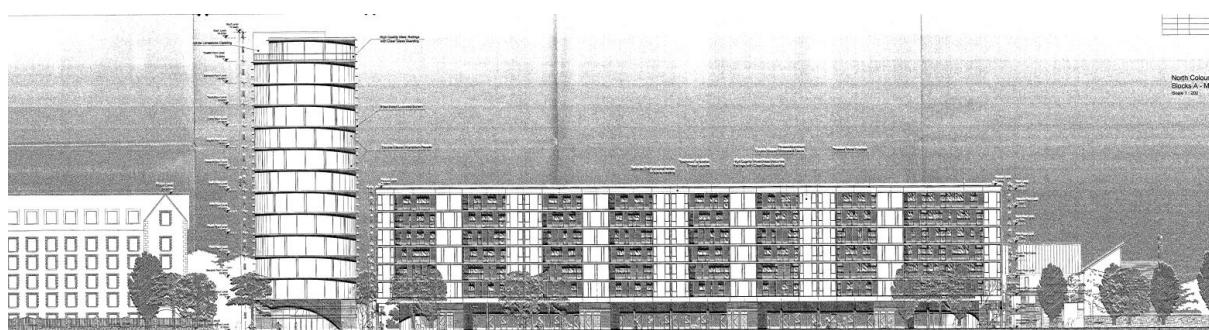


Figure 15 Elevations 6818/07 (source DCC)

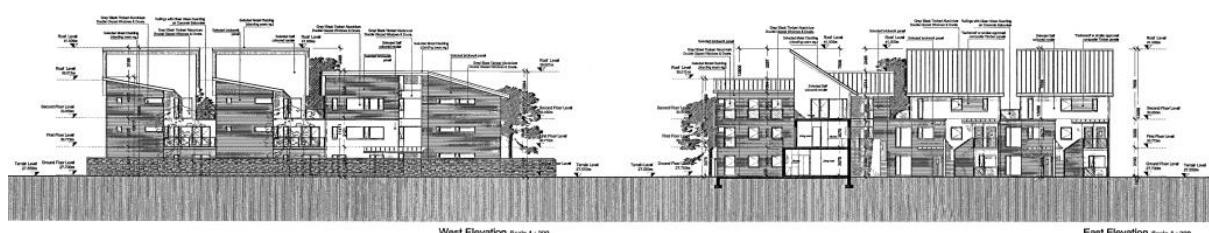


Figure 16 Elevations 6818/07 (source DCC)

Within this development, it also had 3 storey town houses directly onto the southern boundary resulting in a greater impact on these residential units along Leinster Road North due to the proximity of the development. Furthermore, the frontage along the canal is formed by two buildings, a tall, 13 storey tower and a long 6 storey building. There are no links through the site, or breaking up of the building resulting in an overbearing development, that prevents permeability to the canal. The proposal also included 304 car parking spaces resulting in a significant quantum of traffic generated especially the non-residential elements on this site, impacting on the traffic of the area. Furthermore, the buildings, when taken together, would result in a bigger footprint than that of the currently proposed development and significantly less public open space.

**DCC reg. ref.:** 1745/07  
**Application date:** 16 February 2007  
**Decision:** Refused Permission

Development of a mixed use scheme consisting of; the demolition of the existing buildings on site and the construction of a mixed use scheme which is predominantly residential in nature containing 4 no. buildings with a total gross floor area of 21, 588 sqm approx. The principal buildings in the development are 2 no. primarily residential buildings on the northern site boundary spanning from west to east. The 2 no. buildings (Building 1&2) range from 6 to 9 storeys with a 13 storey element and roof gardens over two shared basement levels. The 2 no. basement levels (9772sqm in total) principally comprise: 281 no. car parking spaces (118 no spaces on upper level, 163 no spaces on lower level); 226 no cycle spaces, plant rooms and a gym (375sqm) on the Upper basement level. Vehicular access to the basement levels will be provided from the site access road off Phibsborough Road. The development also comprises; 6 no. terraced 2 storey townhouses (Building 3)(486sqm); a childcare facility (Building 4)(240sqm); 2 no. new pedestrian access points from Cross Gun Quay; changes in level; boundary treatments; all hard and soft landscaping; balconies and terraces; internal roads and pathways; pedestrian linkages; site services and all other associated site development works above and below ground.

Dublin City Council refused permission for the following reasons:

- 1.) *The proposed development having regard to the overall height and density of development, would result in both a unacceptable congested form of urban residential infill that would be seriously injurious to the value of the proposed residential units themselves and as such would be contrary to the proper planning and sustainable development of the area.*
- 2.) *The application site lies beside three storey housing at Nos. 1 - 8 Shandon Mills (inclusive). The proposal would be sited in a position immediately adjacent to this housing, to the east. The resulting proximity of this proposal and its scale and design would be seriously injurious to the amenities of the housing, in terms of overshadowing, overlooking and an associated loss of privacy and a heightened sense of enclosure to outlooks. Accordingly, it would be contrary to the proper planning and sustainable development of the area.*
- 3.) *The prominent briel soliel louvered screens necessary to mitigate overlooking, would provide an unduly dominant backdrop to the residential conservation area that would be out of sympathy with its character and, as such, contrary to the proper planning and sustainable development of the area.*
- 4.) *A high proportion of the proposed units (18%) would have effectively northerly aspects only. The Dublin City Development Plan 2005 - 2011 does not permit this configuration and more recent advice specifically disallows single aspect units that have a northerly orientation. The proposal would represent a high density of development for the location of the application site and so a high standard of amenity for future occupiers is of particular importance. The high incidence of effectively northerly single aspect units would militate against the establishment of such a standard and it would materially contravene the aforementioned guidelines. Accordingly, this proposal would be contrary to the proper planning and sustainable development of the area.*

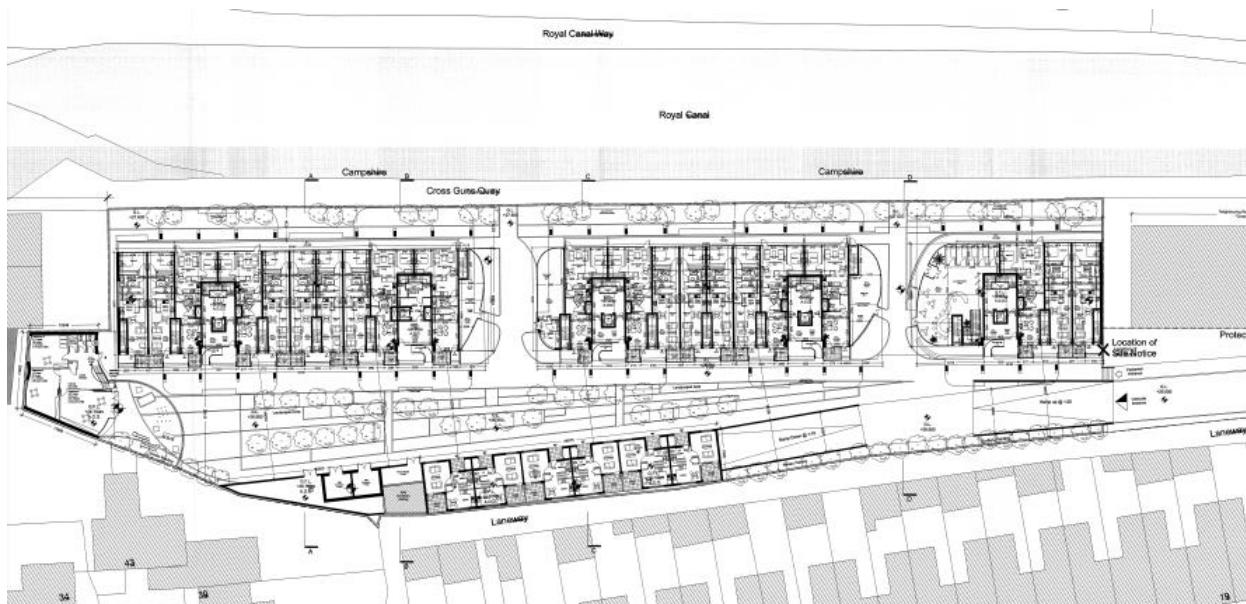


Figure 17 Site layout 1745/07 (source DCC)

Within this development, it had residential units directly onto the southern boundary resulting in a greater impact on these residential units along Leinster Road North due to the proximity of the development. The proposal also had a significant quantity of car parking, and very limited communal or public open space resulting in a highly developed greenfield site which would generate a significant quantum of traffic generated on this site, impacting on the traffic of the area and specifically of this site. Furthermore, the buildings, when taken together, would result in a bigger footprint than that of the currently proposed development and significantly less open space.

<b>DCC reg. ref.:</b>	4033/06
<b>Application date:</b>	14 July 2006
<b>Decision:</b>	Refused Permission

The development consisted of: the demolition of the existing buildings on site and the construction of a mixed use scheme which is predominantly residential in nature containing 4 no buildings with a total gross floor area of 19,169 sqm approximately. The principal buildings in the development are 2 no primarily residential buildings on the northern site boundary spanning from west to east. The 2 no buildings (buildings 1 & 2) range from 5 to 7 storeys with a 13 storey element and roof gardens over two shared basement levels. The 2 no basement levels (9,772 sqm in total) principally comprise: 293 no car parking spaces (134 no spaces on upper level, 159 no spaces on lower level); 223 no cycle spaces and plant rooms. Vehicular access to the basement levels will be provided from the site access road off Phibsborough Road. The development also comprises 6 no terraced 2 storey town houses (building 3) (486 sqm); a childcare facility (building 4) (240 sqm); 2 no new pedestrian access points from Cross Guns Quay; changes in level; boundary treatments; all hard and soft landscaping balconies and terraces; internal roads and pathways; pedestrian linkages; site services and all other associated site development works above and below ground.

Dublin City Council refused permission for the following reasons:

- 1.) *The proposed development having regard to the overall height and density of development, would result in an unacceptable congested form of urban residential infill that would be*

*seriously injurious to the both the residential amenity of the immediate adjoining residential development and the amenity value of the proposed residential units themselves and as such would set an undesirable precedent for similar such developments, and as such would be contrary to the proper planning and sustainable development of the area.*

- 2.) *The proposed development would having regard to the proposed internal layouts, proportion of single aspect units, minimum sizes, and proportion of one-bedroom units, including lack of larger family sized units ( 3% three-bed) would constitute a sub-standard form of residential development, that would set an undesirable precedent for similar such developments, and as such would be contrary to the proper planning and sustainable development of the area.*
- 3.) *The proposed development, having regard to the private dedicated open space requirements of the Dublin City Development 2005-2011 (15.9.6), and in particular the absence of any meaningful open space provision on site, communal or dedicated, to serve a majority of the units, would constitute a sub-standard form of residential development, would be contrary to the Dublin City Development Plan, result in an would set an undesirable precedent for similar such developments, and as such would be contrary to the proper planning and sustainable development of the area.*

The buildings were again along the southern boundary resulting in an undue impact on the neighbours to the south. The footprint of the buildings took up a significant quantity of the site resulting in low levels of open amenity space. The current proposed development, due to its location along the northern boundary of the site and the large levels of open space address these issues.

#### **Planning applications in the surrounding area**

Phibsborough is an established, predominantly developed urban area. As such there have been a few large scale recent planning applications in the wider area. There are no other sites in the immediate adjacent to the site that are currently under construction. Within the wider area, in the preceding three years, a large number of planning applications have been granted planning permission. There are two applications which are of particular relevance to this application.

<b>DCC reg. ref.:</b>	2628/17
<b>ABP reg. ref.</b>	300241-17
<b>Application date:</b>	4th April 2017
<b>Decision:</b>	Granted Permission

Permission was granted for works at Phibsborough Shopping Centre including the redevelopment of the site to include new building of 3 to 7 storeys for new retail /restaurant and office units, student accommodation, a new civic plaza and an upgrade of the existing Shopping Centre and commercial office tower facade with a total new build gross floor area of 15,775m<sup>2</sup> (including basement). This is now the subject of a revised amendment SHD application under reg ref. ABP 308875. It is due for determination on the 12<sup>th</sup> April 2021.

This permitted development, along with the amendments, will significantly alter the appearance of Phibsborough Road. The new buildings and increased height in this area will alter the perception and views of the area as a whole and also change the views of the site the subject of this application.

In determining the appeal the inspector addressed the issue of increased height in this development. He set out that "*The Plan allows that buildings of increased height (up to that already existing on site) may be permitted in low-rise areas where a site has a pre-existing height over that stipulated in the*

*Plan. The Board is therefore entitled to grant permission buildings of height within this site. In this instance, given the presence of an existing isolated tall building on site; the stepped height design with the highest elements set back within the site; the large setback of the building line to Phibsborough Road necessitating buildings of greater height to provide appropriate urban style visual enclosure; the separation distance between the taller buildings from surrounding sensitive properties; and the nature of the adjacent lands to the east (being an existing and proposed redeveloped football stadium), I consider the proposed height to be acceptable and to be welcomed in terms of contribution to the urban design of the Key District Centre.”*

*With regard to accessibility, movement and transport, the Inspector found that “The site is well located to take advantage of sustainable modes, including LUAS Cross-City, the bus network and passive modes. I consider the proposals for bicycle parking facilities (at basement and within civic spaces) and no additional car parking (an effective significant reduction will result from removal of informal surface parking in addition to loss of some existing formal parking from podium level) to be reasonable within the context of the scheme, to be consistent with government policy and I note that they were acceptable to the planning authority and its Roads Planning Division.”*



Figure 18 Existing view of Phibsborough Shopping Centre with the silo tower in the background under DCC 2628/17



Figure 19 Permitted development with new taller buildings with the view of the silo building obscured under DCC 2628/17



Figure 20 CGI of aerial view of the permitted development under DCC 2628/17



PROPOSED VIEW - DOYLE'S CORNER

Figure 21 extract from Donnelly Turpin Architects design statement for the current application under consideration by ABP 308875 for amendments to the permitted development

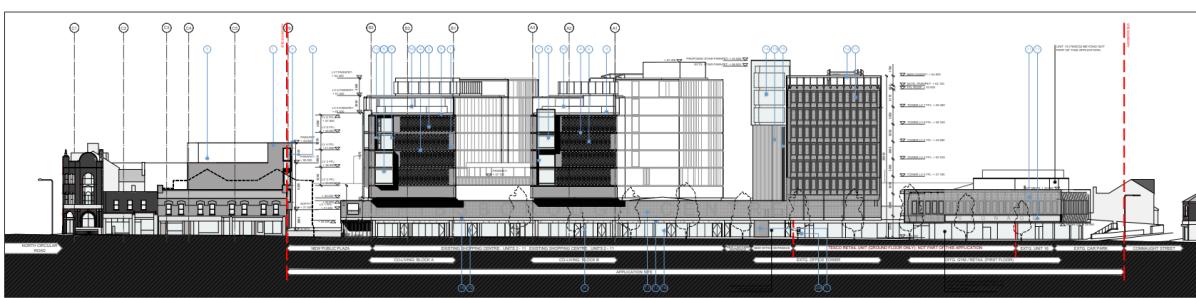


Figure 22 extract from Donnelly Turpin drawings for the current application under consideration with ABP 308875 for amendments to the permitted development

**ABP reg. ref.** 306167: royalcanalparkphase4shd.ie  
**Application date:** 16<sup>th</sup> December 2020  
**Decision:** Granted Permission

Permission was granted for phase 4 of the Royal Canal Park which includes a mixed use development for 435 no. dwellings and employment uses in 5 buildings ranging in height up to 13 storeys on a site in Rathoath Road to the northwest of Cabra village centre. The Royal Canal, 8<sup>th</sup> Lock and Irish Rail are to the south of this site.

This is of particular relevance given its similarities in terms of replacing an existing industrial site with a high density development with increased height and lower parking ratio when compared to the surrounding area. This was considered appropriate in both the Royal Canal Park site and the site the subject of this application due to the nature of the sites located within Central and/ or Accessible locations with excellent access to public transport and the net visual improvement of the site due to the removal of unattractive, derelict buildings.

During the assessment of this development the Inspector addressed the issue of height. In their report they identified that "*The 13 storey elements proposed at either polar end of the site provide gateway/*

*landmark buildings and improve the legibility of the area, in my opinion. ...The 13-storey element at the southern end is located at the Ratoath Road/ Royal Canal intersection and the development will open out onto the emerging Royal Canal Greenway at this location." They identify that "in terms of the wider visual impact, I am of the opinion that the proposal will increase the size, height and built form in this area and it will be a notable landmark. It will be a positive intervention, in my view. It creates strong urban edges to the site that currently don't exist. It changes the character of the site, and the area, from utilitarian/ industrial to a vibrant urban block."*

The report goes onto highlight that in the context of the lower buildings in the surrounding area, and in particular a single storey building within the vicinity that "*the design has shown due deference to the lower scale development as it does step down in height along part of its frontage with Hamilton View and it also provides an open public plaza towards the centre of this frontage. While not a city-centre site, the site is nonetheless well located within the city boundary. It can accommodate buildings of height. I am of the opinion that it would be contrary to proper planning and sustainable development of the area to effectively allow a single storey dwelling further suppress the height on this site.... The dwellings on Hamilton View, until recently, overlooked a site that accommodated a surface car park surrounding a utilitarian industrial building. The existing visual amenities the site offers are, at best, poor. There is a significant planning gain in visual (and other) terms in the redevelopment of this site as proposed, it will improve, not disimprove, the aspect from these dwellings to the west, in my opinion. It is replacing a utilitarian brownfield wasteland with a new mixed use urban block.*"

The inspector is also satisfied that a parking ratio of 0.45 car spaces per unit is acceptable due to the fact that the area is well served by pedestrian, cycle, bus, light rail and heavy rail infrastructures. They identify that the occupants of the proposed development will have viable sustainable alternatives to the private car as a primary means of transport.

With regard to the high density proposed of 231 dwellings per hectare the inspectors acknowledges that "*while this can be considered high, as stated previously in this report, it is reasonable to class the site as 'Central and/ or Accessible Urban Location' in accordance with the Sustainable Urban Housing: Design Standards for New Apartments as it is well served by pedestrian, cycle, bus, light rail and heavy rail infrastructure. The site also meets many of the requirements for higher densities as outlined in Chapter 5 'Cities and larger towns' of the 'Sustainable Residential Developments in Urban Areas'. The site is well served by existing and proposed sustainable modes of transport, it is within walking distance of employment land uses and commercial uses, it is sandwiched between the large Tolka Valley Park to the and the emerging Royal Canal Greenway to the south. The density proposed is also delivering a critical mass required to change this site from a low-grade utilitarian one to a dense urban block providing strong urban edges to the surrounding public realm."*"



AERIAL PHOTOGRAPH OF DEVELOPMENT SITE SHOWING TOLKA PARK TO THE NORTH AND ROYAL CANAL TO THE SOUTH

Figure 23 Extract from Reddy Design Statement of existing site



AERIAL VIEW OF DEVELOPMENT FROM SOUTH

Figure 24 Extract from Reddy Design Statement of the permitted site layout



Figure 25 Extract from Reddy Design Statement of the proposed buildings along the Royal Canal.



## Section 5 Rationale for development

The development will consist of the demolition of the existing buildings on site and the construction of a Build to Rent (BTR) residential scheme comprising:

- 205 no. apartments within 3 no. blocks ranging in height up to 12 storeys.
- A new café/ retail unit area, and public plaza to the east of the site.
- The apartment mix will comprise 55 no. studios, 85 no. 1-bed, and 65 no. 2 bed apartments along with internal residential amenity space (located in block C at ground and top floor levels and including gym, lounge, shared workspaces, parcel store, reception). All apartments with balconies/ terraces facing north/ south/ east/ west. Communal open space will be provided on the top floor of each block and at the ground floor level.
- Provision of 29 no. car parking spaces (20 no. at basement and 9 no. at surface); 272 no. residential bicycle parking spaces along with a further 72 no. visitor surface parking spaces.
- Vehicular and pedestrian connection via Phibsborough Road with two additional pedestrian accesses to be provided along the Royal Canal to the north (necessitating alterations to the existing boundary wall).
- All associated site development works and services provisions including bin storage areas, substations, plant rooms, boundary treatments and landscaping.



Figure 26 Site Plan (OMP Architects 2021)

The residential buildings are set out in three blocks ranging in height from 3 to 12 storeys. The proposal includes the creation of a new public plaza to the east of the site which will include a café and outdoor terrace with a new pedestrian access to the Royal Canal Way.

Within the buildings and the residential communal area residential facilities provided include a lounge with an outdoor terrace overlooking the canal, a kitchen, dining room, meeting / media screening room and work booths. Indoor residential amenities are located at the ground floor and the top floor of block C.

The applicant has taken into consideration the feedback from Dublin City Council in relation to this particular scheme and the previous proposals presented to Dublin City Council for a similar SHD development on this site, along with the previous decisions issued by both Dublin City Council and An Bord Pleanála on previous applications in order to achieve an optimal design outcome.

Currently, the site presents a number of unattractive industrial buildings to the Royal Canal which are currently derelict and is on the Dublin City Council vacant sites register. The proposed development will replace these existing derelict buildings with an attractive residential development on a zoned, serviced site, resulting in an improved visual amenity for both the existing residential properties overlooking this site and for people enjoying the Royal Canal Green Route. Given its location within Dublin Inner City, with excellent connections to existing community, retail, schools, parks and employment facilities within 1.5km of the site, as well as excellent public transport linking the development into the wider Dublin area this scheme is considered to be a Central and/ or Accessible site as defined in the 2018 Apartment Guidelines. As such it has been designed to be at an appropriately high density, predominantly car free with the creation of new pedestrian links to the existing network. This will result in a highly sustainable contemporary development which will enhance the appearance of the site, particularly when viewed from the Royal Canal.

The proposed density of the site is 292 uph which is considered appropriate given the size and context of the site, and its location. It is also noted that the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)* state, with respect to location, that apartments are most appropriately located within urban areas and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. It is considered that the scale and extent of the proposed development is compliant with this guidance, given its proximity to the LUAS, the train and good Dublin Bus Network and its proximity to Phibsborough Shopping Centre and Dublin City Centre, providing easy access to a range of employment locations, retail and other community amenities.

#### THE BUILD TO RENT MODEL

This scheme is an exemplar build to rent development and the application is accompanied by a Build to Rent Justification Report prepared by LIV consulting which offers a detailed overview of the socio-demographic data relating to the local area and also provides an overview of the surrounding rental context. This report identifies that this site is ideally positioned for a BTR development due to its proximity to the Luas and the ease of access to “key employment zones across the North and South suburbs and the City Centre, including some of Dublin’s largest employment hubs with occupiers including major technology firms, healthcare companies, education institutions and retail centres.”

The proposed development will provide c.460.5sqm of onsite resident amenities, which is equal to c.2.25sqm of shared resident amenity per unit. The ratio of residential amenities at Cross Guns “will make ample provision for attractive communal amenities such as a gym, resident’s lounge, bookable meeting rooms, landscaped outdoor space and roof terraces, which have become practical lifestyle necessities for modern renters. The proposed amenities have been designed to fulfil the expectations of discerning, modern renters and encourage interaction and community among residents and the wider community.”

The report also confirms that the “trend of smaller household sizes is supported by this development, with a high level of Studios, One and Two beds being provided. The proposed unit mix ensures that there is sufficient flexibility for residents, allowing them to evolve and move within the scheme should

*their requirements change. It also supports the notion of long-term, as opposed to short-term transitory renting and professionally managed developments with a focus on resident wellbeing.”*

#### UNIT MIX

The proposed development is for a mixed-use development including café/ retail area adjacent to the new public plaza. The breakdown of the mix is as follows:

Unit Size	No. Of Units	Percentage
Studio	55	26.82%
1 bed	85	41.46%
2 bed	65	31.72%
<b>Total</b>	<b>205</b>	<b>100%</b>

Table 2 Proposed Unit Mix

This proposed housing mix is in accordance with section 2.4 of the Guidelines on the Design of New Apartments 2018 notes that sites within c. 10 minutes walk of Luas stops are generally suitable for high density development that may consist wholly of apartment along with SPPR7 which identifies that no restrictions on dwelling mix apply on Build To Rent developments. The existing wider area is generally characterised by low density suburban housing. The provision of more apartments within well established and central urban locations, is considered sustainable and reflective of the current demographic change in Ireland towards smaller household sizes. This proposal will provide for a greater diversity and choice of housing in this area overall.

#### DUAL ASPECT

The proposal includes 53.65% dual aspect which exceeds the 33% requirement set out in SPPR 4 of the Guidelines on the Design of New Apartments 2018 (Apartment Guidelines 2018) for dual aspect units on Central and/ or accessible sites such as this.

25.85% of the proposed units will face north with all enjoying the benefit of direct overlooking of the attractive Royal Canal waterway which is in line with Section 3.18 of the Apartment Guidelines 2018. This provides these units with excellent views of an attractive and peaceful conservation area while also providing passive surveillance onto the Royal Canal Way. Care has been taken to ensure all apartments, particularly the north facing single aspect units, receive a high level of daylight into the apartments. To this end the wall on the boundary of the site has been lowered and a railing has been placed on top to ensure sufficient sunlight and daylight to these ground floor units and providing views of the canal while providing security to these units.

This is fully compliant with section 3.18 of the Design Standards for New Apartments 2018 which states that – “*north facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature*”.



Figure 27 Images of the site, adjacent to the Royal Canal, with the existing heavy rail infrastructure further north of the canal, resulting in limited development potential immediately adjacent to the site to the north that could impact on light for the proposed apartments.

#### BUILDING HEIGHT, DESIGN, SCALE AND MASSING

The proposed development is set out in three residential blocks, which are orientated in an east-west direction, and located on the northern boundary of the site, creating a strong urban frontage along the canal. The three individual blocks are designed to enable a visual break between the buildings, ensuring that the bulk and mass is not overbearing. These gaps also ensure that sunlight penetrates to the Royal Canal Way and provides new pedestrian links to the public tow path.

The materials and finishes of the proposed blocks will be to a high architectural standard and have also been considered with regard to the surrounding existing pattern of development and material palette in the locality. It is considered that the proposed development is in keeping with the character and building fabric of the area. The massing of the buildings is also modulated through the choice of materials, the provision of balconies, and the stepping of the buildings, creating a visual pleasing, interesting series of buildings.

The proposed development provides for new public open and retail café at the ground floor of block C creating an attractive destination/ stop off for people travelling along the canal. There are also significant quantities of attractive communal spaces within a scheme located to the south which is predominantly car free. This ensures that all the areas of public open space and communal open space

receive high levels of daylight and sunlight within the development, resulting in a pleasant attractive environment to be in.

The proposed development is located beside an attractive tall building, the former Shandon Mills to the east, and is replacing existing buildings on the site which includes a silo measuring c. 27.5m in height. To the south and west of the site there are existing 2 storey residential dwellings. The proposed development is mindful of these varying heights within the site and the surrounding area.

The proposed apartment blocks are arranged along the northern boundary, with the lowest buildings (block A) located to the west of the site, at 3 and 4 storeys and stepping up to the taller building to the east. It replaces an existing local landmark, the silo structure, and to mark its place, a new 12 storey building (block C) is located on its site. The proposed height along the canal, provide a new attractive urban frontage which currently does not exists along this section of the canal. This is in keeping with the planning policy framework as set out in the Building Height Guidelines and National Planning Framework, which requires when proposing taller buildings, that the proposal takes into account the context of the existing site and the surrounding area.

The stepping of the buildings, in conjunction with the location of all of the buildings to the north of the site along the canal, away from the southern boundary, and the location of the communal space to the south and west, between the proposed development and the existing neighbours, reduces the visual impacts on existing adjoining neighbours.

The site is unique in its context with its former industrial use and scale of buildings. As highlighted above, the new buildings, whilst taller than the traditional 2-3 storey residential areas to the south and west, have been located to minimise the visual impact on neighbouring streets, including historic buildings within the vicinity and the conservation area, and to optimise light into the scheme's open spaces. It is considered that, given the large mass of derelict buildings currently existing on the site the proposed development will result in a positive visual impact for the surrounding community, improving the character of the site and the area from the neglected industrial character that current pervades. .

#### VISUAL IMPACT ASSESSMENT

A Townscape and Visual Impact Assessment has been completed for this site, to assess the impact on the development on the surrounding area. This report concluded that despite the proposed scale of the development, this is not "*untoward in a progressive and ever-evolving inner suburb of a modern European capital. In cold clinical terms: within the context of land use in the immediate vicinity of the site, the proposed development will serve to infill a veritable gap in this residential, canal-side setting, with a well-designed and suitably placed multistorey apartment complex less than 2km from the city centre.*"

The report reviews the context of the site, which is key, and highlights that this attractive development is to replace "*an obsolete, unattractive industrial facility that has darkened Phibsborough's skyline for decades, as well as being an undignified presence upon the banks of the much-loved Royal Canal. The permanent removal of these out-dated and dilapidated structures is an intrinsic and crucial aspect of the proposed development. Thus, both the sensitivity of the receiving townscape setting and the magnitude of operational stage landscape/townscape impacts were considered to be 'Medium-low,' resulting in a 'Moderate-slight' overall significance of townscape impact.*"

This report found that the overall significance of the impact was “*Overall, it is considered that the proposed development is an appropriate contribution to the built fabric of this suburb that will not result in any significant townscape or visual impacts.*”

#### CONSERVATION AND ARCHAEOLOGY

The site is located adjacent to the Royal Canal Conservation area and a protected structure, RPS6732, to the east. The relationship of the site to protected structures in the area to the Royal Canal Conservation Area is a key consideration in the design and development of the proposal to ensure that it would not have a detrimental impact. The development seeks to respect the setting of the adjacent protected structure and Royal Canal Conservation Area, to protect the primary views of the former Mill and the Royal Canal environs. To assess the impact of the development, including alterations to the canal wall, an Architectural Heritage Impact Assessment was completed by Molloy Associates.

This report identifies that the existing buildings are of low architectural interest and they are vacant, in poor condition and have been the subject of vandalism. It highlights that “*Their intended use is long extinguished, and it is appropriate that this infill site is redeveloped.*” The report also highlights that “*the new development can be constructed without compromising the structural integrity of the historic canal fabric, including the tow path wall.*” The alterations to the wall are justifiable due to the fact that the wall “*has been modified on multiple occasions. ... the present condition of the wall visually detracts from the CA. Although the proposal to remove the upper part of the wall will constitute the loss of a limited amount of 19<sup>th</sup> century fabric, it is considered that this section has already been previously compromised by later alterations and that its removal and the removal of the cement render from the entire wall will have a nett positive impact on both this boundary wall and the wider historic setting.*”

The report also highlights that the lowering of the wall will optimise the quality of the residential units, maximising daylight penetration and also providing adequate levels of privacy and security. It is also considered that the formation of the two new openings in the wall fabric is “*justified to facilitate pedestrian connections to the new development and constitutes a nett benefit to the CA. It is considered that the consequential improved passive surveillance of the CA environs and the increased activity along the banks will positively impact the CA.*”

Overall, the report has found that “*The proposed building form is sympathetic to the adjoining Mill, a protected structure. The gable wall, viewed on approach from the west along the Royal Canal banks, has a strong vernacular building form reminiscent of traditional mill buildings and sits comfortably within the former industrial context.*”

*Although it is presently poorly presented, the original tow path wall has the potential to positively contribute to the conservation area and is found to contribute to the legibility and understanding of the historical development of the canal environment. To retain the significance of this masonry wall, the proposed development has been set back behind it, akin to the historic Mill building. The wall will be modified, to the benefit of the wider public realm, and reconsolidated to ensure the long-term preservation of the unique character of the canal environs.*

*The proposed regeneration of the site is considered to have a positive impact on the Royal Canal Conservation Area in the substitution of dereliction with an animated residential function that will enliven its environs.*

*The setting of the protected structure will inevitably be altered by the proposed redevelopment; however, the residential scheme has been designed to respect its character and to safeguard its setting which is presently marred by vacancy and vandalism.*

*It is proposed to construct a public plaza along the eastern boundary, which will provide a visual buffer between the gable of the protected structure and the proposed development and have the benefit of increasing the visibility of the protected structure. It is considered that the improvement of the public realm and immediate setting of the former Mill building will have a positive impact on the protected structure.”*

The report also identifies that the site is c. 400m north of the Phibsborough ACA. It highlights that the existing concrete silos are just visible on the skyline approach from Phibsborough Road. The report found that “*it is considered that the proposed development will have no impact on the setting of the ACA, owing to the distance between the entities. Furthermore, it is noted that a proposal to redevelop the site of the Phibsborough Shopping Centre has been approved by Dublin City Council and is currently under consideration by An Bord Pleanála.*”

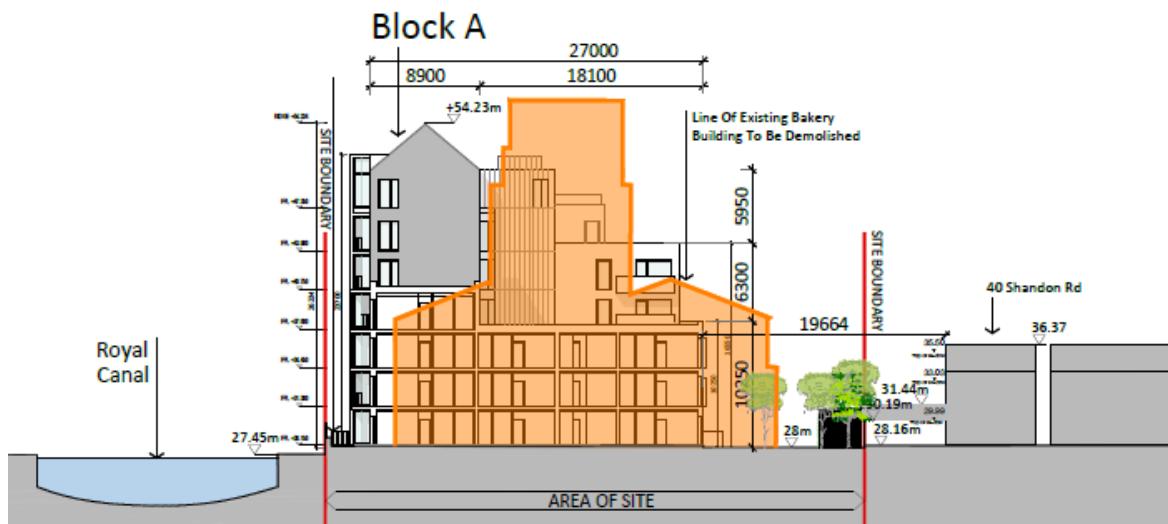
The report concludes that the “*proposed scale and forms are comparable with the vernacular mill buildings adjacent to the site. The proposed development will have no adverse impact on the setting of the adjacent protected structure. The Royal Canal is recognised as an important industrial and engineering heritage asset and this proposal will improve the present frontage onto its towpath and positively contribute to the continued regeneration and enjoyment of this amenity.*”

An archaeological assessment was also completed by IAC for this site. This identifies that there are no recorded monuments within 500m of the proposed area. It also sets out that from the limited programme of archaeological testing carried out nothing of archaeological significance was identified. It also highlights that the site has been heavily developed in the past and as such the archaeological potential of the site is considered to be low.

#### DAYLIGHT, SUNLIGHT, AND SHADOWING

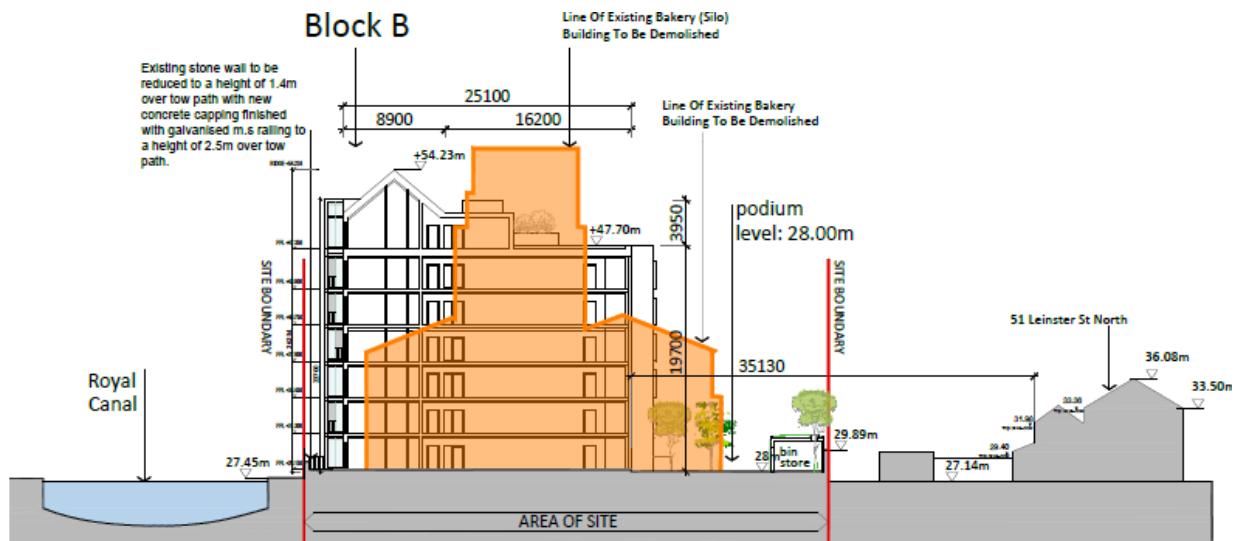
The location of the buildings and the gradation in height optimises light to the open spaces within the development. The apartment blocks take advantage of the site’s orientation, ensuring all units have access to high quality daylight and sunlight and also that all of the open spaces between blocks have excellent access to daylight and sunlight.

The siting of the buildings along the northern boundary also ensures that any impact on the neighbouring developments are minimised. Block C and Block A are located over 19m away from their nearest neighbouring buildings to the east and west, while to the south Block A is located over 20m away from the buildings to the south, block B is over 30m away to its nearest neighbour while block c is located over 26m away from its nearest neighbour to the south. The proposed buildings are generally further away from the existing buildings than the current situation. The distances not only protect the neighbours in terms of overlooking but also ensure that high levels of day light and sunlight are still provided to their properties. Please see drawings no. 1723A-OMP-ZZ-DR-A-3001 and -3002 which show the site sections.



Proposed Section AA - (showing outline of existing development). 1/200 @ A0

Figure 28 OMP Site sections



Proposed Section BB - (showing outline of existing development). 1/200 @ A0

Figure 29 OMP site sections

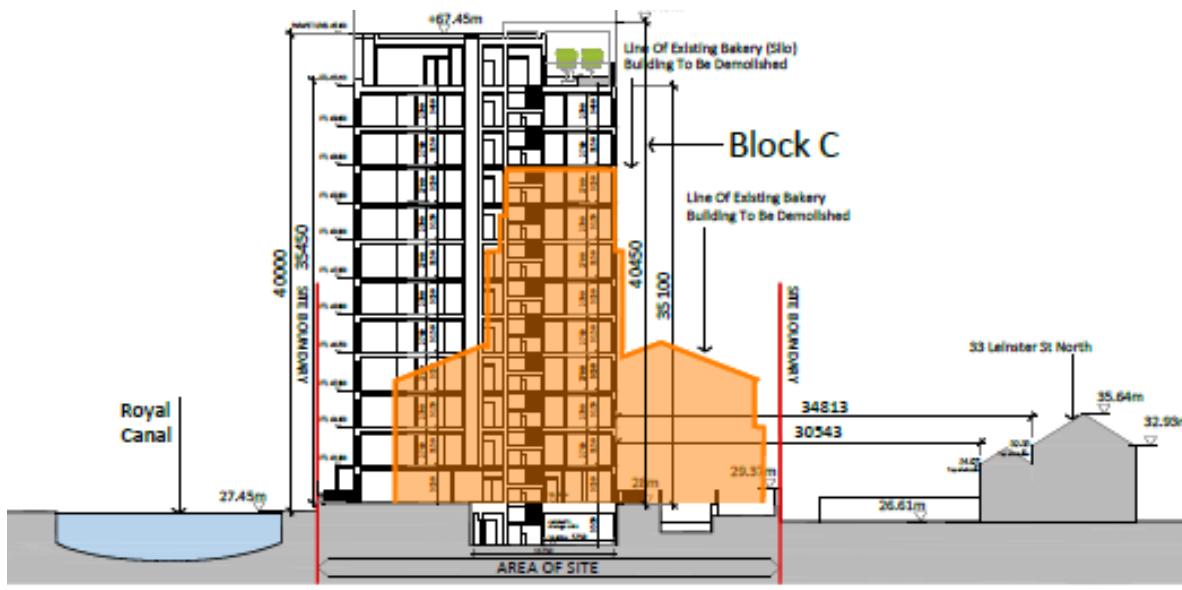


Figure 30 OMP Site sections

A Daylight and Sunlight Impact Analysis has been carried out by IN2 Engineering Design Partnership. This report concluded the following:

- Due to proposed massing and orientation the proposed amenity space was found to receive excellent sunlight availability with 98% of the amenity space receiving more than two hours of daylight on March 21st significantly more than the BRE minimum of 50%.
- Internal daylight analysis has been undertaken for the units across the development. The analysis determined that 97% (411/422) of rooms were in excess of the BRE guidelines for average daylight factors (ADF). Additionally, the scheme has been designed to ensure that no living space achieves a daylight factor less than 1% nor a bedroom less than 0.7% ensuring no sub-quality daylit spaces are provided for the development.
- The results determined an average ADF of 3.5% for all living / dining space across the development, with 50% (i.e. Median) of the living spaces achieving an ADF in excess of 3.5%. Similarly, the average daylight factor in the bedrooms across the scheme was in excess of 3.5%. Thereby comfortably exceeding minimum requirements and indicative of the overall excellent quality of daylight designed for the Residential Units throughout the Proposed Development, ensuring an enhanced environment can be provided whilst minimising lighting energy usage.
- The proposed scheme has been designed with respect to the neighbouring environs. By sitting the scheme at the northern edge of the site, availability of daylight, sunlight and the risk of overlooking have been managed. All of the windows were found to be compliant with BRE guidelines for daylighting. With regard to sunlight the report found that the neighbouring houses receive sufficient available annual and winter sunlight percentages in excess of 25% and 5% respectively, the analysis indicates all houses assessed for sunlight impact achieve compliance with BRE recommendations and are not adversely affected by the proposed new development.

## OVERLOOKING

The proposed development is located at appropriate distances away from existing residential development within the surrounding area, with the flank wall of the nearest existing neighbour located at 40 Shandon Road, approximately c.19.6m away from Block A. Any directly opposing elevations are set back over 26m which is an acceptable distance in a central location such as this site. As a result, the proposed development will not negatively impact on the privacy of existing residential properties in the surrounding area.

Significant consideration has gone into ensuring all the units have been located and orientated to ensure that there is no loss of privacy between buildings with appropriate siting of the blocks, angling of the buildings and through the use of screening on secondary windows in some apartments ensuring that no windows or private open spaces have undue levels of overlooking. Please see OMP Drawing No. 1723A-OMP-ZZ-01-DR-A-7001 "Opposing Window Diagram".

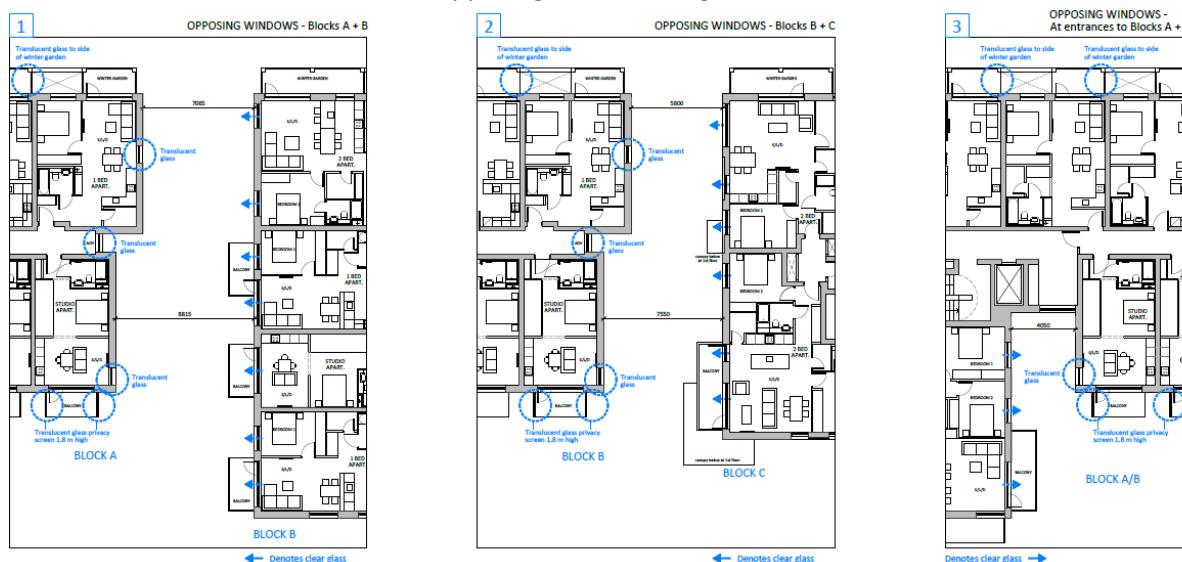


Figure 31 OMP Opposing window drawing

## CHILDCARE FACILITIES

The proposed development is a Built to Rent development with no 3-bedroom apartments proposed. The *Sustainable Urban Housing: Design Standards for New Apartments* advises on a revised approach in relation to childcare facilities assessment particularly in the context of the current guidelines which were published nearly 20 years ago. Section 4.7 of the Guidelines states as follows:

*"Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms."*

Given the proximity of the existing childcare facilities within a c. 15 minute walk of the site (see table below), and the fact that this proposed development is a Build to Rent development, with predominantly Studios, and 1 bedroom units, with only 65 no. 2 bed apartments, there is likely to be little demand for childcare spaces from the apartment scheme proposed.

Even applying the 2001 Childcare Facilities Guidelines for Planning Authorities, and assuming every 2 bed unit results in a child care demand (which is unlikely), a maximum of 17 spaces could be required (65/75 \*20).

Furthermore, the Quarterly National Household Survey (QNHS) carried out by the Central Statistics Office includes a Special Module on Childcare. The most recent report on this module was published for Quarter 4 2016. What the figures indicate is that crèche/Montessori attendance for pre-school age children nationally is 19%, with the Dublin region unsurprisingly with the highest rate (25%) (Source: CSO.ie).

Based on an average household size of 2.5, the proposed development would generate a future population of 512. Assuming 6% proportion in the 0-4 year pre-school cohort, and a worst case 50% of families availing of private creche/Montessori (i.e. double the Dublin figure) then the number of childcare spaces needed would be 15.

It is clear that the proposed development is unlikely to generate sufficient private childcare demand to warrant the provision of a dedicated creche on site. Private creche operators typically require minimum 50-60 place capacity facilities to be economically viable.

Furthermore, there are 10 existing childcare facilities within a c. 15 minute walk of this site, notwithstanding additional facilities located across the city centre proximate to places of employment.

In summary, given the nature of the BTR proposal, its likely low private childcare demand and its location close to the city centre and a large number of existing creches in the vicinity, an additional facility as part of the proposed development is considered necessary.

Creche / Montessori	Distance from the Proposed Development
Hyde and Seek Glasnevin	450 m (5 minute walk)
Tigers Preschool @ St Vincent's	600m (8 minute walk)
St. Peter's Montessori School	700m (9 minute walk)
Prospect Montessori	800m (10 minute walk)
Cuddles 'n Care	1.1km (13 minute walk)
Little Learners	1.2 km (14 minute walk)
Suantrai Limited	1.2 km (14 minute walk)
Silver Spoon Pre-School and Montessori	1.3 km (15 minute walk)
Early Learning Montessori	1.3 km (15 minute walk)
NCR Childcare	1.3 km (15 minute walk)

#### OPEN SPACE

The proposed development includes a 350sqm public plaza (this excludes the shared surface area to the south of the site, which if included would result in 563sqm of public open space) and a further 2,628sqm of communal open space within the development. The scheme has a low site coverage of 36.4% which facilitates a significant amount of high quality, useable open space. The three blocks are designed in such a way to ensure that open space is well distributed throughout the site and easily accessible to all residents. Surface car parking (4 no. accessible spaces) and bicycle parking are located along the southern boundary of the scheme to allow for open space to intertwine between the apartment blocks.

The proposal also incorporates new pedestrian links between the proposed public open space within the development and the existing public open space along the Royal Canal, creating a large attractive integrated area of public open space. This ensures that the public open space is genuinely accessible to the general public while also creating new pedestrian links between the Canal amenity space and the wider area.

This public open space in line with DCC Development plan objectives makes a contribution to the public domain and is accessible to the public for the purposes of active and passive recreation, it also adjoins the canal bank providing connection and surveillance of the linear walkway along the bank. These open spaces also provides for visual breaks between and within residential areas and facilitates biodiversity and the maintenance of wildlife habitats.

While the City Development Plan standard of 10% of on site public open space has not been achieved, over 5% of the site is designated for public open space. The development plan acknowledges that it is not always feasible on all sites and that a reduced amount may be acceptable with any shortfall subject to financial contribution. Given the location of the development beside the significant canal amenity and the creation of additional connectivity to the public open space it is considered that the reduced amount is acceptable in this instance.

The proposed design and layout also provides significant communal open space in between each of the buildings and a large portion of open space to the east and west of the site. This is further enhanced by the orientation of the apartment blocks, ensuring that all communal and public open spaces have excellent access to sunlight and daylight.

#### TRANSPORT

There are 29 no. car parking spaces proposed within the scheme which equates to a rate of 0.1 per unit. Of these spaces, 24 are dedicated residents car parking spaces, 2 are Go Car spaces (also available to residents) and 3 are set down spaces. 5 no. motorcycle spaces are also provided in the basement. There will also be 272 no residents cycle parking spaces which are provided within safe and secure lock up areas and a further 72 no. visitor biking spaces, 22 of which are enclosed and 50 are outdoor. This is considered to be an appropriate level of provision having regard to the fact that the scheme is Build to Rent, the site's central location and with regard to existing/planned public transport in the area.

This reduced level of car parking will also create negligible traffic impact on nearby junctions (which was listed as one of the reasons for refusal on this site for DCC reg. ref.: 6818/07) compared to a standard non-BTR scheme of similar scale and much higher parking provision.

The site has access to an excellent provision of public transport. Desktop research of the 2016 census profile in the Phibsborough area was carried out using the available information from the CSO. The graph below shows the percentage of the population aged 5 years and over by means of travel to work, school or college. The graph shows that 32.1% of the local population travel on foot to either work, school or college demonstrating that there are a range of employment and educational hubs within walking distance of Phibsborough. This will further increase with the opening of TU Dublin Grangegorman Campus within walking distance of the site. The area already achieves a sustainable modal split with 69.3% of the population using sustainable modes of transport (On foot, bicycle, bus and train) to travel. The proposed parking, both cycle and car, within the development reflects the

current trend for the area and aims to further improve the modal split for the area due to increased cycle parking and reduced parking for private car ownership.

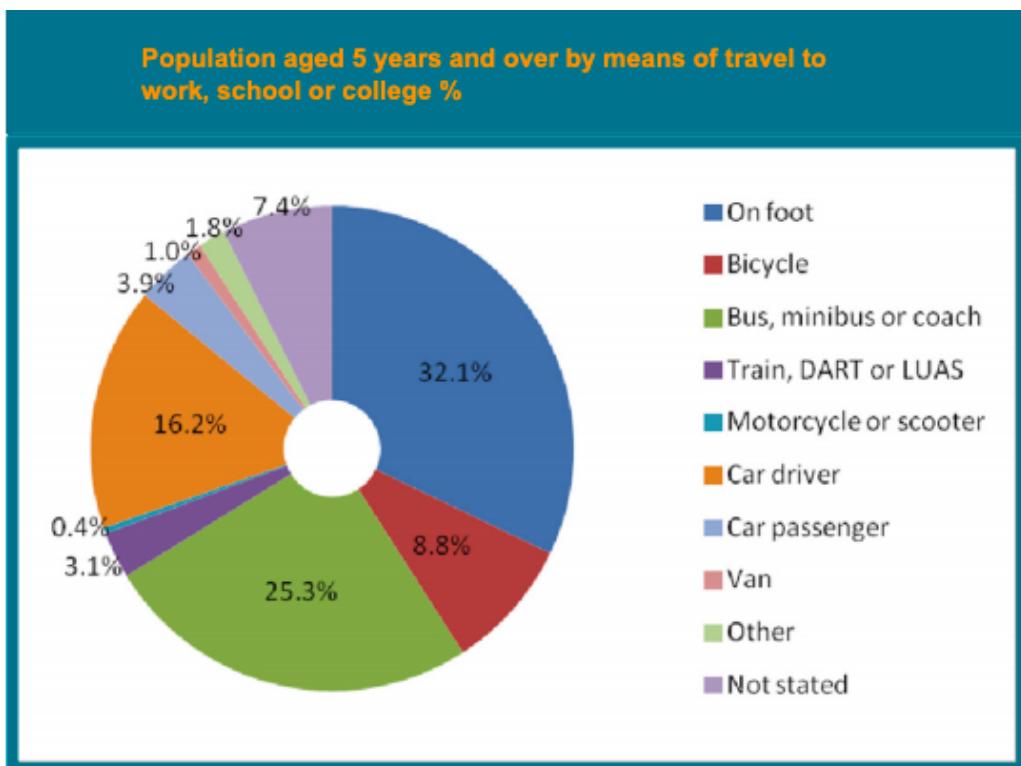


Figure 32 'Population aged 5 years and over by means of travel to work, school or college %', Section 7.0 Movement and Transport of the Phibsborough LEIP 2017.

To enable this lower parking ratio to work and to supplement the existing excellent public transport facilities in the area, while also allowing people to access cars should they need to for occasional bespoke purposes, it is proposed to provide some dedicated Go Car Spaces.

This alternative approach, which caters for the demands of residents in a sustainable manner, is in line with the advice in section 4.19 of the 2018 Design Standards for New Apartments which states that "*In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.*" It is considered that this site is located within a high accessible area within a city core and therefore reduced car parking is appropriate.

It is understood from recent studies that 1 no. GoCar vehicle can replace up to 15 private cars. It is also worth noting that the GoCar user profile indicates that their customers comprise 55% apartment dwellers. The car club spaces will result in the following benefits to future resident:

- elimination of the necessity to own a car (and associated expense) where it will be used relatively infrequently
- access to car transport for those using a car infrequently.

Taking all of this evidence into account, and the inner city location of the site in close proximity to the Luas, train and bus stops, the provision of 24 private car parking spaces, including the shared club car spaces, will result in an appropriate provision of “private” transport for the future occupants of these units.

Furthermore, this level of car parking will encourage a positive modal shift to sustainable modes of transport thereby:

- reducing dependence on private car as a means of travel
- increase and facilitate the number of people choosing to walk, cycle or travel by public transport
- enables a unified approach to traffic management of the site.

It is also noted that the NPF states that universal standards for car parking may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to location. It also states that a more dynamic performance based approach appropriate to urban location type will also enable the level of public transport service to improve as more development occurs and vice versa and that there should also generally be no car parking requirement for new development in or near the centres of the five cities, and a significantly reduced requirement in the inner suburbs of all five. This is reflected in National Policy Objective 13:

*“..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, provide public safety is not compromised and the environment is suitably protected.”*

It is noted that in other recent decisions by An Bord Pleanála, the inspectors note the differences parking demand between established housing areas and new apartment developments. They highlight that where a proposed development comprises 1- and 2-bedroom units only, and therefore is likely to accommodate a relatively low number of children and larger family units which would require a car.

Recent SHD decisions have also noted that with regard to higher car storage rates being required by Local Planning Authorities, *“that this is not necessarily required in circumstances where people are agreeing to purchase or rent an apartment having been informed that there is no car parking space associated with said apartment. In other words, car ownership figures in a dense residential development, such as that proposed, will be a function of the available car parking spaces”* (The Walled Garden ABP Reg Ref: 303826).

Given the site’s location in close proximity to high frequency public transport and within easy walking distances of community and retail facilities and the nature of the proposed development, it is considered that the car parking standard proposed is appropriate, as are the proposed pedestrian and cyclist facilities proposed and will result in a highly sustainable development in line with National and Regional Planning Policy.

#### PERMEABILITY

This site is highly accessible, which, as set out in the transport section above, can accommodate a reduced level of car parking in favour of increased levels of cycle parking and pedestrian mobility. As part of this scheme two new access points have been provided to the north of the site for pedestrians, by the creation of two new openings in the existing wall, and one to the east for pedestrians and cyclists and to enable permeability through the site to the north and east. Only one vehicular access is proposed off Phibsborough Road, which is a shared surface route, with equal dominance between car, cycles and pedestrians, in line with DMURS. This will increase the permeability and the accessibility of the green route along the Royal Canal. The landscaping plan, along with the various residential amenities have been located to ensure ease of pedestrian movement through the site while the buildings have been designed to ensure clear legibility within the site.

#### COMPLIANCE WITH PART V

The applicant has engaged in discussions with the Housing Department of Dublin City Council in respect of Part V regarding the transfer on-site units to DCC should permission be granted. These units are indicated on the associated plans submitted (Please refer to drawing no. 1723A-OMP-BA-ZZ-DR-A-1001 "Block A -Levels 01 – 02" and drawing no. 1723A-OMP-BA-03-DR-A-1002 "Block A – Level 03") along with indicative costs. A letter of confirmation has been received from the DCC Housing Department confirming engagement.



Housing & Community Services,  
Block 1, Floor 3,  
Civic Offices, Wood Quay, Dublin 8  
  
Seirbhísí Tithiochta agus Pobal  
Bloc 1, Uriar 3  
Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8  
T. 01 222 2459 E: Natasha.satell@dublincity.ie

Mr. Seán O'Neill  
Corcom Development Partnership  
9 Herbert Street  
Dublin 2  
D02 V208

10<sup>th</sup> June 2020  
Part V Ref: 915

RE: Cross Guns Bridge, Phibsborough, Dublin 7

Applicant: Binford Ltd.  
Agent: Corcom Development Partnership

Validation Letter – Part V

Dear Sir / Madam,

Corcom Development Partnership intends to lodge a planning application on behalf of their client Binford Ltd., to develop a site located at Cross Guns Bridge, Phibsborough, Dublin 7.

Corcom Development Partnership on behalf of Binford Ltd., has engaged in Part V discussions with Dublin City Council and an agreement in principle to comply with their Part V requirement has been reached.

Dublin City Council's preferred option is to acquire units on site and is bound by the planning permissions granted. Therefore, Dublin City Council can only agree in respect of the actual permitted development.

I would be obliged if you could validate this planning application.

If you have any further queries regarding this application, please contact me on 01 - 222 2458.

Yours sincerely,

*N. Satell*  
Lorraine Gaughan  
Housing Development

Figure 33 Letter from DCC Housing Dept

## Ecology

An Ecological Impact Assessment and a Natura Impact Statement have been completed for this site by Whitehill Environmental. A Bat Assessment has also been completed by Brian Keeley.

The Bat assessment has predicted that there will be no impact on bats in the area as a result of this development. The Ecological Impact Assessment has found that this site, with the recommended mitigation measures, will have a neutral impact upon local ecological receptors. It also found that the creation of new habitats would have a positive benefit to local ecology and with proper management of the site and its green areas, the local areas of biodiversity will be allowed to develop.

An Environmental Impact Assessment Screening Report has been completed by McGill Planning limited. This has concluded that an Environmental Impact Assessment Report is not necessary on this site due to the size of the site and the proposal. It has found that the overall impact of the development is acceptable subject to appropriate mitigation measures.

The NIS was undertaken to evaluate the potential impacts of the “proposed development with regard to the effects upon the conservation objectives and qualifying interests (including the habitats and species) of the South Dublin Bay / River Tolka Estuary SPA, the South Dublin Bay SAC, North Bull Island SPA and North Dublin Bay SAC. It is considered that following mitigation, that the proposed project does not have the potential to significantly affect the conservation objectives of these aforementioned Natura 2000 sites and the integrity of these sites as a whole will not be adversely impacted.

*The qualifying interests of the site and their potential to be impacted upon from the potential development were listed.... It is considered that these potential impacts can be successfully mitigated against. With implementation of the mitigation measures there will be no deterioration in water quality or impacts upon any designated habitat or any species dependent on these designated habitats.*

*In light of the above, it is considered that with the implementation of the mitigation measures, that the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the South Dublin Bay / River Tolka Estuary SPA, the South Dublin Bay SAC, North Bull Island SPA and North Dublin Bay SAC. The integrity of these sites will not be adversely affected. Table 16 follows the integrity of the SAC / SPA checklist, which shows that the integrity of the site would not be affected by the proposed development.”*



## Section 6 Statement of Response to An Bord Pleanála Opinion

### Introduction

A Section 5 Pre-Planning Consultation Meeting with An Bord Pleanála on the 2<sup>nd</sup> of September 2020. Following on from this An Bord Pleanála issued a Record of Meeting, Inspectors Report on Recommended Opinion and Notice of Pre-Application Consultation Opinion, dated the 1<sup>st</sup> of October 2020 under reg. ref. ABP-307400-20, which stated that it is *of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.* The Board did not identify any elements which would require further consideration and amendment.

However, the Board did identify pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, and in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information set out below should be submitted with any application for permission. The opinion highlights that

*"notwithstanding that the documentation submitted constitutes a reasonable basis for an application for strategic housing development to An Bord Pleanála, the applicant is advised to address the following:"*

1. ***Further consideration and/or justification of the documents as they relate to the height and design strategy. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site as it relates to height provides the optimal architectural solution for this site and should submit a rationale/justification for the heights and elevational treatment proposed. Particular attention should be paid to Block C and its prominence in views from the south. Details should also include interactions with adjoining Protected Structures and views east and west along the Royal Canal.***

*Furthermore, the applicant is advised that an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that may be considered to materially contravene the said plan, if applicable, should be submitted.*

2. ***A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.***
3. ***Further consideration of the quality and residential amenity of ground floor apartments, in particular those north facing apartments with frontage onto the canal tow path, in terms of privacy, security and daylighting. Detailed section and an axiometric drawings should be used to demonstrate the achievement of satisfactory levels of residential amenity.***
4. ***Further elaboration of measures to avoid overlooking and loss of privacy due to overlooking within the development and to protect the privacy of ground floor dwelling units adjoining areas of open space.***

5. *Further consideration of the Wind Environment and potential impacts on the quality of public, communal and private amenity spaces.*
6. *Further elaboration and / or justification for the type and level of communal facilities provided on the site having regard to the Build to Rent nature of the proposed development, in accordance with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.*
7. *Further elaboration on the construction methodology proposed in order to obviate potential impacts on the integrity of the Royal Canal.*
8. *Further elaboration of measures proposed in order to address potential overlooking of existing adjoining residential properties, to include detailed section drawings illustrating their relationship with the proposed development. Additional detail in relation to the nature, function and effectiveness of the proposed perforated screens to be provided on the southern elevation should be considered.*
9. *Further elaboration of the treatment of the access roadway between Phibsborough Road and the development site should be provided, which should be included in the DMURS design statement. Quality Assessments, particularly in respect of pedestrian and cycle access should be provided, in accordance with DMURS advice note 4. The final configuration of the entrance plaza and measures to avoid conflict between pedestrian and vehicle movements should be clearly defined.*
10. *Further consideration should be given to the management of public open space and the distinction between communal and public spaces. Furthermore the relationship with an area of open ground to the east of the site should be considered and addressed in the plans.*

This document outlines what specific information has been provided to address these issues and provides a response to the Opinion issued by An Bord Pleanála following the meeting.

In addition, the opinion identifies that the applicant shall notify the following authorities in the event of making a planning application:

1. Irish Water
2. National Transport Authority
3. Waterways Ireland
4. Minister of Culture, Heritage and the Gaeltacht,
5. An Taisce – the National Trust for Ireland
6. Heritage Council
7. An Comhaire Ealaionn
8. Failte Ireland

We can confirm that the prescribed bodies identified by An Bord Pleanála have been notified and a full soft copy of the planning application under consideration has been furnished to these bodies. This is in line with the request of each of these bodies, set out in the emails enclosed with the application, which confirm they only want soft copies of the documentation.

## STATEMENT OF RESPONSE TO SPECIFIC INFORMATION REQUESTED

The following sets out how the applicant has addressed the Board's request for additional specific information in respect of the proposed development. Please note that these specific information requests should be read in conjunction with the accompanying detailed documentation prepared by McGill Planning, O'Mahony Pike Architects, Ait Urbanism + Landscape Architecture, Macroworks, LIV consulting, Waterman Moylan Engineering, ILTP, and IN2 Engineering.

## Response to Specific Item 1: Height and Design

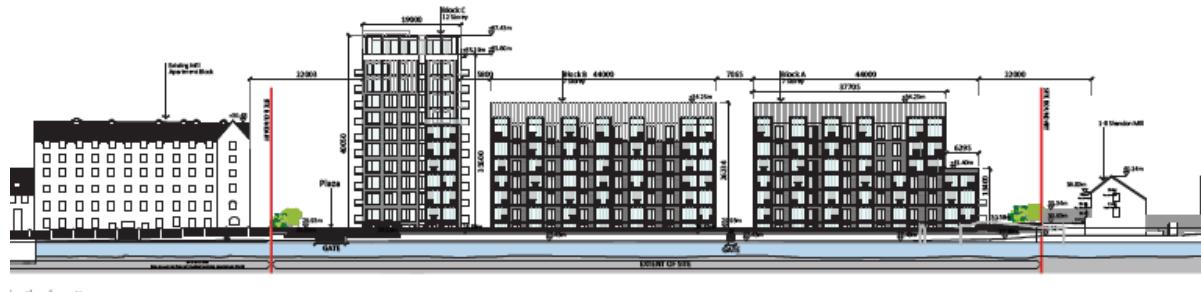
***Further consideration and/or justification of the documents as they relate to the height and design strategy. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site as it relates to height provides the optimal architectural solution for this site and should submit a rationale/justification for the heights and elevational treatment proposed. Particular attention should be paid to Block C and its prominence in views from the south. Details should also include interactions with adjoining Protected Structures and views east and west along the Royal Canal.***

**Furthermore, the applicant is advised that an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that may be considered to materially contravene the said plan, if applicable, should be submitted.**

## **Applicant Response**

The Response to An Bord Pleanála consultation opinion within the Architects Design Statement by OMP sets out in detail the design development of this site, both in terms of the surrounding context of the site, and the existing buildings on site, which includes a tall silo building which acts as a landmark for the wider area. This statement examines the evolution of the design both in terms of context of the surrounding area, siting of the buildings, building heights and materials. It also examines the relationship with the neighbouring protected structures.

Blocks A is 3 to 7 storeys in height, with the 3 and 4 storey element located to the west, stepping to meet the existing residential development. Both blocks A and B present a predominantly 7 storey frontage to the canal, however, to the south of these buildings they both step down to 6 storeys in order to address the existing residential context to the rear. Block C is the highest building on site, position in a similar location to the existing silo building. The proposed height in this location, is to provide a continuity to the landmark which the silo currently provides to the area. Block C provides a marker of the new public plaza, providing identity to this area and strengthening the skyline. It enlivens the Royal Canal and provides an attractive urban feature within the landscape.



*Figure 34 Northern contiguous elevation by OMP*



Figure 35 Southern contiguous elevation by OMP

To check the design approach Photomontages and CGI's have been produced by Modelworks provides views of how the development will look when viewed from the surrounding area including along the canal, from the south and the north. These have then been further tested by Macroworks who have carried out a Townscape Visual Impact Assessment of the proposed development on the surrounding area. This report has found that while the development will impact on the area, overall this will be a positive, long term improvement to the visual landscape.

Finally, an Architectural Heritage Impact Assessment has also been completed to assess the impact the proposal will have on the protected structure to the east of the site. This has found that this will have an overall positive impact on the development by framing the protected structure, revealing more of its western façade and providing a public open space from which the building can be viewed and enjoyed.

Also refer to the Material Contravention Statement Section in section 8 of this report prepared by McGill Planning Limited. This outlines the specific issues regarding height, density, car parking and public open space which materially contravene the development plan.

Section 7 of this report provides a Statement of Consistency with regard to planning policy setting out how the application is in accordance with all other parts of the Development Plan.

#### Response to Specific Item 2: Materials and Finishes

**A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.**

#### Applicant Response

OMP has set out in the details of the materials and finishes used in the scheme on each architectural elevation drawings and on the landscape site plan drawings. These are also detailed within OMP Design Statement, in the section entitled "Response to An Bord Pleanála consultation opinion". All of the materials proposed due to their suitability for use in this type of development, their high quality, their low maintenance and their durability. The palette of materials chosen is restrained in order to provide a coherence and consistency across the development. Materials chosen include brick, zinc, metal cladding, perforated metal, composite decking, toughened – laminated glass, render and metal work.

A Building Life Cycle report is also submitted with the application.

### Response to Specific Item 3: Quality and Amenity of Ground Floor Apartments

**Further consideration of the quality and residential amenity of ground floor apartments, in particular those north facing apartments with frontage onto the canal tow path, in terms of privacy, security and daylighting. Detailed section and axiometric drawings should be used to demonstrate the achievement of satisfactory levels of residential amenity.**

#### Applicant Response

Please see drawing no 1723A-OMP-ZZ-ZZ-DR-A-7000 Wintergardens – North East Elevation (to canal) and also the detailed response within OMP Design Statement, in “Response to An Bord Pleanála consultation opinion”. As highlighted in the Design Statement the buildings in the current design have been moved back by a further metre (from the boundary) providing increased distance between the proposed apartments and the tow path. Each apartment has a private terrace, a winter garden and then the apartment. The altered canal wall with railings above are provided ensuring that the residents have an attractive view of the water and sufficient access to daylight and sunlight. A resident, when seated, will be able to see the head and shoulders of the average height passer by, thus providing passive surveillance of this area.

A series of sections have been designed and assessed to ensure the privacy and protection of these residents. The distance involved and the transient nature of the tow path provides privacy to these apartments at ground floor level. Furthermore, the terraces are generous in area and capable of accommodating outdoor furniture and planting which can provide additional privacy measure. In addition to this, if residents so wished, translucent glass to the lower panels of the ground and first floor to provide additional privacy measures. However, this is not considered necessary.

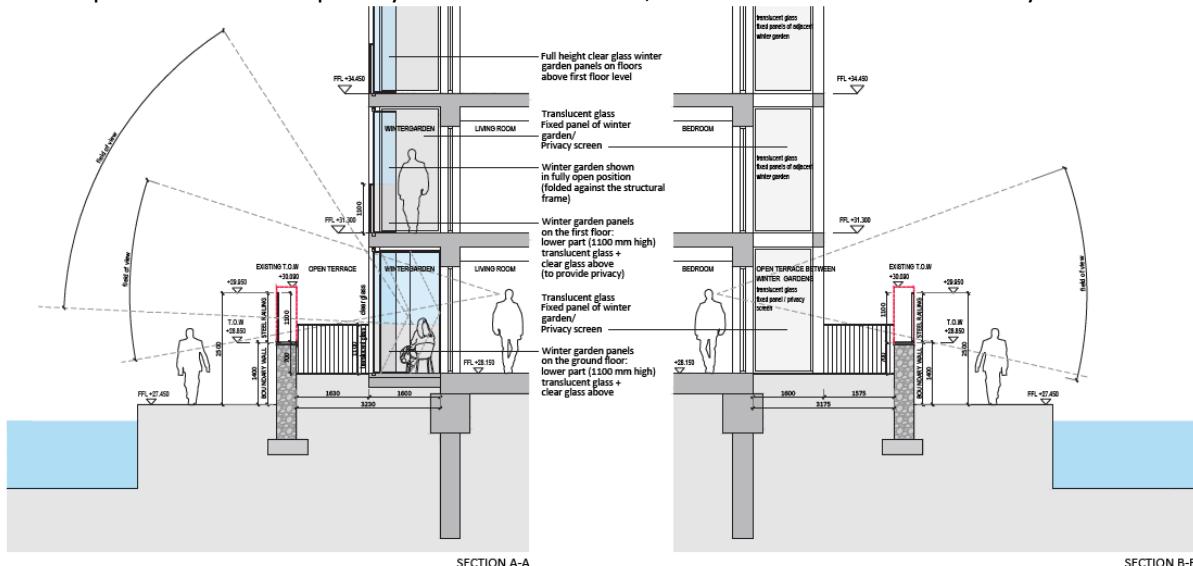
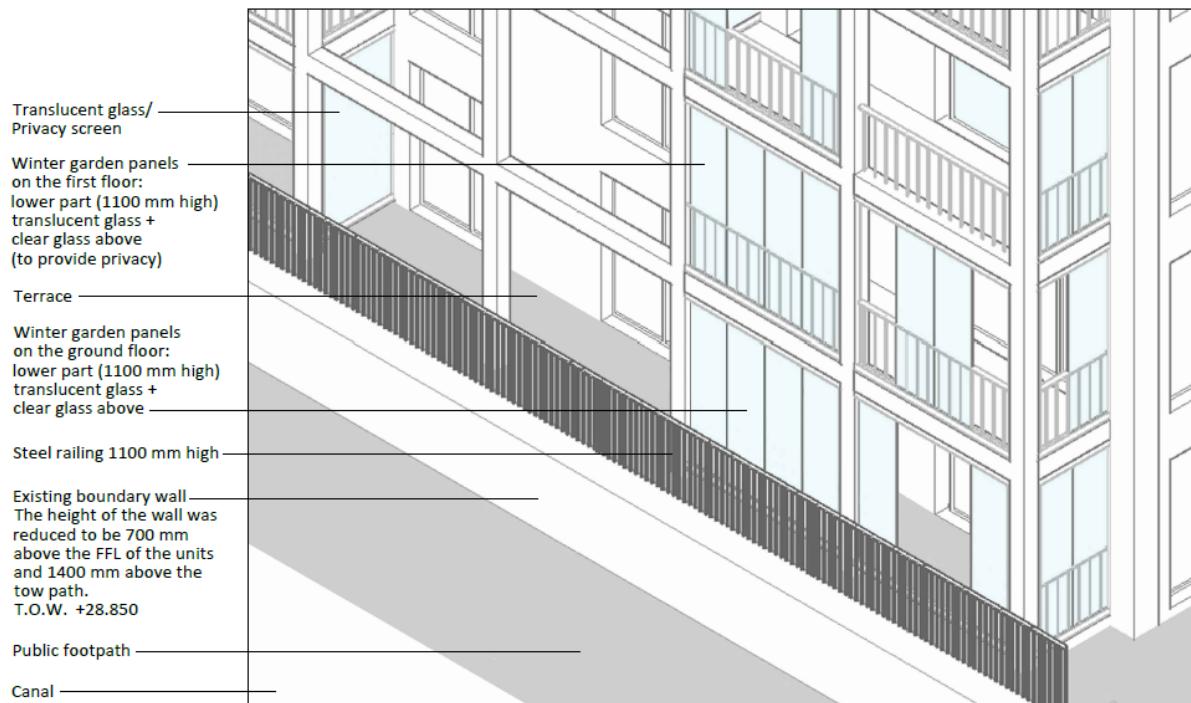


Figure 36 Angles of viewing by OMP



AXONOMETRIC VIEW OF RESIDENTIAL WINTERGARDENS AT GROUND AND FIRST FLOOR LEVELS

Figure 37 Axonometric view of wintergardens by OMP

The IN2 Daylight and Sunlight Report confirms that all of these apartments at ground and first floor levels achieve appropriate level of daylight and sunlight in line with BRE Guidelines.

#### Response to Specific Item 4: Overlooking and Loss of Privacy within the Development

***Further elaboration of measures to avoid overlooking and loss of privacy due to overlooking within the development and to protect the privacy of ground floor dwelling units adjoining areas of open space.***

#### Applicant Response

As set out in the Response to ABP Opinion in the OMP Design Statement a number of measures to avoid overlooking and loss of privacy due to overlooking within the development and to protect the privacy of ground floor dwellings units are proposed.

Each apartment, and the associated balconies, have been assessed to identify locations where there is a risk of overlooking and loss of privacy. Within the wintergardens, translucent glass has been applied to one side of each wintergarden enclosure, and will act as a full height privacy screen between the two areas.

On the southern and western elevations of blocks A and B adjacent private balconies are provided with translucent glass panel screens up to a height of 1.8m are provided to avoid loss of privacy. At locations, such as the east gable ends of block A and B where windows are opposing each other, overlooking is avoided and privacy is ensured by the use of translucent glazing to the secondary windows that face primary windows opposite. This treatment is shown in detail in drawings no. 1723A-OMP-ZZ-01-DR-A-7001 Opposing Window Diagram.

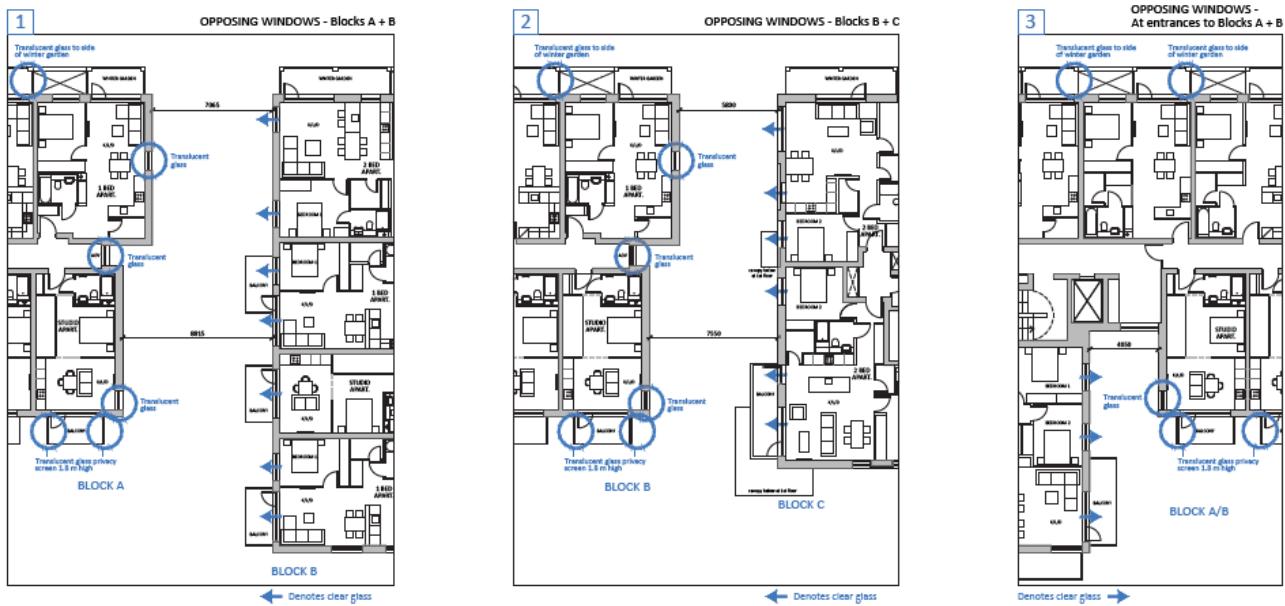


Figure 38 Opposing windows drawing by OMP

At ground floor level, on the communal garden side, planted beds are placed between the edges of terraces and any pathways for circulation. The planting prevents people approaching the terraces and facades of buildings. While the buffer zone varies, it is generally at least 1.85m to 2m. This is set out in detail in the Ait Design Statement.

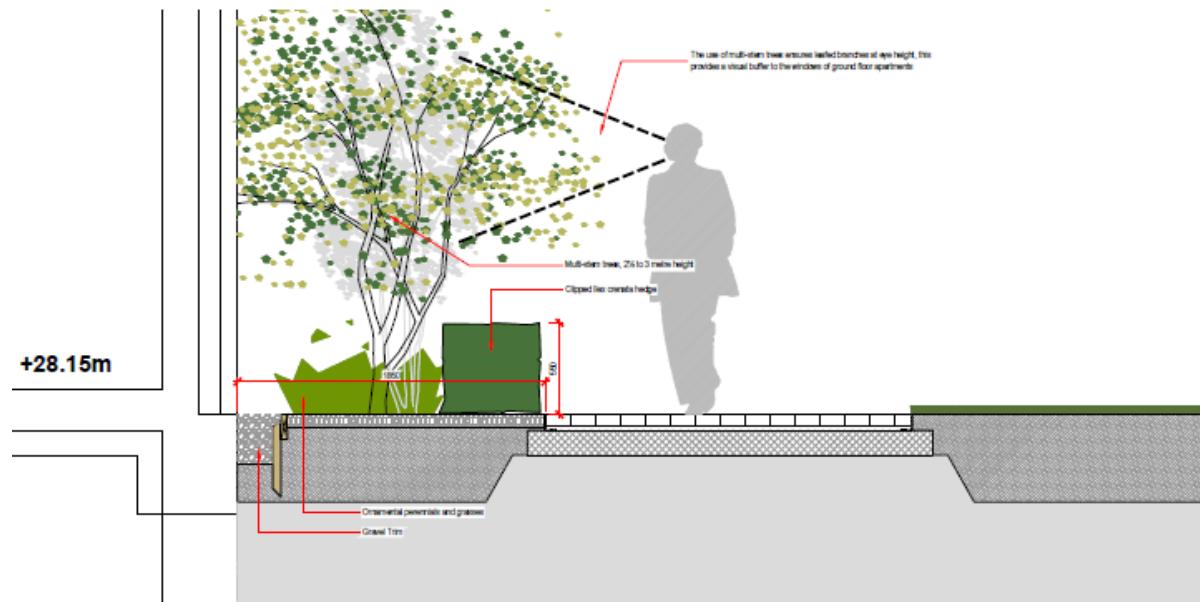


Figure 39 Ait drawing indicating ground floor privacy protection.

#### Response to Specific Item 5: Wind Study

**Further consideration of the Wind Environment and potential impacts on the quality of public, communal and private amenity spaces.**

### Applicant Response

IN2 have completed a Microclimatic Wind Analysis and Pedestrian Comfort analysis which is enclosed with the application. This report has found that “*the majority of ground level amenity spaces across the proposed development are determined to be suited to “Long/Short-Term Sitting” in accordance with the Lawson Criteria methodology utilised.*

*Similarly, all roof terrace amenity spaces and balconies are deemed to be suited to “Long/Short Term Sitting”, and therefore well suited to their intended use as amenity spaces. Minor mitigation measures in the form of 2m balustrades are required at Level 11 roof terrace”.*

All of these mitigation measures have been implemented within the development as can be seen by the OMP Architectural pack.

### Response to Specific Item 6: Build to Rent Communal Facilities

***Further elaboration and / or justification for the type and level of communal facilities provided on the site having regard to the Build to Rent nature of the proposed development, in accordance with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.***

### Applicant Response

Private amenity space has been provided to all unit which meets and in some cases exceeds the standards set by the ‘*Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities’ (2018)*. Each apartment has its own washing machine, and there are centralised managed and maintained bin stores.

In terms of communal amenities, we refer to the LIV Consult Build to Rent Justification Report submitted with this application. This report analyses the suitability of the location for a Build to Rent development. From the analysis they provide guidance on the appropriate level and type of communal facilities that should be provided within this development. As a result of this advice, a total of 460.5sqm of internal tenant amenity has been provided. A full description of the amenity provision within this development is set out in the Response to ABP Opinion within the Design Statement by OMP. However, in short the space is broken into the following facilities which have been provided in line with SPPR 7 of the Apartment Guidelines:

#### Resident support facilities:

Management office	15.9msq
Parcel Store	6.5msq
Staff facilities	22.5msq
Bike workshop	7.3msq
Large item storage	76.3msq
Total	128.5

This proposed development meets each of the categories for the Resident Support Facilities set out in the Apartment Guidelines.



Figure 40 Ground floor communal facilities in block C by OMP

In addition to this a variety of communal residential services and amenity facilities have been provided both internally and externally. The quantum of space provided, type and the centralised format have been provided in line with advice from LIV Consult which also analyses the suitability of the site for Build to Rent development. The advice provided is to centralise the communal space within key locations, rather than providing smaller communal rooms within each block. This enables the provision of meaningful, flexible spaces, which also enable the coming together of residents and the creation of a community within the development. The level of provision within the development is following on from their assessment of the type of development and comparable internationally, the existing amenities available to future residents within the wider area, and the connectivity of the site to public transport.



Figure 41 Top floor communal facilities in block C by OMP

As a result of this advise, within Block C, at the ground floor level and top floor there is a range of spaces including flexible workspace, bookable meeting space, residents multi-purpose gym and large parcel storage area. The spaces at the top floor of block C adjoins an attractive communal roof terrace, creating a social active spaces for residents.

#### Resident Services and Amenities:

Gym	76.1sqm
Lounge lobby/ shared workspace area/ reception	71.5sqm
Residents dining	32sqm
Residents lounge	41sqm
Ancillary areas and WC	61.4sqm
Total	332sqm

In addition to the high quality internal amenity space, there is also a high level of high quality external space, which provides variety throughout the site as set out in Ait Landscape Design Statement.

The LIV report has found that the high level of internal and external amenity provided within this development Build To Rent in terms of quantum, position within the scheme, use and flexibility of use will result in a development that provides both excellent residential support facilities along with resident services and amenities.

### Response to Specific Item 7: Impact on the Royal Canal

**Further elaboration on the construction methodology proposed in order to obviate potential impacts on the integrity of the Royal Canal.**

#### Applicant Response

Waterman Moylan Engineering Consultants have completed a Planning Stage Structural Report. This report examines the site constraints, the ground conditions, and details the structural concept proposed, and the construction methodology, fire protection and proposed loadings for the development including the construction of the basement. It also sets out measures to protect the adjacent structures including the canal wall, towpath and canal. This report confirms that by implementing these mitigation measures “*the proposed development will not have an impact on the Royal Canal.*”

Details of alterations to the boundary wall with the tow path are shown on OMP Drawings: 1723A-OMP-ZZ-ZZ-DR-A-3006 \_ Existing boundary wall along the canal tow path - Record elevation and section; 1723A-OMP-ZZ-ZZ-DR-A-3007 \_ Existing boundary wall along the canal tow path - Existing and proposed Southern elevation and 1723A-OMP-ZZ-ZZ-DR-A-2001 \_ Site Elevation 01 - North East (to Canal) which shows the proposed northern wall elevation as part of the site elevation.

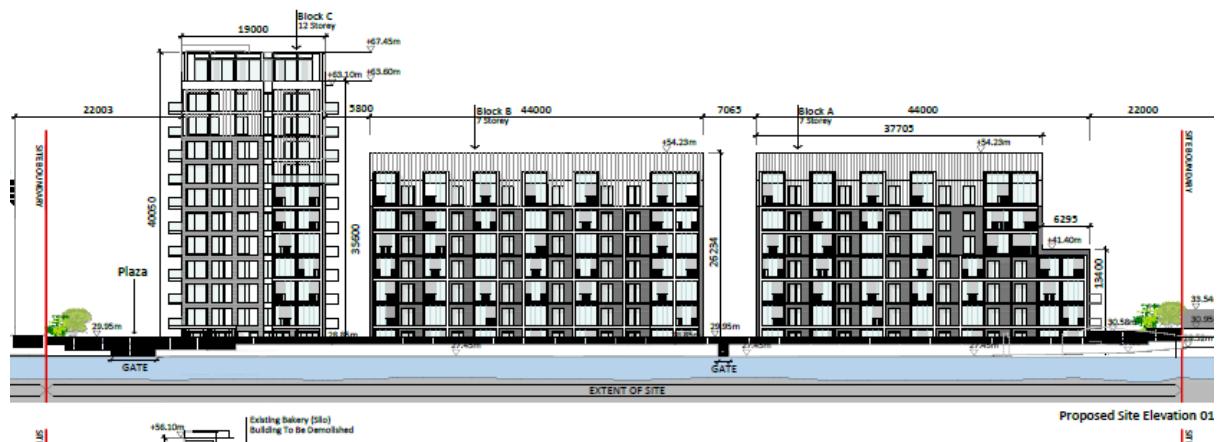


Figure 42 Proposed northern elevation including the alterations to the boundary wall

### Response to Specific Item 8 Overlooking of Existing Adjoining Residential Properties

**Further elaboration of measures proposed in order to address potential overlooking of existing adjoining residential properties, to include detailed section drawings illustrating their relationship with the proposed development. Additional detail in relation to the nature, function and effectiveness of the proposed perforated screens to be provided on the southern elevation should be considered.**

#### Applicant Response

The Response to ABP Opinion within the Design Statement by OMP addresses this issue in detail. Drawings nos. 1732-OMP-ZZ-ZZ-DR-A-3001 and 3002 also provide site sections of the development which are informative in this instance.

The layout of the site places all the new residential buildings along the northern site boundary with the Royal Canal. This provides the maximum separation distance between the buildings and the rear of houses on Leinster Street north. All of the separation distances proposed are substantial, and in

excess of 25m which is appropriate for this urban location. The proposed distance alone provides adequate protection to the residential amenity of the surrounding existing properties. In addition, where practical, apartments face northwest and southeast with only secondary windows facing southwest towards Leinster Street North.

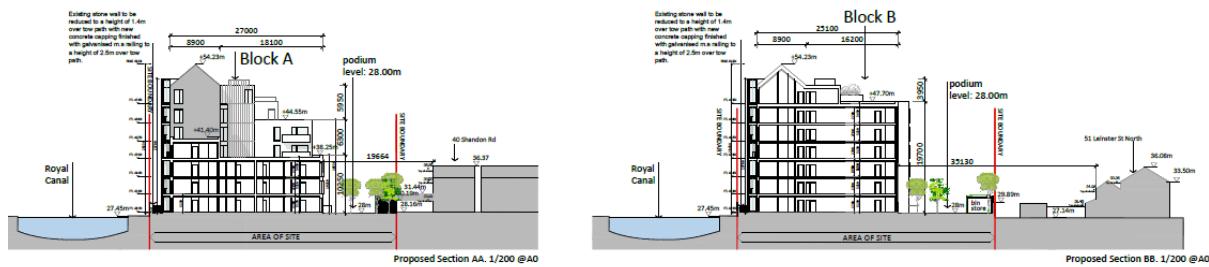
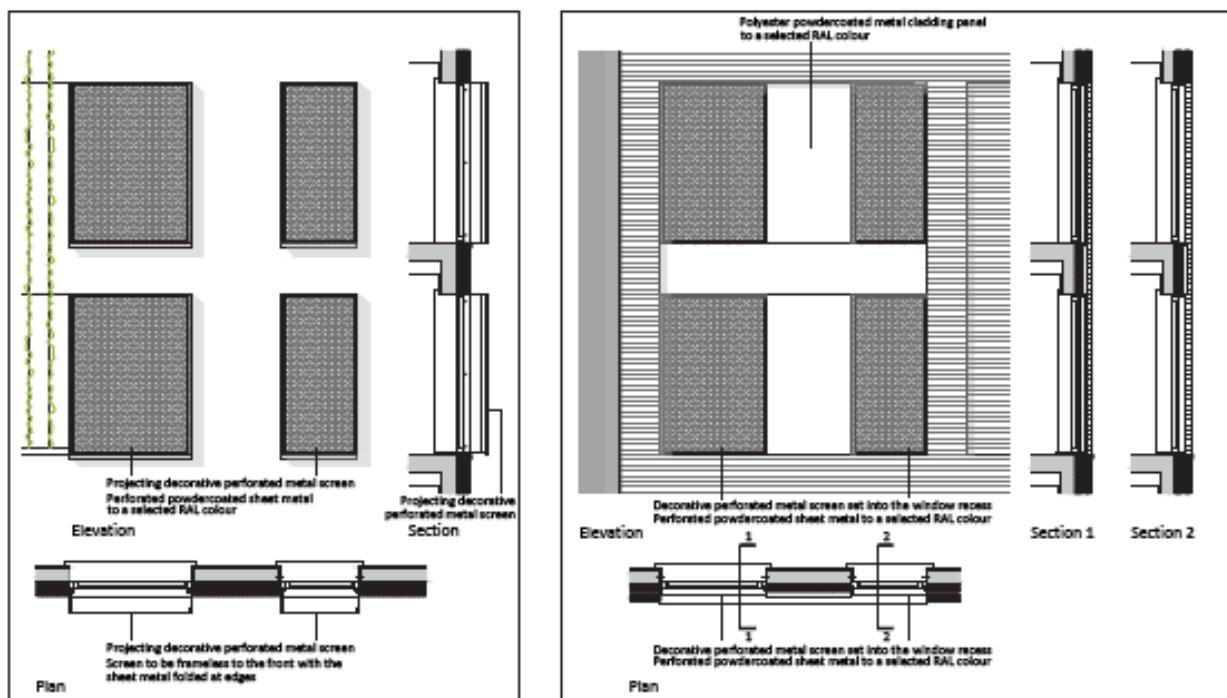


Figure 43 OMP Proposed sections

A further measure is proposed, which will offer greater protection and prevent any perceived overlooking from secondary windows, as well as providing visual interest to the buildings, is the introduction of decorative perforated metal screens in front of each window in the southwest facing gables of Blocks A, B and C. This feature will conceal all windows in the gables and appear as decorative panels on the elevations.

These screens allow light and air to pass so the rooms behind the screens are well lit and ventilated. These screens will allow visibility to the exterior and views through the screen are perceived as being only partially obscured. Please see drawing no. 1723A-OMP-ZZ-01-DR-A-7002.



PERFORATED METAL SCREENS IN BLOCKS A + B  
Typical plan, elevation and section 1/50 @ A1

PERFORATED METAL SCREENS IN BLOCK C  
Typical plan, elevation and section 1/50 @ A1

Figure 44 Extract from OMP showing proposed screens

Response to Specific Item 9: Treatment of the Access Roadway

***Further elaboration of the treatment of the access roadway between Phibsborough Road and the development site should be provided, which should be included in the DMURS design statement. Quality Assessments, particularly in respect of pedestrian and cycle access should be provided, in accordance with DMURS advice note 4. The final configuration of the entrance plaza and measures to avoid conflict between pedestrian and vehicle movements should be clearly defined.***

**Applicant Response**

The proposed access route and plaza has been the subject of a Quality Audit by Traffico, as a result of this quality audit the plaza and access route has been redesigned. These alterations have been fully agreed with the auditors. The proposed development now provides a clearly differentiation between the area provided for pedestrians associated with the public open space and café and the access road, and car parking. These areas have been clearly defined by the use of different surface treatments and clear signs. The access roadway has been designed with regard to the recommendations of the DMURS 2019 section related to Pedestrianised and Shared Surfaces. This is clearly set out in the Landscape Plan by Ait (Drawing no 20D04-DR-200) and in their Design Statement. This is further reinforced by the Proposed Road Layout and Levels drawing (20-011-P100) and Proposed Road Markings and Signage drawing (20-011-P195) by Waterman Moylan Engineering Consultants.

The facilities to be provided within the development place a clear emphasis on cycling and walking as the primary modes of transport and mobility. The areas available for vehicles are restricted to the access road, and the access area in the south east of the site. The proposed development, which has a parking ratio of 0.1 car parking spaces per unit, is expected to have a very low level of infrequent traffic.

ILTP have completed a DMURS Compliance Statement for this proposed development. This report finds that the design approach adheres fully to the principles of the design as set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual. This report concludes that "*The above compliance statement also sets out the basis for establishing the proposed street layout to ensure highest priority is given to pedestrians and cyclists, while providing for the limited numbers of private car that will access the proposed development along with necessary service vehicles. The proposed build to rent scheme is located close to the city centre, to major employment and education facilities and is well served by existing public transport services.*"

Response to Specific Item 10: Public and Communal Open Space

***Further consideration should be given to the management of public open space and the distinction between communal and public spaces. Furthermore, the relationship with an area of open ground to the east of the site should be considered and addressed in the plans.***

**Applicant Response**

Please see the revised layout as indicated by OMP Layout Plan and the landscaping plan by Ait. This clearly indicates that the public and communal open spaces are delineated from each other. At the eastern end of the site, at the lower level there is vehicular access area which is fully accessible to all enabling drop offs and pick ups, providing access to the basement car park, the public open space, café and canal.

At the upper level, to the east of block C there is the public open space which provides an attractive area with views over the canal for socialising and also provides access to the proposed café/ retail space and the new pedestrian access to the canal.

The communal open space is also at an upper level, following a ramp from the vehicular area, and provides semi-private area for residents only. This area is clearly demarcated by railings and landscaping.

Boundary Detail / scale 1:50

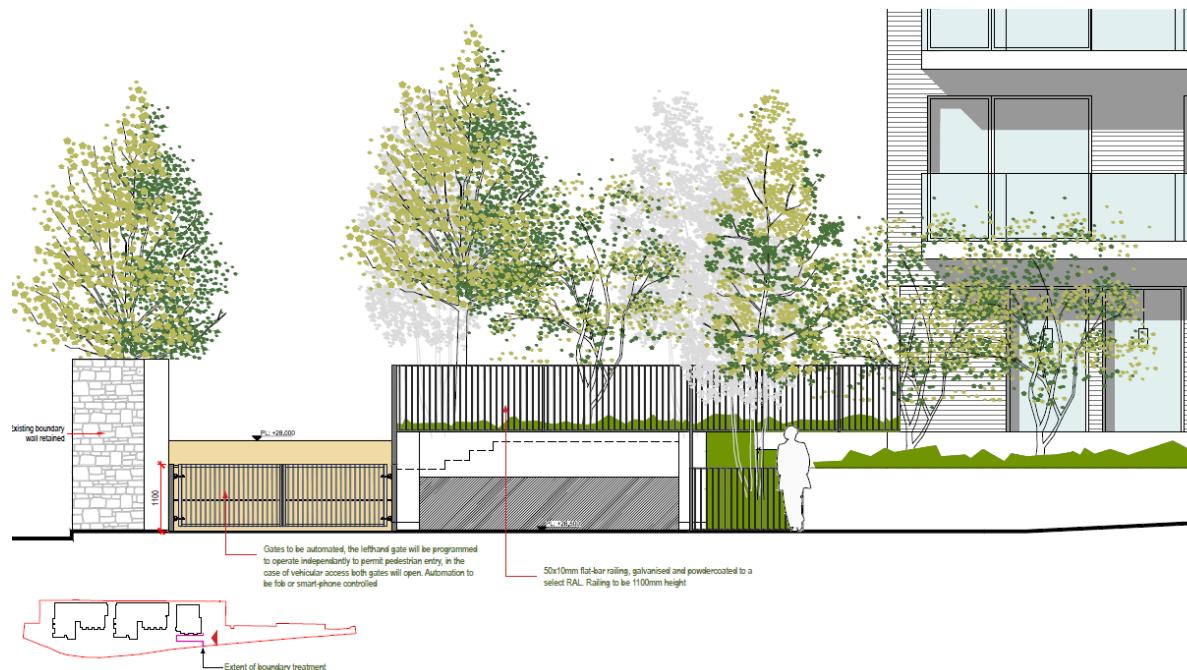


Figure 45 Extract from Ait landscape report showing separation of areas

To the east of the site, beside the protected structure, is an area of land belonging to the protected structure. This area is outside the control of the applicant. However, an indicative simple landscaping is included within the Landscaping Design Statement by Ait, which is low maintenance and simple to implement. The owner of this area, could implement this plan easily, should they wish to.



Figure 46 Extract from Ait report showing adjoining open space to the east of the site

## Section 7 Statement of consistency (planning policy review)

This section provides an overview of national, regional and local planning policy which are relevant to this development.

### NATIONAL AND REGIONAL PLANNING POLICY

The key national and regional policies and guidelines (including Section 28 Guidelines) relevant to the proposed development are as follows:

- *Ireland 2040 Our Plan - National Planning Framework (2018);*
- *Regional Spatial and Economic Strategy 2019- 2031;*
- *Guidelines for Planning Authorities on Urban Development and Building Heights (2018);*
- *Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018);*
- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;*
- *Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities;*
- *Quality Housing for Sustainable Communities (2007);*
- *Design Manual for Urban Roads and Streets (2013);*
- *Guidelines for Planning Authorities on Childcare Facilities (2001);*
- *Smarter Travel – A New Transport Policy for Ireland (2009-2020);*
- *The Planning System and Flood Risk Management (2009).*

### PROJECT IRELAND 2040 OUR PLAN - NATIONAL PLANNING FRAMEWORK (2018)

The National Planning Framework (NPF) is the Government's plan to cater for the extra one million people that is anticipated to be living in Ireland within the next 20 years. The Eastern and Midland Region (including Dublin) will, by 2040, be a Region of around 2.85 million people, at least half a million more than today.

The NPF Strategy includes the following planning aims to guide the delivery of this growth:

- Supporting the future growth and success of Dublin as Ireland's leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city.
- Enabling significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.
- Targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas.
- Making better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.

Overall, the NPF seeks to avoid continued, untrammelled urban sprawl of our cities into greenfield areas. Compact Urban Growth is the NPF mantra, "*making better use of under-utilised land and buildings, ... with higher housing and jobs densities, better serviced by existing facilities and public transport.*"

This approach not only makes better use of serviced zoned land but it can also have a “*transformational difference*” to urban locations bringing new life and footfall to areas and contributing to the viability of services, shops and public transport, increasing the housing supply, and enabling more people “*to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less*” (section 2.6).

The NPF enables a flexible approach to planning policies and standards requiring developments to be “**focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases... planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.**”

In particular Section 4.5 highlights that “**general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location, e.g. city/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc.**” It highlights that there “**should also generally be no car parking requirement for new development in or near the centres of the five cities, and a significantly reduced requirement in the inner suburbs of all five.**”

The NPF also states that that “*to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas*”. Key National Policy Objectives (NPOs) outlined in the NPF which are directly relevant to this site and development proposal are set out below:

#### *National Policy Objective 4*

*Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*

#### *National Policy Objective 13*

*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.*

#### *National Policy Objective 11*

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

#### *National Policy Objective 27*

*Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.*

#### *National Policy Objective 33*

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

**National Policy Objective 35**

*Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*

**EVALUATION OF CONSISTENCY**

The subject site is located within the inner-city area of Dublin City, within the boundary of the Royal Canal, which is identified for significant residential growth over the next two decades.

The proposed development seeks to deliver a significant quantum of residential development at a site that is located within a well-established inner-city location within walking distance of a multitude of services, exceptional public transport options and very good local amenities.

The site is well connected to excellent public transport services. The site is located within c. 700m from Phibsborough Luas Stop and c. 600m from Cabra Luas Stop. Dublin bus routes 4, 9, 140, 155, 40, 40d, 46A and 83 also serve the site. Drumcondra train station is also c.1km from the site. The planned Metrolink and rail station at Glasnevin will be located directly across from the site on the northern side of the Royal Canal.

The site is c. 400m from the Phibsborough Shopping Centre which serves as the commercial hub for the area with a range of shops, pubs, take aways and restaurants. Within the adjoining areas of Cabra, Glasnevin and Grangegorman there are further additional facilities including a university. There is also a range of existing schools and community facilities in the area including the Mater University Hospital. It is c. 15km of O Connell Street, one of Dublin's main thoroughfares with its range of shops, restaurants and services.

In addition to the public space provided within the scheme, the site is located within 1 km (c. 15-minute walk) from a range of public parks including the Royal Canal Way, Glasnevin Botanic Gardens, Dalymount Park, Mount Bernard Park, Blessington Street Park. Tolka Valley Park is located 2.9km (c. 35 minute walk) from the site.

The proposed development will provide for a high-quality residential scheme through the design and the materials and finishes proposed. In addition, the proposed units are in accordance with the apartment size requirement as stated in the Apartment Guidelines.

It is clear that there is a strong emphasis on sites such as the subject site towards increased building densities and heights in appropriate locations within existing well serviced, urban centres and near public transport corridors. As such it is respectfully submitted that the proposed development is in line with the principles of the NPF and associated government guidelines.

**REBUILDING IRELAND – ACTION PLAN FOR HOUSING AND HOMELESSNESS 2016**

Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021. It was based on 5 no pillars. Pillar 3 – Build More Homes aims to increase the output of private housing to meet demand at affordable prices.

## EVALUATION OF CONSISTENCY

The proposed development is consistent with Pillar 3 to build more homes at appropriate urban locations. The proposed development provides for 205 no. new build to rent apartment units. This will improve the quantity and mix of residential stock at a location that is particularly well served in terms of public transport, education, local retail, recreational and associated social infrastructure.

## REGIONAL SPATIAL AND ECONOMIC STRATEGY 2019-2031

Under the Local Government Reform Act 2014 the Regional Planning Framework has been revised with the previous Regional Authorities/Assemblies (ten in total) now replaced with three Regional Assemblies.

The Regional Authorities for the Greater Dublin Area – The Dublin Region and the Mid-East Region - have been replaced by the Eastern and Midland Regional Assembly. The region covers nine counties, Longford, Westmeath, Offaly, Laois, Louth, Meath, Kildare, Wicklow, and Dublin.

The Regional Spatial and Economic Strategy for the Eastern and Midland Region was adopted in 2019 and is a strategic plan and investment framework to shape the future development of this region to 2031.

The vision for the region is to “*create a sustainable and competitive Region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all.*”

The RSES will support the implementation of Project Ireland 2040 – the National Planning Framework (NPF) and National Development Plan (NDP). It addresses employment, retail, housing, transport, water services, energy and communications, waste management, education, health, sports and community facilities, environment and heritage, landscape, sustainable development and climate change. The vision for the RSES is to create a sustainable and competitive region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all.

The RSES identifies that the Dublin Metropolitan Area is “*to realise ambitious compact development targets at least 50% of all new homes within or contiguous to the existing built up area in Dublin and at least 30% in other metropolitan settlements.*”

Dublin city and its suburbs are at the top of the settlement hierarchy for the region in terms of the need to ensure highly concentrated development in this highly accessible and serviced area.

**Table 4.2 Settlement Hierarchy**

Settlement Typology	Description	Areas		
		Metropolitan	Core Region	Gateway Region
Dublin City and suburbs	International business core with a highly concentrated and diversified employment base and higher order retail, arts, culture and leisure offer. Acts as national transport hub with strong inter and intra-regional connections and an extensive commuter catchment.	Dublin City and suburbs		

*Figure 47: 'Settlement Hierarchy' Table 4.2 of Chapter 4 of the RSES 2019*

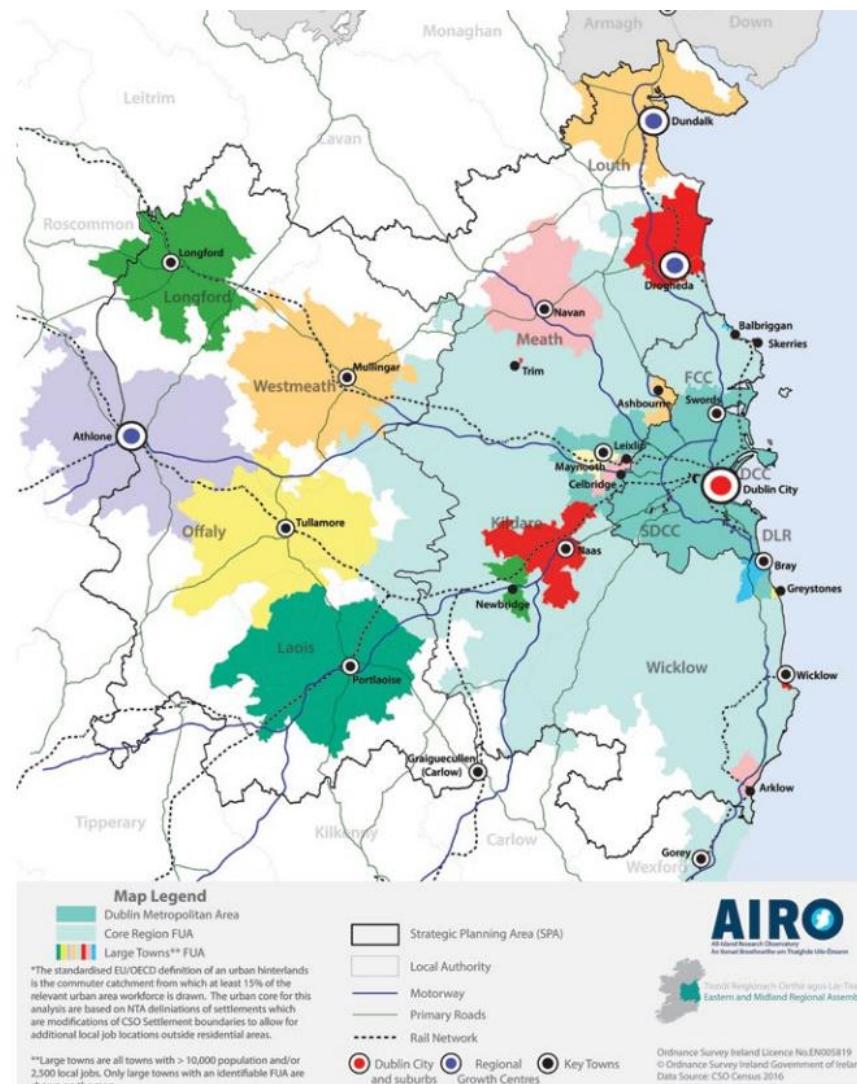


Figure 48: 'EMRA Functional Urban Areas, 2016' Figure 1.9 of Chapter 1 of the RSES 2019

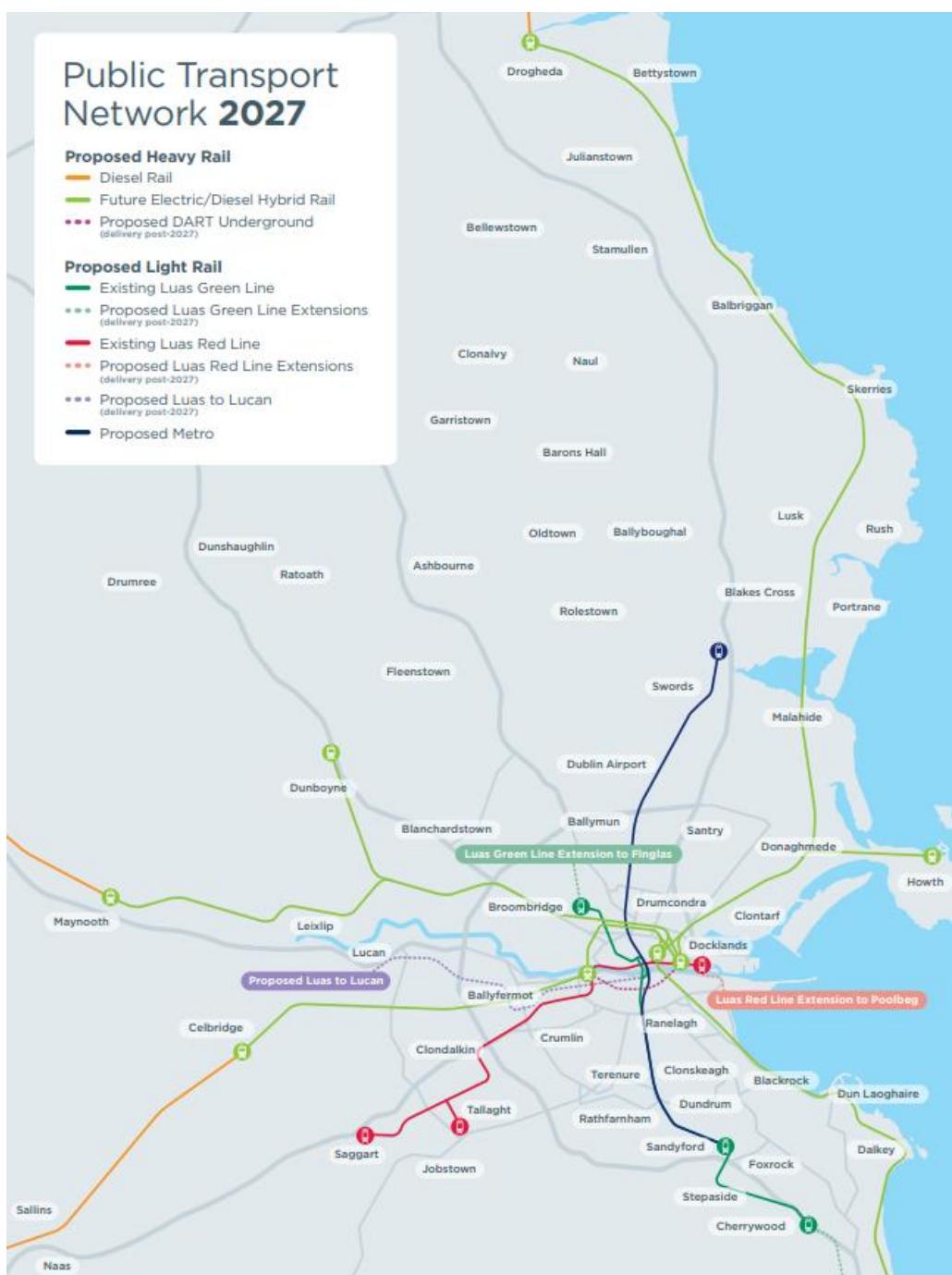


Figure 49: 'Public Transport Network 2027', Figure 5.4 of Chapter 5 of the RSES

Section 4.4 of the RSES identifies that in order to achieve compact growth 50% of housing needs to be provided within or contiguous to the build-up area of Dublin City and suburbs. To achieve this the Metropolitan Area Strategic Plan identifies strategic residential and employment corridors along key public transport corridors, both existing and proposed.

RPO 4.3 seeks to *"support the consolidation and re-intensification of infill/ brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and*

*ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects."*

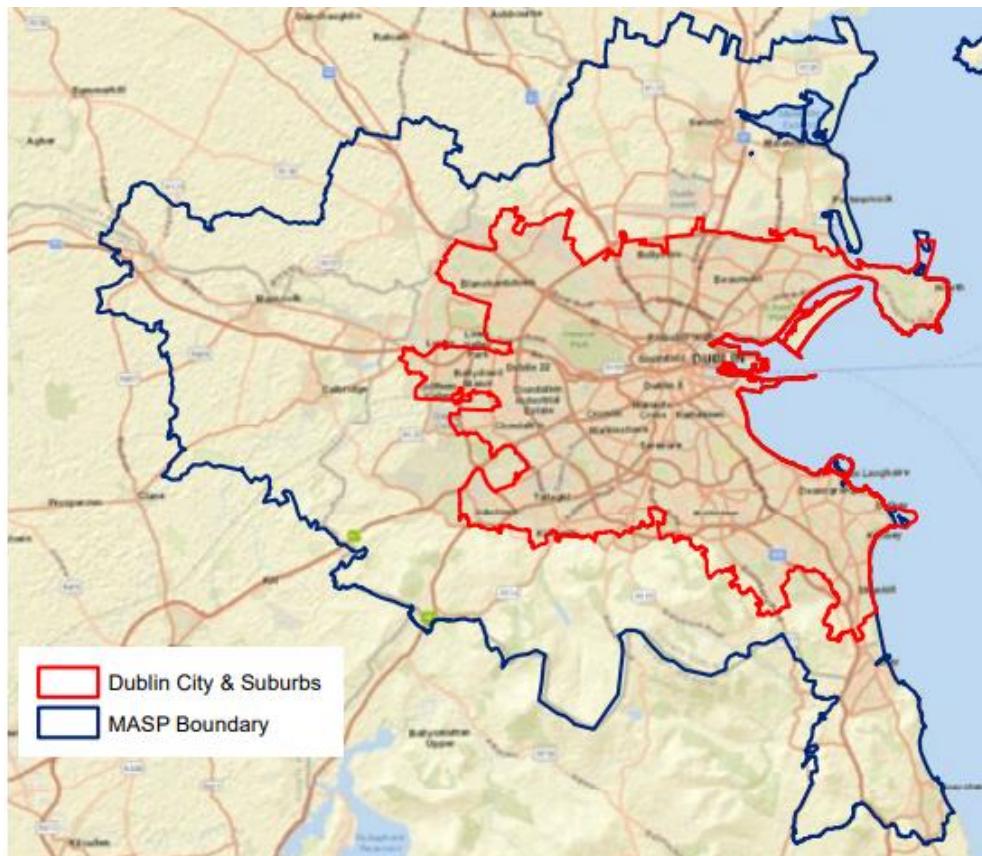


Figure 5.1 MASP Boundary Source: EMRA

Figure 50: 'MASP Boundary Source', Figure 5.1 of Chapter 5 of the RSES 2019

The guiding principles for growth in the Dublin Metropolitan area are set out in section 5.3 and include

- *Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.*
- *Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of 'BusConnects', DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.*
- *Metropolitan Scale Amenities – To enhance provision of regional parks and strategic Green Infrastructure, to develop an integrated network of metropolitan scale amenities, and to*

*develop greenways/blueways along the canals, rivers and coast, as part of the implementation of the National Transport Authorities' Cycle Network Plan for the Greater Dublin Area.*



Figure 51:'Dublin Metropolitan Area Strategic Plan', Figure 5.2 of Chapter 5 of the RSES 2019

#### EVALUATION OF CONSISTENCY

The subject development seeks to provide for significant residential development on a key urban infill site within the highly accessible and well serviced inner city location of Phibsborough. The proposed development complies in principle with the locational and quantitative policies and objectives of the RSES in this regard.

Phibsborough has access to high quality public transport including excellent high frequency bus services and the Luas. It has excellent potential to promote sustainable mobility and achieve the vision of 'walkable' communities.

The proposed development will benefit from its location close to significant social infrastructure and employment opportunities within walking/cycling distance or accessible by public transport. It will also add to the facilities in the area by providing additional retail/ café space, and improved

permeability in the area linking to the Royal Canal. The additional population created will also drive demand for additional services.

It is submitted that the proposed development is in line with the principles of the NPF and the RSES.

#### **URBAN DEVELOPMENT & BUILDING HEIGHTS: GUIDELINES FOR PLANNING AUTHORITIES, 2018**

The Guidelines set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. There is now a presumption in favour of increased building height in appropriate urban locations with good public transport services.

A full review of these Guidelines, in the context of this site, is set out in the next section on material contravention.

#### **GUIDELINES FOR PLANNING AUTHORITIES ON SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS, 2009**

The guidelines set out the key planning principles to be reflected in development plans and local area plans, to guide the preparation and assessment of planning applications for residential development in urban areas.

The Guidelines elaborate a range of high-level aims for successful and sustainable residential development in urban areas. These are assessed against the proposed scheme as follows:

	EVALUATION OF CONSISTENCY
<i>Prioritise walking, cycling and public transport, and minimise the need to use cars;</i>	<p>The application site will be served by high quality walking and cycling links connecting the site to the surrounding environs including public transport, education, hospitals and retail services and the city centre within short walking and cycling distance.</p> <p>The proposal also creates a new pedestrian link to the public tow path along the Royal Canal which has never been accessible from this location before.</p> <p>There are only 29 no. car parking spaces allocated as part of this scheme along with 336 bicycle parking spaces. This parking ratio of 0.1 within a Build to Rent development will ensure that sustainable modes of transport are prioritised.</p>
<i>Deliver a quality of life which residents and visitors are entitled to expect, in terms of amenity, safety and convenience;</i>	<p>The scheme has been designed in accordance with all relevant quantitative and qualitative residential standards as set down in the national apartment guidelines and the Dublin City Development Plan.</p> <p>Future residents will live in a uniquely safe residential environment with outdoor space largely free of cars and</p>

	<p>a multitude of access options to social infrastructure, open spaces and public transport in the area.</p> <p>It will also enhance the safety and surveillance of the tow path along the Royal Canal by providing overlooking of this area.</p>
<i>Provide a good range of community and support facilities, where and when they are needed and that are easily accessible;</i>	<p>The development will consist of apartments with residential facilities. These units have a range of community facilities including a large community garden, roof gardens and also communal facilities within block C for the use of residents. It also provides a new public open space, café/retail unit and links to the tow path.</p> <p>The development is well located in relation to existing/planned social infrastructure in the area with schools, crèches, and local retail within c. 5 minutes walk.</p>
<i>Present an attractive, well-maintained appearance, with a distinct sense of place and a quality public realm that is easily maintained;</i>	<p>The layout of development has been designed to enhance the accessibility of the site. All of the routes through the development will provide increased connectivity to the area which is well surveilled and overlooked. The public realm proposed is high quality with a range of different spaces meeting varying needs throughout the development.</p>
<i>Are easy to access for all and to find one's way around;</i>	<p>There is one vehicle access into the site off Phibsborough Road to the east which also provides cyclist and pedestrian access. There are a further 2 pedestrian access routes into and through the site via the Royal Canal. The layout is logical, interesting and wayfinding uncomplicated.</p>
<i>Promote the efficient use of land and of energy, and minimise greenhouse gas emissions;</i>	<p>The proposal seeks to import best practice construction/engineering techniques and use of energy efficient materials to maximise energy capacity and minimise impacts of climate change in accordance with current buildings regulations.</p>
<i>Provide a mix of land uses to minimise transport demand;</i>	<p>The site is zoned for residential development as is proposed. Support services in terms of the residential facilities with high quality outdoor spaces are also provided. The scheme is within c. 10 minute walk of two LUAS stops and within c. 3 minutes walk of a wide range of bus services. It is accessible to a variety of existing facilities and employment opportunities in the area.</p>
<i>Promote social integration and provide accommodation for a diverse range of household types and age groups;</i>	<p>A range of unit sizes is proposed for the scheme including studios, 1 and 2 bedroom apartments. This will improve the overall mix in the wider area which comprises a large proportion of 3+ bed houses at present.</p>
<i>Enhance and protect the green infrastructure and biodiversity; and</i>	<p>The site comprises of an industrial site that was previously a bakery but is now derelict and is classified as a vacant site in DCC's vacant site registry.</p>

	The proposal will result in a significant improvement in the landscaping, planting and biodiversity on site. The development will also integrate with adjoining amenities such as the canal.
<i>Enhance and protect the built and natural heritage.</i>	<p>The proposed development does not have any protected structures on the site, but it is located west of the old mill protected structure now used as residential.</p> <p>The proposal has been designed to ensure a sympathetic composition in relation to this building.</p>

#### URBAN DESIGN MANUAL – A BEST PRACTICE GUIDE, 2009

The Urban Design Manual is the accompanying document to the Sustainable Residential Development in Urban Areas document which provides policy guidance for the creation of successful neighbourhoods having regard to the 12 point criteria. The proposal complies with the following design criteria:

<b>1. Context –How does the development respond to its surroundings?</b>	
	EVALUATION OF CONSISTENCY
<i>The development seems to have evolved naturally as part of its surroundings.</i>	<p>The site is located within a brownfield infill site that is distinct from adjoining properties and land uses, and has a unique character. There are a mixture of uses within the area, however, the predominant one is residential, including the converted mill building to the east.</p> <p>The site represents a unique opportunity to deliver a unique residential development in a high accessible and serviced location in accordance with current national planning policy.</p> <p>The site is a long linear site, fronting onto the Royal Canal, with existing derelict warehouse buildings including a tall silo building on the site. The proposed development reflects the positioning of the building as well as creating a new local landmark in place of the large silo building. The building heights reflect those of the surrounding buildings, the 7 storey mill building to the west, stepping down to the 2 storey buildings to the east. The proposed stepping of the development reflects the changing height within the existing landscape.</p> <p>The development provides an attractive urban edge to the Royal Canal while also providing security and surveillance to this area.</p>
<i>Appropriate increases in density respect the form of buildings and landscape around the</i>	The proposal reflects the significant increases in densities and scale achieved along high quality public

<p><i>site's edges and the amenity enjoyed by neighbouring users.</i></p>	<p>transport corridors such as the Luas and Dublin Bus Routes.</p>
<p><i>Form, architecture and landscaping have been informed by the development's place and time.</i></p>	<p>The proposed development reflects national policy for consolidated urban development and higher densities and scale on accessible and well serviced urban sites throughout Dublin City as promoted in the NPF and the RSES.</p>
	<p>The site is unique in its context which has remained undeveloped despite being located close to Dublin City Centre.</p> <p>The current proposal is a residential development that is modern not just in terms of design and density but also in terms of promoting an attractive living environment with significant and safe open spaces for future residents.</p>
	<p>The site is of an appropriate size and design to facilitate the scale and layout proposed.</p>
<p><i>The development positively contributes to the character and identity of the neighbourhood.</i></p>	<p>The proposal is a striking design and layout which optimise this large infill site and will enhance and develop the character of this residential area.</p> <p>It will remove a vacant, underutilised site and transform it with a development that will contribute positively to the neighbourhood in terms of increased population and wider, more sustainable residential mix.</p>
<p><i>Appropriate responses are made to the nature of specific boundary conditions.</i></p>	<p>The development has been designed with regard to the existing boundary features, particularly the siting of the development to the northern boundary of the site to avoid overshadowing on the buildings to the south.</p>

## **2. Connections – How well connected is the new development**

EVALUATION OF CONSISTENCY	
<p><i>There are attractive routes in and out for pedestrians and cyclists.</i></p>	<p>The site is accessed directly off the adjoining Royal Canal Way to the north of the site by pedestrians. A dedicated main access for pedestrians, cyclists and vehicles is provided from the east which will also provide direct connection to local services and public transport.</p>
<p><i>The development is located in or close to a mixed-use centre.</i></p>	<p>The scheme will be located within 5 mins walk of local services to the south and less than 500m from Phibsborough Shopping Centre which acts as the hub for Phibsborough Village.</p>

<i>The development's layout makes it easy for a bus to serve the scheme.</i>	The site is within 200m of several bus stops and c.600 m from the Luas.
<i>The layout links to existing movement routes and the places people will want to get to.</i>	Dedicated and safe pedestrian/cyclist permeability through and around the site is enshrined in the specific design and layout proposed.
<i>Appropriate density, dependent on location, helps support efficient public transport.</i>	The density accords with national guidelines which promote higher density development in established residential areas close to high quality public transport and local services. The lower levels of private car parking within this BTR scheme also enables this development to support the efficient use and maximise the sustainable use of public transport.

<b>3. Inclusivity – How easily can people use and access the development?</b>	
	EVALUATION OF CONSISTENCY
<i>New homes meet the aspirations of a range of people and households.</i>	The existing residential units are predominantly large family houses with a poor typology mix to meet current/future needs of a diversifying population. The proposed BTR scheme will overall improve the mix of studio, 1 and 2 bed units on offer to the area and will facilitate a wider range of homeowners including individuals, couples, small families and empty nesters.
<i>Design and layout enable easy access by all.</i>	The proposal has been designed for ease of access throughout the site in accordance with Part M of the building regulations.
<i>There is a range of public, communal and/or private amenity spaces and facilities for children of different ages, parents and the elderly.</i>	The scheme will provide a variety of open spaces, public, communal and private amenity spaces for a range of different ages including children, adults and the elderly.
<i>Areas defined as public open space that have either been taken in charge or privately managed will be clearly defined, accessible and open to all.</i>	The open spaces will be publicly accessible. Crossings to these spaces will be denoted by a change in the landscaping and also through the provision of boundary walls/ fences.
<i>New buildings present a positive aspect to passers-by, avoiding unnecessary physical and visual barriers.</i>	The layout presents attractive urban edges to the open spaces proposed that will be supervised and overlooked.

<b>4. Variety – How does the development promote a good mix of activities?</b>	
	EVALUATION OF CONSISTENCY
<i>Activities generated by the development contribute to the quality of life in its locality.</i>	The proposal will provide for a much more sustainable housing mix within the area and will increase population creating additional demand for educational, sports and retail services all of which are provided close to the development.
<i>Uses that attract the most people are in the most accessible places.</i>	A variety of open spaces are provided throughout the scheme and will be easily accessible to residents and the public.

<i>Neighbouring uses and activities are compatible with each other.</i>	The area is characterised by residential uses; as such the proposed use is compatible with the surrounding area.
<i>Housing types and tenure add to the choice available in the area.</i>	A variety of apartments are provided which will further improve the range of unit types in the area available to various household types. Please refer to the accommodation schedule for more information.
<i>Opportunities have been taken to provide shops, facilities and services that complement those already available in the neighbourhood.</i>	The scheme is within 500m of local services and Phibsborough Shopping Centre it is therefore unnecessary to provide additional shops and services on site. However, a café/retail unit is provided within Block C.

#### **5. Efficiency - How does the development make appropriate use of resources, including land?**

	EVALUATION OF CONSISTENCY
<i>The proposal looks at the potential of higher density, taking into account appropriate accessibility by public transport and the objectives of good design.</i>	The overall density is considered appropriate for this site given the proximity to public transport and social infrastructure.
<i>Landscaped areas are designed to provide amenity and biodiversity, protect buildings and spaces from the elements and incorporate sustainable urban drainage systems.</i>	The restriction on parking enables more landscaping. As a result, significant public open space will be provided across the entire scheme incorporating SuDS, promoting biodiversity and providing residential amenity.
<i>Buildings, gardens and public spaces are laid out to exploit the best solar orientation.</i>	56% of the apartments across the scheme are dual aspect which is in excess of the minimum standard required for developments within Central and Accessible Urban Locations under the Apartment Guidelines which requires 33%. All units and open spaces will enjoy sufficient sunlight and daylight provision. This is further demonstrated by the Daylight Sunlight Report
<i>The scheme brings a redundant building or derelict site back into productive use.</i>	The site is currently made up of an array of derelict industrial buildings. This scheme will bring this site back into a productive use.
<i>Appropriate recycling facilities are provided.</i>	Communal recycling facilities are provided in the bin stores strategically located proximate to each apartment block.

#### **6. Distinctiveness - How do the proposals create a sense of place?**

	EVALUATION OF CONSISTENCY
<i>The place has recognisable features so that people can describe where they live and form an emotional attachment to the place.</i>	<p>The public plaza proposed will form the natural heart of the development where most residents will congregate and use the communal facilities. This will be a very bespoke development with a unique sense of place.</p> <p>The 12 storey building also creates a local landmark in place of the existing 27.5m structure on site.</p>

<i>The scheme is a positive addition to the identity of the locality.</i>	<p>The site is currently vacant with derelict buildings. The proposal will provide an appropriate scale and quantum of residential development on a key site close to the LUAS and local services and facilities.</p> <p>The proposed development will be a very positive addition to the area providing a new focal point in the area.</p>
<i>The layout makes the most of the opportunities presented by existing buildings, landform and ecological features to create a memorable layout.</i>	<p>The proposed layout adapts to the site boundaries and seeks to develop them as a feature within the new residential scheme. The buildings are laid out in an east west fashion following the Royal Canal. They are also located to the north of the site, allowing optimum light penetration into the open spaces whilst the blocks will also achieve stunning views of the Royal Canal and the City Centre.</p>
<i>The proposal successfully exploits views into and out of the site.</i>	<p>The buildings are laid out in an east west fashion which allow optimum light penetration into the spaces whilst the blocks will also achieve stunning views of the Royal Canal and the City Centre.</p>
<i>There is a discernible focal point to the scheme, or the proposals reinforce the role of an existing centre.</i>	<p>The public plaza will form the natural focal point for future residents to congregate and utilise the facilities.</p>

#### **7. Layout - How does the proposal create people friendly streets and spaces?**

	EVALUATION OF CONSISTENCY
<i>Layout aligns routes with desire lines to create a permeable interconnected series of routes that are easy and logical to navigate around.</i>	Pedestrian permeability across the scheme and connecting to the canal and through to the apartment communal facilities is a key design outcome.
<i>The layout focuses activity on the streets by creating frontages with front doors directly serving the street.</i>	The apartment scheme provides frontages that contributes to passive surveillance of the public open spaces within and external to the scheme along pedestrian access paths. The design and shape of the apartment blocks also encourages multiple viewpoints of the open space to the rear, ensuring the passive surveillance is achieved.
<i>The streets are designed as places instead of roads for cars, helping to create a hierarchy of space with less busy routes having surfaces shared by pedestrians, cyclists and drivers.</i>	Car parking spaces are provided mainly at basement level. A single vehicular access in and out is provided with a low traffic speed environment secured. The cars at surface level are restricted to ensure a predominantly car free environment.
<i>Traffic speeds are controlled by design and layout rather than by speed humps.</i>	
<i>Block layout places some public spaces in front of building lines as squares or greens, and some semi-private space to the back as communal court.</i>	The open space strategy for the scheme creates multiple open spaces of varying uses and sizes. This can be seen in the landscaping strategy by Áit Landscape Architects.

<b>8. Public Realm - How safe, secure and enjoyable are the public areas?</b>	
	<b>EVALUATION OF CONSISTENCY</b>
<i>All public open space is overlooked by surrounding homes so that this amenity is owned by the residents and safe to use.</i>	All spaces are well distributed and overlooked and surveilled by surrounding apartment blocks.
<i>The public realm is considered as a usable integrated element in the design of the development.</i>	Creation of a mainly car free public realm for pedestrians and cyclists to traverse unhindered is a key design outcome and will create a unique residential development in this part of the city. The landscaping and design of the public realm can be solely dedicated to providing the optimum amenity for residents and visitors.
<i>Children's play areas are sited where they will be overlooked, safe and contribute to the amenities of the neighbourhood.</i>	A play area is facilitated to the west of the development. In addition, there are existing play facilities in existing parks nearby.
<i>There is a clear definition between public, semi-private, and private space.</i>	Private open space is provided for each unit. Communal open spaces is provided through the large communal garden area and roof terraces.
<i>Roads and parking areas are considered as an integral landscaped element in the design of the public realm.</i>	Within this unique scheme the private car is almost entirely restricted to the east of the site allowing a car free open space realm elsewhere in the scheme.

<b>9. Adaptability - How will the buildings cope with change?</b>	
	<b>EVALUATION OF CONSISTENCY</b>
<i>Designs exploit good practice lessons, such as the knowledge that certain house types are proven to be ideal for adaptation.</i>	N/A. This is an apartment development.
<i>The homes are energy-efficient and equipped for challenges anticipates from a changing climate.</i>	Yes, design practices and proposed materials will militate against the effects of climate change.
<i>Homes can be extended without ruining the character of the types, layout and outdoor space.</i>	N/A
<i>The structure of the home and its loose fit design allows for adaptation and subdivision, such as the creation of an annex or small office.</i>	N/A
<i>Space in the roof or garage can be easily converted into living accommodation.</i>	N/A

<b>10. Privacy and Amenity - How does the scheme provide a decent standard of amenity?</b>	
	<b>EVALUATION OF CONSISTENCY</b>
<i>Each home has access to an area of useable private outdoor space.</i>	Yes, each unit has its own private open space in accordance with the minimum residential standards as per the national apartment guidelines.
<i>The design maximises the number of homes enjoying dual aspect.</i>	The majority have dual aspect which accords with national policy.

<i>Homes are designed to prevent sound transmission by appropriate acoustic insulation or layout.</i>	All units will be designed to prevent sound transmission in accordance with building regulations.
<i>Windows are sited to avoid views into the home from other houses or the street and adequate privacy is affordable to ground floor units.</i>	Adequate separation distance between opposing windows is achieved and overlooking is not considered an issue of the development particularly in relation to adjoining existing buildings.
<i>The homes are designed to provide adequate storage including space within the home for the sorting and storage of recyclables.</i>	All apartments are designed in accordance with national design standards on storage areas.

<b>11. Parking – How will the parking be secure and attractive?</b>	
	<b>EVALUATION OF CONSISTENCY</b>
<i>Appropriate car parking is on-street or within easy reach of the home's front door.</i>	Only a small portion of the car parking is provided at surface level with the remainder at basement. The parking is secure and readily accessible for all residents who choose to use this facility. This is a highly accessible location so the demand for car storage is significantly reduced in locations such as these. This is in line with current NPF policy. Please see the Traffic and Transport Assessment for further details.
<i>Parked cars are overlooked by houses, pedestrians and traffic, or stored securely, with a choice of parking appropriate to the situation.</i>	All of the parking is either visible from the apartments or is within a secure underground car park.
<i>Parking is provided communally to maximise efficiency and accommodate visitors without the need to provide additional dedicated spaces.</i>	The majority of the car parking is in a communal underground car park.
<i>Materials used for parking areas are of similar quality to the rest of the development.</i>	Yes, the highest quality materials will be used throughout the scheme.
<i>Adequate secure facilities are provided for bicycle storage.</i>	Dedicated bicycle parking is provided throughout the scheme in line with the Design Standards for New Apartments and cycle standards.

<b>12. Detailed Design – How well thought through is the building and landscape design?</b>	
	<b>EVALUATION OF CONSISTENCY</b>
<i>The materials and external design make a positive contribution to the locality.</i>	The proposed development uses a controlled palette of materials please see the architect's drawings.
<i>The landscape design facilitates the use of the public spaces from the outset.</i>	The open spaces will be provided once all the apartments blocks are completed.
<i>Design of the buildings and public space will facilitate easy and regular maintenance.</i>	This can be achieved and will be provided by the estate management company.

<i>Open car parking areas are considered as an integral element within the public realm design and are treated accordingly.</i>	Parking is predominantly at basement and is limited in favour of providing high quality landscaped open space.
<i>Care has been taken over the siting of flues, vents and bin stores.</i>	Bin stores are located discretely around the site. No other flues or vents are proposed.

#### **QUALITY HOUSING FOR SUSTAINABLE COMMUNITIES: BEST PRACTICE GUIDELINES FOR SUSTAINABLE COMMUNITIES, 2007**

The Department's policy statement Delivering Homes, Sustaining Communities, Guidance provides the overarching policy framework for an integrated approach to housing and planning. Sustainable neighbourhoods are areas where an efficient use of land, high quality design, and effective integration in the provision of physical and social infrastructure combine to create places people want to live in. The policy statement is accompanied by Best Practice Guidelines that promotes quality sustainable residential development in urban areas having regard to the following:

- *promote high standards in the design and construction and in the provision of residential amenity and services in new housing schemes;*
- *encourage best use of building land and optimal of services and infrastructure in the provision of new housing;*
- *point the way to cost effective options for housing design that go beyond minimum codes and standards;*
- *promote higher standards of environmental performance and durability in housing construction;*
- *seek to ensure that residents of new housing schemes enjoy the benefits of first-rate living conditions in a healthy, accessible and visually attractive environment; and*
- *provide homes and communities that may be easily managed and maintained.*

The following criteria indicate the 7 no. essential requirements new residential developments should have regard to when carrying out development:

	EVALUATION OF CONSISTENCY
<u>Socially &amp; Environmentally Appropriate</u> <i>"The type of accommodation, support services and amenities provided should be appropriate to the needs of the people to be accommodated. The mix of dwelling type, size and tenure should support sound social, environmental and economic sustainability policy objectives for the area and promote the development of appropriately integrated play and recreation spaces."</i>	The scheme will provide an appropriate mix of studio, 1 and 2 bedroom apartments. The proposal seeks to integrate usable open spaces distributed throughout a number of character areas and all interconnected. All open spaces will be overlooked by adjoining residential blocks.
<u>Architecturally Appropriate</u> <i>"The scheme should provide a pleasant living environment, which is aesthetically pleasing and human in scale. The scheme design solution should understand and respond appropriately to its context so that the development will enhance the neighbourhood and respect its cultural heritage."</i>	The design and layout of the scheme creates a liveable and visually pleasing residential environment.  The design is appropriate and mindful of the urban edge context, the site constraints, and architectural character of the adjoining residential areas.

<u>Accessible &amp; Adaptable</u> <p><i>"There should be ease of access and circulation for all residents, including people with impaired mobility, enabling them to move as freely as possible within and through the development, to gain access to buildings and to use the services and amenities provided. Dwellings should be capable of adaptation to meet changing needs of residents during the course of their lifetime."</i></p>	<p>This dwellings in this scheme are highly accessible to all due to the provision of lifts within the scheme. The landscaping also is clearly laid out and level ensuring people can navigate easily.</p>
<u>Safe, Secure &amp; Healthy</u> <p><i>"The scheme should be a safe and healthy place in which to live. It should be possible for pedestrians and cyclists to move within and through the area with reasonable ease and in safety. Provision for vehicular circulation, including access for service vehicles, should not compromise these objectives."</i></p>	<p>A single vehicular access will be provided and only 29 parking spaces. This scheme limits the access of vehicles in the scheme creating a safe, pedestrian dominated development. Pedestrian/cyclist connections provided, and there will be 336 bicycle parking spaces.</p>
<u>Affordable</u> <p><i>"The scheme should be capable of being built, managed and maintained at reasonable cost, having regard to the nature of the development."</i></p>	<p>The scheme provides excellent segregation of vehicle and pedestrians/cyclists with the vast majority of the site free from cars.</p> <p>A very safe walking and cycling environment will be provided for residents with a network of paths located around the development.</p> <p>Public open spaces shall be overlooked as far as practicable to achieve maximum passive surveillance.</p>
<u>Durable</u> <p><i>"The best available construction techniques should be used, and key elements of construction should have a service life in the order of sixty years without the need for abnormal repair or replacement works."</i></p>	<p>The scheme endeavours to use the best available materials and construction techniques in order to minimise the level of refurbishment over the lifetime of the scheme.</p>
<u>Resource Efficient</u> <p><i>"Efficient use should be made of land, infrastructure and energy. The location should be convenient to transport, services and amenities. Design and orientation of dwellings should take account of site topography so as to control negative wind effects and minimise the benefits of sunlight, daylight and solar gain; optimum use should be made of renewable sources of energy, the use of scarce natural resources in the construction, maintenance and management of the dwellings should be minimised."</i></p>	<p>The scheme is considered to accord with the aforementioned sustainable development principles.</p>

## SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS, 2018

The Apartment Guidelines 2018 promote sustainable housing, by ensuring that the design and layout of new apartments provide satisfactory accommodation for a variety of household types and sizes, including families with children over the medium to long term. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.

In relation to appropriate locations for apartment developments and increased density the Guidelines identify 3 urban location types. “*Central and/or Accessible Urban Locations*” are identified as those which can accommodate large scale, and higher density developments and wholly comprise apartments. Such locations are within 15 mins walk of significant employment locations (which include hospitals and third level institutions) and 10 mins walk of Luas, DART and 5 mins walk of high frequency bus services.

The subject site represents an “Central and /or Accessible Urban Location” in this regard due to its proximity to high capacity urban public transport in the form of the Cabra and Phibsborough LUAS stops within c. 10 minutes walk of the site, the multiple high frequency bus routes within c. 3 minutes walk of the site, the fact that it is within 800m of the Mater Hospital, and 1.25km of TUD Grangegorman, while the Rotunda Maternity Hospital and Dublin City Centre are within c. 1.5km of the site, all of which are significant employment locations within the area all within c. 15 minutes to 20 minutes walk of the site.

The Guidelines outline a number of Specific Planning Policy Requirements (SPPRs) which are design standards that apartment developments nationally are expected to adhere to. The following SPPR policies affect Build to Rent Developments and are as follows:

<b>SPPR 3</b>	<b>EVALUATION OF CONSISTENCY</b>
Minimum apartment floor areas: studio apartments (1 person) 37sqm 1 bedroom apartment (2 persons) 45sqm 2 bedroom apartment (4 persons) 73sqm 3 bedroom apartment (5 persons) 90sqm	The current proposal achieves these standards as set out in the Housing Quality Assessment.
<b>SPPR 4</b>	<b>EVALUATION OF CONSISTENCY</b>
<i>In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following apply</i>  i) <i>a minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate</i>	The current proposal proposes 56% which is higher than the minimum 33% required for Central Accessible Locations such as this.  It is noted that of the single aspect units, 26% are single aspect north facing. However, all of these units are overlooking the Royal Canal which is in line with section 3.18 of the guidelines which state that “ <i>North facing single aspect apartments may be considered where overlooking a significant amenity such as a public park, garden or formal space or a water body or some other amenity feature. Particular care is needed where windows are located on lower floors that may be overshadowed by adjoining buildings.</i> ” This

	proposed development is in accordance with this section of the guidelines.
<b>SPPR 5</b>	<p><b>EVALUATION OF CONSISTENCY</b></p> <p>The proposed building achieves this standard within each block</p>
<b>SPPR 7</b>	<p><b>EVALUATION OF CONSISTENCY</b></p> <p>The current proposal is for a Build to Rent apartment development for long term rental and are clearly identified as such in the statutory planning notices that accompany this Stage 3 planning application.</p> <p>The applicant accepts that conditions will be added in the granting of permission requiring the development to remain owned and operated by an institutional entity for at least 15 years and that no individual residential units are sold or rented separately for that period.</p> <p>The BTR proposal includes residential support facilities and amenities including residential lounge with an outdoor terrace overlooking the canal, a kitchen, dining room, meeting / media screening room and work booths. These are further details in the drawings and reports submitted with this application.</p>

<p><i>areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.</i></p> <p><b>SPPR 8</b></p> <p><i>For proposals that qualify as specific BTR development in accordance with SPPR 7:</i></p> <ul style="list-style-type: none"> <li>(i) <i>No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;</i></li> <li>(ii) <i>Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;</i></li> <li>(iii) <i>There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;</i></li> <li>(iv) <i>The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;</i></li> </ul>	<p><b>EVALUATION OF CONSISTENCY</b></p> <ul style="list-style-type: none"> <li>(i) The development proposes 68.6% studio/1-beds and 31.4% 2-beds.</li> <li>(ii) Notwithstanding that it is a BTR scheme all units are provided with private open space and storage areas to standard within each unit. Communal open space is also provided in excess of standard.</li> <li>(iii) The development comprises 29 car parking spaces. This represents a parking ratio of 0.1 spaces per unit. This is considered acceptable given the site's central location, the exceptional access to public transport, cycle and pedestrian links. In addition, a total of 336 bicycle parking spaces are provided which equate to 1.6 per unit.</li> <li>(iv) This is noted and is provided for in any instance.</li> </ul>
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<p>(v) <i>The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.</i></p>	<p>(v) The blocks provide for up to 10 units per core.</p>
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#### DESIGN MANUAL FOR URBAN ROADS & STREETS (DMURS), 2019

The Design Manual for Urban Roads and Streets (DMURS), was first published in 2013 and has since been updated in May 2019. This document sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas.

##### EVALUATION OF CONSISTENCY

The proposed design approach successfully achieves the appropriate balance between the functional requirements of different network users whilst enhancing the sense of place. The implementation of a low parking and shared car provision actively promotes a modal shift to alternative forms of transport while also creating a high quality public open space in the area. This scheme prioritises pedestrians and cyclists through the development. Vehicles access into the heart of the scheme is limited to emergency, service vehicles and accessible spaces. Permeability for cyclists and pedestrians is therefore prioritised.

#### GUIDELINES FOR PLANNING AUTHORITIES ON CHILDCARE FACILITIES, 2001

These guidelines state that Development Plans should facilitate the provision of childcare facilities in larger new housing estates with the standard minimum provision of one childcare facility with 20 places for each 75 dwellings.

Section 4.7 of the *Sustainable Urban Housing Design Guidelines for New Apartments*, 2018 states the following:

*"Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms."*

##### EVALUATION OF CONSISTENCY

Having regard to the 2001 Childcare Guidelines as updated by the 2018 Apartment Guidelines we note that studio and 1-bed units can be excluded for the calculation of childcare demand. This development comprises 69% studios and 1-bed apartments with only 31% or 65 no. 2 bedroom apartments.

The 65 1-bed units is below the 75 minimum dwelling threshold requiring a creche. A review of exiting childcare in the vicinity is also outlined in Section 3 above and which concludes that an additional creche is not warranted as part of this development.

## SMARTER TRAVEL – A SUSTAINABLE TRANSPORT FUTURE: A NEW TRANSPORT POLICY FOR IRELAND 2009-2020

Key targets of this national sustainable transport policy include:

- To support sustainable travel, future population and employment growth will have to predominantly take place in sustainable compact urban areas or rural areas, which discourage dispersed development and long commuting
- Work-related commuting by car will be reduced from a current modal share of 65% to 45%, which will mean that between 500,000 and 600,000 commuters will be encouraged to take means of transport other than car driver (of these 200,000 would be existing car drivers). Change in personal behaviour will also be necessary for other travel purposes as most travel relates to non-commuting.
- Car drivers will be accommodated on other modes such as walking, cycling, public transport and car sharing (to the extent that commuting by these modes will rise to 55% by 2020) or through other measures such as e-working.
- The total kilometres travelled by the car fleet in 2020 will not increase significantly from current total car kilometres.

### EVALUATION OF CONSISTENCY

The proposed development is in line with this overall vision for better integration between land-use and transport. The reduced car parking provision along with the site's proximity to high quality public transport – the LUAS, planned Metro stop at Glasnevin and numerous bus stops ensure that there will be a modal shift amongst residence in this scheme to try alternative modes of transport and reduce reliance on the private car.

## TRANSPORT STRATEGY FOR THE GREATER DUBLIN AREA 2016-2035

The NTA Strategy promotes the consolidation of the Metropolitan Dublin area (where the application is located) allowing for the accommodation of a greater population than at present, with much-enhanced public transport system, with the expansion of the built up areas providing for well-designed urban environments linked to high quality public transport networks, enhancing the quality of life for residents and workers alike. This document identifies under its primary policy, in section 2.2 that "*the Strategy must therefore, promote, within its legislative remit, transport options which provide for unit reductions in carbon emissions. This can most effectively be done by promoting public transport, walking and cycling, and by actively seeking to reduce car use in circumstances where alternative options are available.*"

### EVALUATION OF CONSISTENCY

This proposed development with its reduce car parking ratio and due to its location close to the city centre, close to several high frequency Dublin Bus routes, to two Luas stops, and a future planned Metro stop and rail station at Glasnevin is in line with the ambitions of this policy. The proposed

development, by its promotion of reduced car parking, promotes the use of alternative modes of transport including cycling, walking and public transport.

#### **GUIDELINES FOR PLANNING AUTHORITIES ON THE PLANNING SYSTEM AND FLOOD RISK MANAGEMENT, 2009**

These guidelines require the planning system to avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere.

The Guidelines adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

##### **EVALUATION OF CONSISTENCY**

A Site Specific Flood Risk Assessment has been carried out by Waterman Moylan Consulting Engineers. The development is not located within close proximity to the Irish Sea and is therefore not considered to be at significant risk of coastal flooding. The study submitted indicates that the development is not at risk from a 1 in 1000 year coastal event. The site is also situated outside the Flood Zones A and B. It is therefore appropriate for residential development. Please see the Site Specific Flood Risk Assessment by Waterman Moylan Consulting Engineers for a full assessment.

## LOCAL PLANNING POLICY

### Dublin City Development Plan

The site is located within the administrative area of Dublin City Council and is therefore subject to the land use policies and objectives of the City Development Plan 2016-2022

### ZONING

The site is zoned Z1 to protect, provide and improve residential amenities within the Dublin City Council Development Plan 2016-2022. Residential uses are permitted in principle within the Z1 zoning objective.

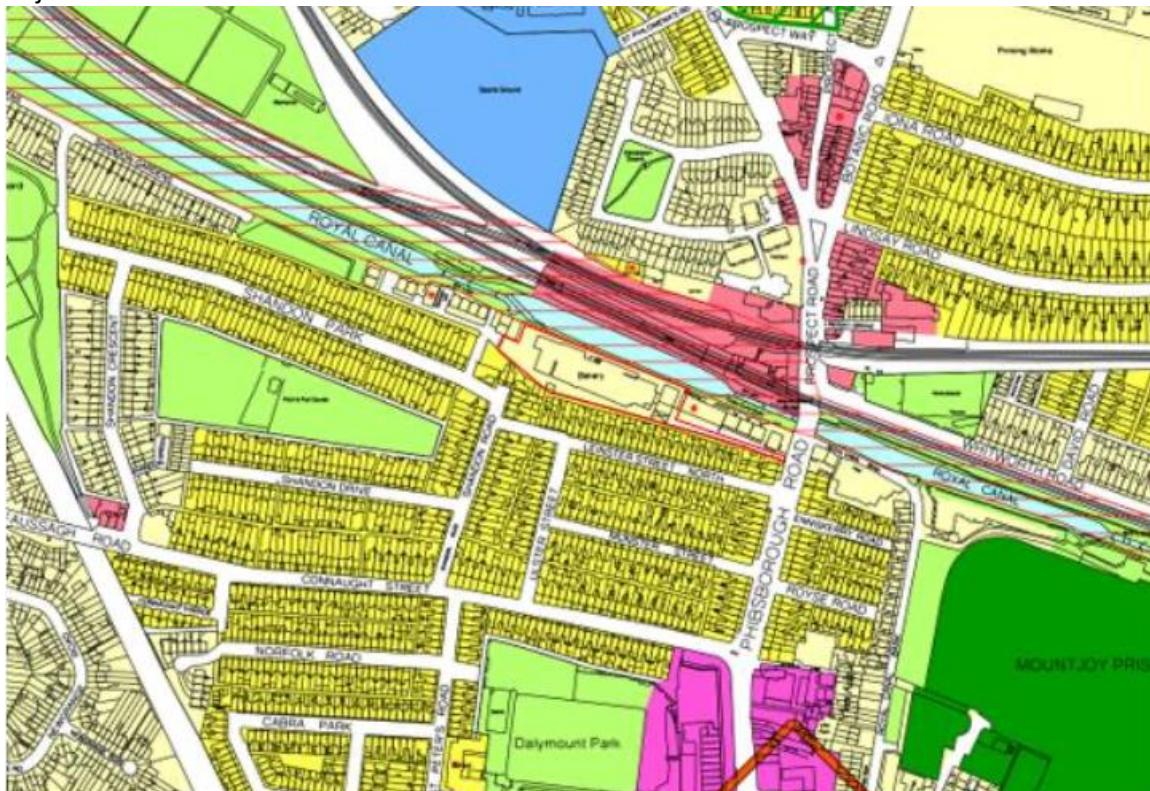


Figure 52 Zoning Map DCC Development Plan 2016-2022

### SETTLEMENT STRATEGY & LAND USE ZONING OBJECTIVE

The Development Plan incorporates the principles of National and Regional guidance which prioritises development in the inner city, Key District Centres (KDC) and Strategic Development & Regeneration Areas (SDRAs).

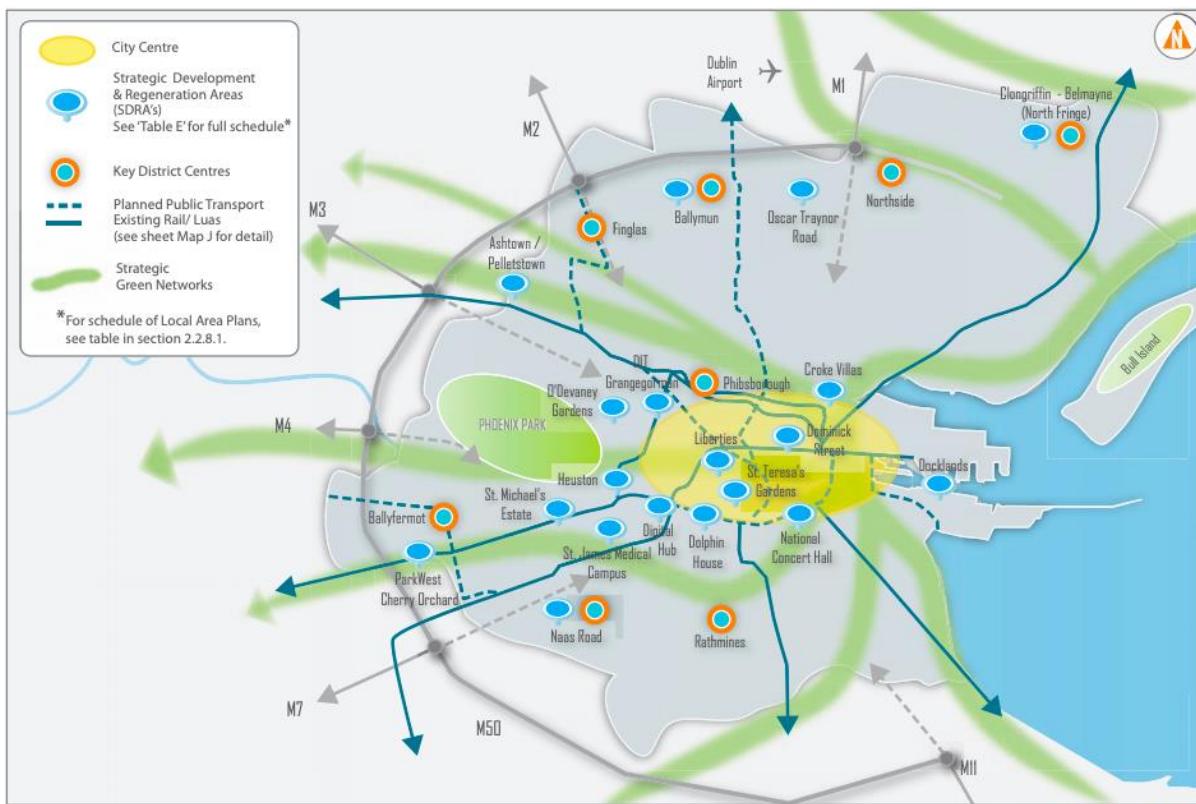


Figure 53: 'Core Strategy' Fig. 2 of Chapter 2 of the DCC Development Plan 2016-2022

The proposed site, as it is located within the boundary of the canal, is considered to be located on an inner suburban site. Phibsborough is identified as being a Key District Centre (KDC). The KDCs represent the top-tier of urban centres which provide a comprehensive range of commercial and community services to the surrounding population. All of the KDCs are closely aligned to public transport rail corridors. The table below specifies the housing capacity for different parts of the city, with the inner city area having the capacity for 8,900 residential units.

		<b>Estimated Capacity – Number of Residential Units</b>
	Inner City Area (excluding SDRA 7, SDRA 18, and SDRAs 10–16 inclusive)	8,900
<b>SDRA 1</b>	North Fringe (including Clongriffin/Belmayne)	7,100
<b>SDRA 2</b>	Ballymun	3,000
<b>SDRA 3</b>	Ashtown/Pelletstown	1,000
<b>SDRA 4</b>	Park West/Cherry Orchard	2,000
<b>SDRA 5</b>	Naas Road lands	2,100
<b>SDRA 6</b>	Docklands (including SDZ area and Poolbeg West)	4,600
<b>SDRA 7</b>	Heuston Station and Environs	1,200
<b>SDRA 8</b>	Grangegorman and Environs	800
<b>SDRA 9</b>	St Michael's Estate	500
<b>SDRA 10</b>	Dominick Street	200
<b>SDRA 11</b>	O'Devaney Gardens	1,000
<b>SDRA 12</b>	St Teresa's Gardens	800–1,000
<b>SDRA 13</b>	Dolphin House	600
<b>SDRA 14</b>	Croke Villas and Environs	100
<b>SDRA 15</b>	St James's Medical Campus and Environs	500
<b>SDRA 16</b>	Liberties (including Newmarket and Digital Hub)	2,500
<b>SDRA 17</b>	Oscar Traynor Road	650–700
<b>SDRA 18</b>	National Concert Hall	350–400
	Rest of City	14,400
<b>Total</b>		<b>52,300–52,600</b>

Figure 54: 'Capacity of Sub Areas of the City for Residential Development', Table E of Chapter 2 of the DCC Development Plan 2016–2022

## DEVELOPMENT STANDARDS

The following tables review Development Plan policies on urban design, residential, open space and landscaping and physical and social infrastructure as relevant to the proposed development.

### Chapter 4 - Shape and Structure of the City

<b>POLICY</b>	<b>EVALUATION OF CONSISTENCY</b>
<i>SC10: To develop and support the hierarchy of the suburban centres, ranging from the top tier Key District Centres, to District Centres/Urban Villages and Neighbourhood Centres, in order to support the sustainable consolidation of the city and provide for the essential economic and community support for local neighbourhoods, including post offices and banks, where feasible, and to promote and enhance the distinctive character and sense of place of these areas.</i>	The proposed development will provide a new attractive café/ retail space with public plaza. This will provide an attractive location, beside the canal, creating links and a sense of place to this development. This is further enhanced by the tall building marking the location of the development.
<i>SC12: To ensure that development within or affecting Dublin's villages protects their character</i>	This proposed development will replace the existing tall derelict silo building which is visible from Phibsborough with a new attractive modern tall building. Replacing the existing landmark, with a new landmark, is considered appropriate in

	order to provide continuity and legibility to the area.
<p><i>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</i></p>	<p>The proposed development is a high density development within this urban area. This is in accordance with this policy given its location close to excellent existing and planned public transport, and within walking distance of a wide range of employment centres, schools and amenity areas as well as Dublin city centre.</p> <p>The density proposed, due to the site layout, design of the buildings and the low levels of car parking ensure that the development protects the existing surrounding residents, households and communities.</p>
<p><i>SC14: To promote a variety of housing and apartment types which will create a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces.</i></p>	<p>The surrounding area is predominantly two storey terraced and semi detached low density housing. This proposal will introduce a new form of development, a Build To Rent development which provides studios, one and two bed apartments, providing variety and choice to the existing provision.</p> <p>The layout of the site, the design of the buildings and the landscaping of the space will provide an attractive coherent space, enhancing the tow path walk and providing further permeability to the area.</p>
<p><i>SC15: To recognise and promote green infrastructure and landscape as an integral part of the form and structure of the city, including streets and public spaces.</i></p>	<p>The provision of a new plaza beside the new canal tow path routes will further enhance and promote the existing green infrastructure in the area.</p>
<p><i>SC19: To promote the development of a network of active, attractive and safe streets and public spaces which are memorable, and include, where appropriate, seating, and which encourage walking as the preferred means of movement between buildings and activities in the city. In the case of pedestrian movement within major developments, the creation of a public street is preferable to an enclosed arcade or other passageway.</i></p>	<p>The café and plaza area will provide an attractive community location with appropriate seating and views over the canal. The proposed development is a pedestrian dominated development, and as such, all surface are either shared spaces or are pedestrian only areas. This development will provide visual interest and activity within this very attractive area of Dublin.</p>
<p><i>SC20: To promote the development of high quality streets and public spaces which are accessible and inclusive, and which deliver vibrant, attractive, accessible and safe places</i></p>	

<p>and meet the needs of the city's diverse communities.</p>	
<p><i>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.</i></p>	<p>This proposed development will regenerate an existing derelict site, which provides little contribution to the area, with an attractive new modern development which is of extremely high quality architectural design. It will provide a new public open space which is defined and easily located by the key landmark development of the 12 storey building.</p> <p>This is a highly sustainable design which will be a positive contribution to the urban architecture of the city.</p>
<p><i>SC29: To discourage dereliction and to promote the appropriate sustainable re-development of vacant and brownfield lands, and to prioritise the re-development of sites identified in Dublin Inner City Vacant Land Study 2015</i></p>	

## Chapter 5 – Quality Housing

POLICY	EVALUATION OF CONSISTENCY
<p><i>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)</i></p>	<p>✓ We refer to the Schedule of Accommodation/Housing Quality Assessment prepared by OMP Architects for more information and note that the scheme complies with the qualitative and quantitative standards outlined in the guidelines.</p>
<p><i>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</i></p>	<p>✓ The applicant has engaged with the Housing Department at Dublin City Council with regard to the Part V. Please find enclosed the proposed Part V submission.</p>
<p><i>QH6: 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</i></p>	<p>✓ This proposal is for an attractive development which will provide for a new housing type and tenure within the area. It will also provide for a new attractive public realm and high quality community facilities for the residents of the proposed development.</p>

<p><i>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.</i></p>	<p>✓ The proposal is for a density of 292 units per hectare. This is considered an appropriate density for this highly sustainable location.</p>
<p><i>QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area</i></p>	<p>✓ This development will replace a vacant, derelict site with a high density, development which is cognisant of the character of the existing site and the surrounding area.</p>
<p><i>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.</i></p>	<p>✓ It is envisaged that the subject application will be carried out in a single phase.</p>
<p><i>QH10: To support the creation of a permeable, connected and well-linked city and discourage gated residential developments as they exclude and divide established communities.</i></p>	<p>✓ The site will open up pedestrian routes from the northern boundary of the site onto the Royal Canal thus creating a well-connected and permeable neighbourhood.</p>
<p><i>QH12: To promote more sustainable development through energy end-use efficiency, increasing the use of renewable energy, and improved energy performance of all new development throughout the city by requiring planning applications to be supported by information indicating how the proposal has been designed in accordance with the development standards set out in the Development Plan.</i></p>	<p>✓ The scheme design employs the most up-to-date design and construction techniques that will improve energy performance throughout the scheme.</p>
<p><i>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).</i></p>	<p>✓ All units are sized to allow some internal reconfiguration and adaptation.</p>
<p><i>QH14: To support the concept of independent living and assisted living for older people, to support the provision of specific purpose-built accommodation, and to promote the opportunity for older people to avail of the option of 'downsizing'. To support the promotion of policies that will:</i> • Encourage/promote full usage of</p>	<p>✓ The apartment scheme has a lift within each block making all apartments to be suitable for older people or people with reduced mobility. The proposed development complies with Part M.</p>

<p><i>dwellings units • Incentivise property owners of underutilised dwellings to relocate to smaller age friendly dwellings. • Actively promote surrendering larger accommodation/financial contribution schemes without compulsion</i></p>	
<p><i>QH15: To require compliance with the City Council's policy on the taking-in-charge of residential developments.</i></p>	<p>✓ A taking in charge drawing will be provided with the full application.</p>
<p><i>QH16: To promote efficient and effective property management in order to secure the satisfactory upkeep and maintenance of communal areas and facilities in the context of the Multi-Unit Developments Act 2011, the Property Services (Regulation) Act 2011 and the establishment of the Property Services Regulatory Authority.</i></p>	<p>✓ All public/communal spaces are generously proportioned and regular in size to facilitate maintenance and up-keep.</p>
<p><i>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.</i></p>	<p>✓ All apartments front the public open spaces and communal space and Royal Canal Way. Private amenity space in the form of balconies/terraces will provide for safe and secure private amenity space. Open space to the south of the blocks will provide communal open space for residents. The public plaza to the east of the site and the Royal Canal Way to the north of the site contribute to the public open space of residents of the scheme.</p>
<p><i>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.</i></p>	<p>The unit mix is conducive to the creation of a well-balanced residential community. This development provides a mix of 205 no. as follows:</p> <ul style="list-style-type: none"> <li>- 55 no. studios</li> <li>- 85 no. 1-bed apartments</li> <li>- 65 no. 2-bed apartments</li> </ul>
<p><i>QH21: To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.</i></p>	<p>✓ Generous internal living spaces, storage areas and private open spaces create a high-quality residential environment.</p>
<p><i>QH22: To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.</i></p>	<p>✓ The design, materials, scale and height of the apartment blocks are complementary of the existing residential development adjacent to the site. The scale and form of the apartment blocks combined with the proposed materials and palette of colours visually harmonise and integrate the entire residential scheme.</p>

## Chapter 8 Movement and Transport

<b>POLICY</b>	<b>EVALUATION OF CONSISTENCY</b>
<i>MT2: Whilst having regard to the necessity for private car usage and the economic benefit to the city centre retail core as well as the city and national economy, to continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as cycling, walking and public transport, and to co-operate with the NTA, Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives. Initiatives contained in the government's 'Smarter Travel' document and in the NTA's draft transport strategy are key elements of this approach.</i>	The proposed development is a Build to Rent development for 205 units, with provision of 29 car parking spaces, two of which are for shared car clubs. This low level of provision is appropriate for this site due to the high levels of public transport in the area, its proximity to a wide range of amenities, employment and retail facilities, and the nature of the development. This reduced parking ratio of 0.1 is considered to be entirely in accordance with this objective from the DCC Development Plan.
<i>MT13: To promote best practice mobility management and travel planning to balance car use to capacity and provide for necessary mobility via sustainable transport modes.</i>	
<i>MT17: To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (section 16.38) so as to promote city centre living and reduce the requirement for car parking</i>	
<i>MT 18: To encourage new ways of addressing the parking needs of residents (such as car clubs) to reduce the requirement for car parking.</i>	Two car club spaces are proposed within this development
<i>MTO23: To require Travel Plans and Transport Assessments for all relevant new developments and/or extensions or alterations to existing developments, as outlined in Appendix 4.</i>	A mobility management plan has been prepared by ILTP and is contained within the Transport Assessment enclosed with this application.
<i>MTO45: To implement best practice in road design as contained in statutory guidance and in the DMURS (the use of which is mandatory) with a focus on place-making and permeability (for example, by avoiding long walls alongside roads) in order to create street layouts that are suited to all users, including pedestrians and cyclists.</i>	The access road to the site has been designed in line with the guidance in DMURS. It has also been assessed as part of a Quality Audit. A DMURS Compliance statement has been completed by ILTP confirming that the design and layout of the site is in line with this guidelines and are suited for all users.

## Chapter 10 – Green Infrastructure, Open Space and Recreation

<b>POLICY</b>	<b>EVALUATION OF CONSISTENCY</b>
<i>GI3: To develop linear parks, particularly along waterways, and to link existing parks and open spaces in order to provide green chains throughout the city. Where lands along the waterways are in private ownership, it shall be</i>	✓ The proposal will provide for a new attractive public open space beside the canal as well as a new café/ retail area. This, in conjunction with the new pedestrian links to the Royal Canal Way will enhance the links along the canal. Please see the Ait Landscape drawings.

<p><i>policy in any development proposal to secure public access along the waterway.</i></p>	
<p><i>GI5: To promote permeability through our green infrastructure for pedestrians and cyclists</i></p>	<p>✓ The pedestrian access routes to the north of the site will provide access between existing and proposed areas of open space, thus enhancing connectivity and permeability for both pedestrians and cyclists.</p>
<p><i>GIO2: To apply principles of Green Infrastructure development to inform the development management process in terms of design and layout of new residential areas, business/industrial development and other significant projects.</i></p>	<p>✓ All public and communal spaces will be landscaped and planted with trees/shrubs to improve tree cover and enhance biodiversity on site.</p>
<p><i>GI30: To encourage and promote tree planting in the planning and development of urban spaces, streets, roads and infrastructure projects.</i></p>	

## Chapter 16 – Development Standards

POLICY	EVALUATION OF CONSISTENCY
<p><b>16.10.1</b>  <b>Residential Quality Standards – Apartments</b>  <i>Minimum overall apartment floor area*</i></p> <ul style="list-style-type: none"> <li>• Studio-type 40 sq.m</li> <li>• 1-bed 45 sq.m</li> <li>• 2-bed 73 sq.m</li> <li>• 3-bed 90 sq.m</li> </ul> <p><i>* All apartment floor area measurements are taken from internal wall-to-wall dimensions.</i></p>	<p>✓ All apartment/duplex units comply with the apartment standards as per the current national apartment guidelines . Please see the Housing Quality Assessment/ Schedule of Accommodation prepared by OMP Architecture for further details</p>
<p><b>Aspect, Natural Lighting, Ventilation and Sunlight Penetration:</b>  <i>Living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit. Glazing to all habitable rooms should not be less than 20% of the floor area of the room. Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011).</i></p>	<p>✓ 56% of all apartments are dual aspect. Windows are generously sized to illuminate internal living spaces.  ✓ IN2 Daylight assessment demonstrates that high levels of daylight are achieved in all apartments</p>

**Minimum aggregate floor areas for living/dining/kitchen rooms:**

**Minimum widths for the main living/dining rooms**

Apartment type	Width of living / dining room	Aggregate floor area of living/ dining/kitchen area*
<b>Studio</b>	5 m**	30 sq.m**
<b>One bedroom</b>	3.3 m	23 sq.m
<b>Two bedroom</b>	3.6 m	30 sq.m
<b>Three bed</b>	3.8 m	34 sq.m

\*Note: an enclosed (separate) kitchen should have a min floor area of 6.5 sq.m. In most cases, the kitchen should have an external window.

\*\*Note: Combined living/dining/bedspace

**Minimum bedroom floor areas/widths:**

Minimum bedroom floor areas/widths		
Type	Minimum width	Minimum floor area
<b>Studio</b>	5 m**	30 sq.m**
<b>Single bedroom</b>	2.1 m	7.1 sq.m
<b>Double bedroom</b>	2.8 m	11.4 sq.m
<b>Twin bedroom</b>	2.8 m	13 sq.m

\*Note: Minimum floor areas exclude built-in storage presses

\*\*Note: Combined living/dining/bedspace

**Minimum aggregate bedroom floor areas:**

<b>One bedroom</b>	11.4 sq.m
<b>Two bedroom</b>	11.4+13 sq. m = 24.4 sq.m
<b>Three bedroom</b>	11.4+13+7.1 sq. m = 31.5 sq.m

**Minimum Storage Requirements:**

**Studio unit:** 3 sq.m. **1-bedroom unit:** 3 sq.m **2-bedroom unit:** 6 sq.m **3-bedroom unit:** 9 sq.m

**Minimum area for Private Open Space:**

**Studio unit:** 4 sq. m. **1-bedroom unit:** 5 sq.m. **2-bedroom unit:** 7 sq.m. **3-bedroom unit:** 9 sq.m.

- ✓ All internal standards meet/exceed the standards set out in the current Apartment Guidelines.
- ✓ Adequate internal storage space is provided for.
- ✓ We refer to the Schedule of Accommodation/ Schedule of accommodation accompanying this application for more information.

<p><b>Minimum area for communal amenity space:</b></p> <p>Studio: 4 sq. m, One bedroom: 5 sq. m, Two bedroom: 7 sq. m, Three bedroom: 9 sq. m</p>	<ul style="list-style-type: none"> <li>✓ Communal open space provision exceeds the standards outlined in the current Apartment Guidelines. There is a large communal garden to the front of block A and B. This provides an area for passive and active recreation and meets the standards required.</li> <li>✓ Each block also has communal space on the roof of each building as well as internal communal amenity spaces in Block C.</li> <li>✓ There is also a large public plaza to the east of block C providing open space and a public park to the west of the site. The areas are inviting spaces and are easily accessible from the apartments.</li> <li>✓ We refer to the Schedule of Accommodation accompanying this application for more information.</li> </ul>
<p><b>16.10.3</b></p> <p><b>Residential Quality Standards – Apartments and Houses Public Open Space</b></p> <p><i>The distinction between public and private open space has become less clear with the increasing prevalence of higher density developments containing communal open space. Public open space is genuinely accessible to the general public. Public open space is open space which makes a contribution to the public domain and is accessible to the public for the purposes of active and passive recreation, including relaxation and children's play. Public open space also provides for visual breaks between and within residential areas and facilitates biodiversity and the maintenance of wildlife habitats. In new residential developments, 10% of the site area shall be reserved as public open space. All public open spaces shall be of a high quality in terms of design and layout, be located in such a manner as to ensure informal supervision by residents and be visually and functionally accessible to the maximum number of dwellings. Existing features, such as mature trees, shall be retained and enhanced by the open space provided. A landscaping plan will be required for all developments, identifying all public, communal (semi-private) and private open space. The design and quality of public open space is particularly important in higher density areas. Consideration should be given to the provision of community gardens and/or allotments in new developments.</i></p>	<ul style="list-style-type: none"> <li>✓ The proposed development proposes public open space and communal open space. The public open space is to the east of Block C adjoining the canal and the proposed new café/ retail unit. This space provides a new access through onto the public tow path and provides opportunities to relax and enjoy the canal from a viewing point.</li> <li>✓ This public open space provides a gap between the existing and proposed buildings, which has not existed to date.</li> <li>✓ The proposed landscaping is of a high quality and will encourage further biodiversity of the area</li> <li>✓ The proposed public open spaces adds to the existing public domain of the tow path in this area.</li> <li>✓ The proposed development provides 5% public open space within the development.</li> <li>✓ All of these public open spaces, new and existing, will be overlooked by the proposed new development.</li> <li>✓ As a derelict former industrial site there are no existing features on the site which need to be retained.</li> <li>✓ Ait have prepared a landscaping plan identifying all areas of public, communal and private open space.</li> <li>✓ The communal open space is located at a higher level, in front of apartment blocks A and B. There are no physical barriers to preventing entry into this space, however it is separated</li> </ul>

<p><i>Where feasible, proposed development adjoining a river or canal bank should provide a linear walkway along the bank which is accessible to the general public and connects to any existing contiguous walkway along the bank.</i></p> <p><u><i>Public open space will normally be located on-site, however in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park. In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the City Council Parks Programme, in fulfilment of this objective.</i></u></p>	<p>visually from the public areas by the change in site levels, and the vehicle access ramps to this area.</p> <ul style="list-style-type: none"> <li>✓ The proposed public open space within the development connects to and enhances the existing linear footpath along the canal.</li> <li>✓ The proposal does not provide 10% public open space on the site due to the constraints within the site which include its linear nature, however, the building footprint within this development compared to the existing derelict buildings is reduced creating more open space on site.</li> <li>✓ It is considered the linking of the proposed public open space to the existing tow path and enhancing this space provides greater benefit to the wider community, creating a new pedestrian link to the wider area. This proposed development is considered to be in line with this policy.</li> </ul>
<p><i>Table 16.2 sets out the minimum bicycle parking standards for all development in the city</i></p>	<ul style="list-style-type: none"> <li>✓ The proposed development meets and exceeds these standards</li> </ul>
<p><i>Table 16.1 sets the maximum parking rates for residential development with 1 space per residential unit indicated for Parking Zone 2 which applies to the application.</i></p>	<ul style="list-style-type: none"> <li>✓ The proposed development is in accordance with these maximum standards in proposing less than 1 space per unit</li> </ul>
<p><b>16.3.4 Public Open Space – All Development</b></p> <p>There is a 10% requirement specifically for all residential schemes as set out in Section 16.10.1.</p> <p><b>Financial contribution in lieu:</b></p> <p>In the event that the site is considered by the planning authority to be too small or inappropriate (because of site shape or general layout) to fulfil useful purpose in this regard, then a financial contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required (having regard to the City's Parks Strategy)</p>	<ul style="list-style-type: none"> <li>✓ This site provides for 5% of public open space. This is less than the objective in the development due to the site constraints and the small size of the site. However, in accordance with the Development Plan, it is proposed to provide a financial contribution in lieu to DCC. DCC have previously acknowledged the site constraints and indicated that they are satisfied with this approach.</li> </ul>

### Evaluation of consistency

The proposed development is consistent with the development plan land use zoning for the site, and the residential policies of the Dublin City Development Plan.

The residential density is appropriate to this highly accessible brownfield site. General adherence to indicative plot ratio and site coverage standards of the development plan, and generous provision of communal open space at surface level ensures appropriate amenity within the development. The proposed provision of public open space, linking to the tow path is in line with the council policy to provide appropriate provision within a constrained site. The location of all of the buildings to the north of the site, with the communal open space along the southern and western boundary avoids problems associated with developments such as undue overlooking, overshadowing and impact of privacy for both the existing residents in the area and future occupants of the development. A mix of good quality residential units are proposed, which meet the relevant residential standards for unit mix and design.

20 basement car parking spaces along with a further 9 surface car parking spaces have been provided for the apartments. This is considered an appropriate quantity given the central location of the site and how highly sustainable and connected site is in terms of public transport. 272 resident bicycle parking spaces are provided in the basement with a further 72 visitor bicycle parking spaces at surface level. This is in compliance with DCC policy.

The proposed buildings which range in height from 3 to 12 storeys in height meet with the criteria of the Development Plan for the consideration of increased building height in this location, however, a Material Contravention Statement, addresses this issue in further detail. The building height and layout of the site provides excellent urban and building design, ensures all public open spaces (both existing and proposed) are overlooked and surveyed, while its proximity to excellent public transport facilities, cycle and walking links enables the creation of a truly sustainable development with higher densities and reduced car parking. This proposed development will have a positive contribution to the area as a whole.

## Phibsborough Local Environmental Improvements Plan 2017-2022

The Local Environmental Improvements Plan (LEIP) 2017-2022 has been prepared for the village of Phibsborough and is therefore relevant to this site. The primary focus of this plan is to improve the public realm of the Phibsborough area, maximising its usability and functionality which we believe the proposed scheme accords to.

Improvements in the public realm and open space is one of the key targets within the LEIP. Open spaces include "...innovating and emerging new urban green technologies such as green roofs and green walls."

*Section 4.1 'Public Realm'* states that making areas more permeable for pedestrians and cycles is a key objective in terms of movement and public realm enjoyment. Civic Spaces / Squares are also noted as being key to the public realm of the area. The LEIP specifically references An Bord Pleanála reg.ref.: PL29N.243444 for the proposed site at Cross Guns Bridge which previously provided a public square onto the canal. The planning permission also conditioned a requirement for a café restaurant fronting onto this space.

The LEIP refers to the dominance of the car as being a key issue which faces Phibsborough Village and until such infrastructure such as the LUAS Cross City Line is put in place, it is not proposed to take space away from the car.

Safety is also a key feature of the LEIP in order to ensure Phibsborough is a well-designed neighbourhood where people feel safe and secure. Where appropriate, it should be determined if public realm/ design factors can be used to aid safety.

### EVALUATION OF CONSISTENCY

In response to improvements to open space, the proposed scheme uses highly innovated green technologies such as green roofs and green climbing walls creating an attractive development within this highly urban area and removing a derelict warehousing from this important point along the canal.

This proposal provides for two new pedestrian access ways to the north of the site leading onto the Royal Canal Way and an additional vehicular, cyclist and pedestrian access way to the east of the site onto Phibsborough Road. The proposed development, similar to An Bord Pleanála reg.ref.: PL29N.243444, also provides a public square to the east of the site with a café/retail unit fronting onto it. One of the new proposed access ways onto the Royal Canal is from the proposed new public space providing a focal point along the canal and enhancing the tow path, creating a destination point along this route.

It is considered that the largely car free development proposed will help to reduce the negative effects of car dominance in Phibsborough. As of December 2017, the Luas Cross City has been in operation and serves a significant portion of the population of Phibsborough, highlighting the need for less car spaces to be provided in the area. The proposed development is designed to reduce the reliance on car and encourage a modal shift to more sustainable forms of transport, reducing the need for private cars and ensuring it does not contribute to traffic in the area.

Public safety is incorporated into the design of the proposed scheme and it is believed that the proposal will have a significant positive impact upon the safety of the neighbourhood as a whole

and in particular, the Royal Canal Way. The residential units overlooking the Royal Canal Way ensure passive surveillance in the morning and evening while the café/public square ensure that there is passive surveillance throughout the day.

*Section 4.2 Open Space and Green Infrastructure* states that the Royal Canal is the most important piece of green infrastructure within the LEIP area as it is a designated proposed Natural Heritage Area (pNHA). It is stated that “canal bank is a wonderful amenity for walking, running, cycling and passive recreation, although the lack of building frontage reduces opportunities for passive surveillance, and with that perhaps reduces use of this space”

Current proposals by the National Transport Authority (NTA) include the installation of a cycle track and improved pedestrian path along the entire length of the Royal Canal. It is also an objective to explore opportunities for the delivery of a water-based centre in the vicinity of the 6th lock, in association with Waterways Ireland and with the agreement of CIE. Jetty’s and/or improvements to the canal bank may also be required to develop this amenity, with the basin between the 5th and 6th lock targeting canoe polo teams and the longer stretch between the 6th and 7th lock, more suited for kayaking groups.

The LEIP also places importance on Biodiversity and Natural Heritage. The plan states: “*Improvements to biodiversity will be sought through the careful management and maintenance of the above key spaces, in addition to the street trees and other areas of open space.*”

#### EVALUATION OF CONSISTENCY

The propose scheme recognises the importance of the Royal Canal as a designated pNHA. Therefore, the scheme is designed in order to create as much frontage onto the canal as possible by situating residential units to overlook the canal and the public square and café to open up onto the canal. This will ensure the safety and security of people using this space. It will also remove an unattractive, derelict warehouse site and replace it with a contemporary, attractive residential apartment block enhancing the character and appearance of the area.

Furthermore, the proposed development facilitates access routes through the site onto the canal which will function effectively alongside the cycle/pedestrian track proposed by the NTA. The proposed residential development will also be compatible use with any water activities proposed within the canal creating a more attractive and safer environment to development this amenity.

The proposed development will have a positive impact upon the local biodiversity. Currently, the entirety of the site is hardscape. The scheme proposes to incorporate a significant amount of green infrastructure including planting trees, green roofs and green climbing walls. Through the creation of new habitats, the site will begin to benefit from this.

*Section 7.0 Movement and Transport* discusses the congested and car dominated nature of Phibsborough Village centre. Realigning the existing environment to create an area that is pleasant, easy to move about on foot and bicycle has become a key challenge for the area. The LEIP states that “*By virtue of its location at the edge of the city centre the population of Phibsborough has a predominantly sustainable means of commuting to work/school/ college, with 32% walking, 25% commuting by bus and 9% by bicycle.*”

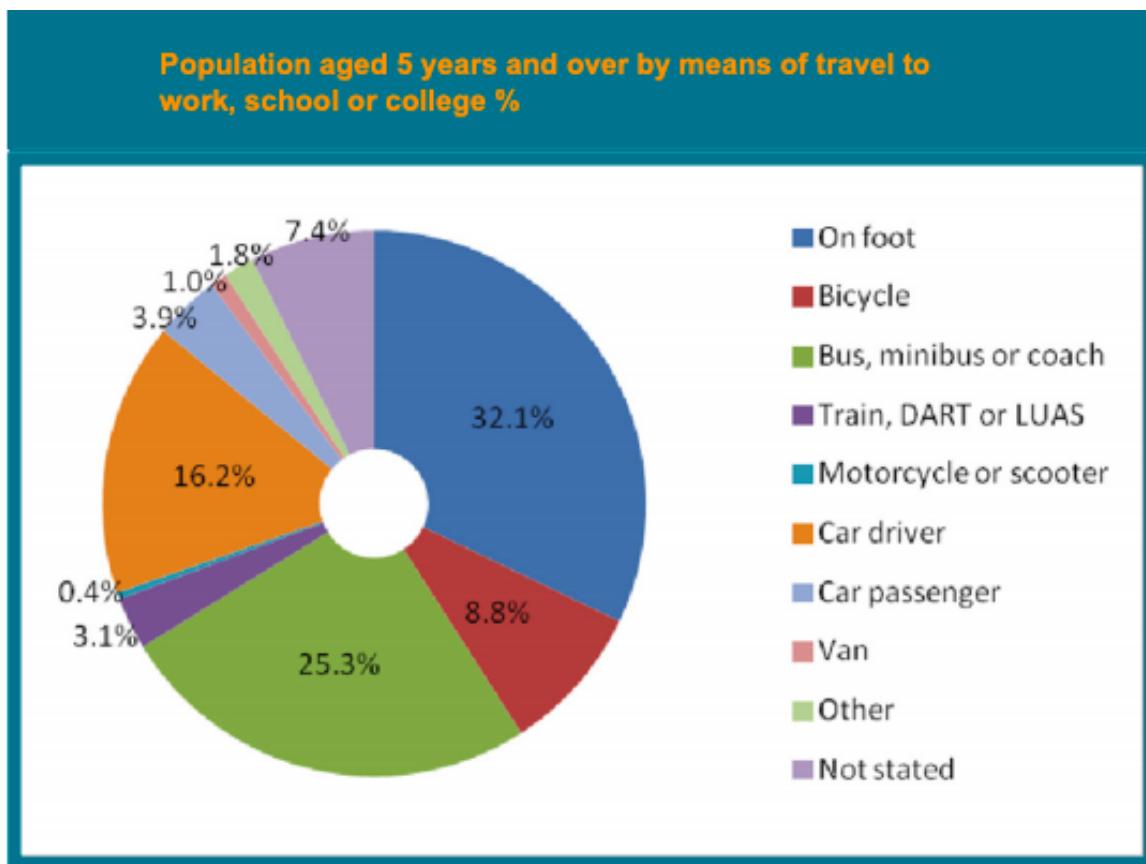


Figure 55 'Population aged 5 years and over by means of travel to work, school or college %', Section 7.0 Movement and Transport of the Phibsborough LEIP 2017.

Ease of movement is vital in creating attractive, safe and user-friendly public realm. Exploring options to improve pedestrian safety and to improve linkages is a key element within this LEIP. Dublin City has an overall target of increasing journeys by bicycling in the city by 25% by 2020.

#### EVALUATION OF CONSISTENCY

The proposed development reflects this statistic that 66% of the population in this area walk, cycle or use the bus to work, school, or college. It is expected that this has increased even further since the development of the LEIP as the Luas is now running. This proposal seeks to provide a predominately car free development with 20 spaces provided at basement level and 9 spaces provided at surface level (of which 3 are set down spaces and 2 are GoCar spaces). Through the reduced provision of car parking spaces, this proposal is in line with the aims of the LEIP to promote the local environment and to ensure that the area is pleasant and easy to move about on foot and bicycle. As can be seen from the chart above taken from the LEIP, it would be considered inappropriate to provide a higher amount of car parking spaces when only 16.2% of the population are using a car to commute to work / college or school.

By providing 344 bicycle spaces as part of the scheme, it is considered that the proposed development will help achieve newest target of increasing bicycle journeys throughout the city.

The provision of new pedestrian links through the site, further enables the connectivity and permeability of the area in line with the LEIP and the Development Plan.



## Section 8 Material Contravention Statement

The Planning and Development (Housing) and Residential Tenancies Act, 2016 ('the 2016 Act') outlines how the Board may grant permission for a development which materially contravenes a Development Plan or Local Area Plan:

Section 9(6) of the 2016 Act states:

- "(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*
- (b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*
- (c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development."*

Furthermore, the applicant, as per Section 8(1)(iv)(II) of the Act is required to include with the planning application, a statement why the proposed development materially contravenes the Development Plan (other than in relation to the zoning of land) and indicating why permission should be granted having regard to the above mentioned Section 37(2)(b) of the Act.

This statement, prepared by McGill Planning Ltd addresses the potential that the proposed development could be deemed to represent a material contravention of the following objectives of Dublin City Council as expressed in its City Development Plan:

- Building Height
- Public open space
- Plot Ratio & Site Coverage
- Car parking

We acknowledge that it lies with An Bord Pleanála to determine whether the proposed development materially contravenes the Development Plan policies and objectives.

### Potential material contraventions

This Statement provides a justification for the material contravention of the

#### Development Plan

##### Building Height

Dublin City Development Plan 2016-2022 has the following policies in relation to height:

*Policy 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).*

*Policy 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.*

*Policy SC18: To promote a co-ordinated approach to the provision of tall buildings through local area plans, strategic development zones and the strategic development and regeneration areas principles, in order to prevent visual clutter or cumulative negative visual disruption of the skyline.*

#### *Section 4.5.4.1*

*“However taller buildings can also play an important visual role and can make a positive contribution to the skyline of a city. Dublin City Council recognises the merit of taller buildings, including landmark buildings, in a very limited number of locations at a scale appropriate for Dublin.”*

The City Development Plan differentiates between the following height categories:

- Low-rise: Up to 24m residential (28m commercial)
- Mid-rise: Up to 50m
- High-rise/Tall: +50m

As per Section 16.7.2 of the Development Plan, 14 locations are identified for mid-rise and high-rise development. The remainder of the city is designated to remain low-rise (24m residential) which includes the Inner City and sites within 500m of an existing or planned, Luas, Metro, Dart or rail station. In this regard it is noted that the subject site is located within 500m of the existing Cabra Luas stop (as the crow flies) and is directly south (with 100m) of the proposed Glasnevin Metro stop (and interchange station with the Maynooth line). The site is also located adjacent the “Inner City” as defined on Map K of the Development Plan.

Section 16.7.2 clarifies that Phibsborough will “remain a low-rise area with the exception of allowing for (i) up to a max of 19 m in the centre of the Smurfit site and immediately adjoining the proposed railway station at Cross Guns Bridge; and (ii) the addition of one additional storey of 4 m will be considered in relation to any proposals to reclad the existing ‘tower’ at the Phibsboro Shopping Centre.”

However, Section 16.7.2 also confirms that: “Where a site has a pre-existing height over that stipulated above, a building of the same number of storeys may be permitted, subject to assessment against the standards set out elsewhere in the development plan and the submission of an urban design statement.”

The pre-existing greatest height on the site – the silo building – is c.29.5m high and significantly taller than any other buildings in the area. Based on an average residential storey height of 3m that is the equivalent of almost 10 storeys.

The proposed development ranges in height from 3 to 12 storeys with the majority of the development at 7 storeys. The height of the development is predominantly 26.34 m, which is slightly above the 24m low-rise standards stated in the Development Plan, and is also below the pre-existing height of the silo building.

The proposed landmark Block C building, to replace the silo building, is just over 40m and represent a “mid-rise” building as defined in the Development Plan.

Section 16.7.2 of the Development Plan states that all proposals for mid-rise buildings must have regard to the following assessment criteria:

<b>Criteria</b>	<b>Evaluation of consistency</b>
<p><i>Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas.</i></p>	<p>OMP have addressed the site topography and built form in detail in their Design Statement. A Townscape Impact Assessment has also been carried out for this development to assess the impact on the surrounding areas including views, prospects, landmarks and vistas. These reports have confirmed that the development, due to the design and layout, including the stepping of the buildings to meet surrounding buildings, and the context of the existing structures on site, is entirely appropriate for this site in terms of height, layout and design.</p>
<p><i>Effect on the historic environment at a city-wide and local level.</i></p>	<p>An Architectural Heritage Impact Assessment has been completed by Molloy Associates which assessed the development in terms of impact on the historic environment. It was found that this would not have any adverse impact on the neighbour protected structure and it would positively contribute to the continued regeneration and enjoyment of this amenity.</p>
<p><i>Relationship to transport infrastructure, particularly public transport provision.</i>  <i>Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for.</i></p>	<p>The proposed development, as highlighted within this report, and the supporting documents by ILTP, has access to excellent existing transport facilities in the area, including the LUAS, high frequency buses and rail. It is also noted that the proposed transport interchange is located to the north of this site, which in conjunction with the BusConnects proposal, will result in this being a highly accessible site.</p> <p>The proposed design of the 12 storey building on this site is a contemporary modern buildings, which uses interesting materials to create a visual interesting development. This development is considered to be of high quality and is of architectural excellence.</p>

<i>Contribution to public spaces and facilities, including the mix of uses.</i>	The proposed development provides for a new retail/ café area and a new public open space. This new space, with its link to the canal, will create a high quality new public facility to the area
<i>Effect on the local environment, including micro-climate and general amenity considerations.</i>	A Microclimatic Wind Analysis and Pedestrian Comfort report has been carried out by IN2, a Bat Assessment has been completed by Brian Keeley and an Ecological Impact Assessment has been completed by Whitehill Environmental. All of which confirm that it will not have a detrimental impact on the local environment.
<i>Contribution to permeability and legibility of the site and wider area.</i>	The creation of new pedestrian links to the canal and the design of the access road in line with DMURS enables permeability to the site and wider area. The replacement of the existing silo building with a new tall building ensures the continuity of legibility in the area that the site currently provides.
<i>Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360 degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies.</i>	<p>The planning application includes</p> <ul style="list-style-type: none"> <li>- Photomontages and CGI's by Modelworks from the surrounding area</li> <li>- A Design statement by OMP providing a study of the surrounding area and a justification for the building heights</li> <li>- A Daylight and Sunlight Report by IN2</li> <li>- A Microclimatic Wind Analysis and Pedestrian Comfort report by IN2</li> <li>- A Site Light Report by IN2</li> </ul> <p>All of these reports confirm that the proposed development, as designed, is appropriate within the context of the surrounding area.</p>
<i>Adoption of best practice guidance related to the sustainable design and construction of tall buildings.</i>	OMP have designed a scheme that is in accordance with best practice guidance
<i>Evaluation of providing a similar level of density in an alternative urban form.</i>	As set out in the OMP Design Statement, and indicated in the planning history above, this site has had several different layout proposals. The current proposal is the optimum layout which provides the best protection to existing surrounding neighbours and ensures the best use of this serviced, vacant site.

### **Public Open Space**

Section 16.3.4 of the Development Plan addresses Public Open Space – All Development (See also Chapters 10 and 14). It states that:

*In order to progress the city's green infrastructure network, improve biodiversity, and expand the choice of public spaces available, the provision of meaningful public open space is required in development proposals on all zoned lands.*

*There is a 10% requirement specifically for all residential schemes as set out in Section 16.10.1. This requirement also relates to other zonings such as Z6 and Z10. In the case of developments on Z12 zoned lands, the requirement will be 20% accessible open space, and for Z15 zoned lands the requirement will be 25% accessible open space and/or provision of community facilities.*

*Depending on the location and open space context, the space provided could contribute towards the city's green network, provide a local park, provide play space or playgrounds, create new civic space/plaza, or improve the amenity of a streetscape. Green spaces can also help with surface water management through integration with sustainable urban drainage systems. Soft landscaping will be preferred to hard landscaping which will be given consideration only in schemes where soft landscaping would not be viable or appropriate.*

*Where adjacent to canals or rivers, proposals must take into account the functions of a riparian corridor and possible flood plain.*

**Financial contribution in lieu:**

*In the event that the site is considered by the planning authority to be too small or inappropriate (because of site shape or general layout) to fulfil useful purpose in this regard, then a financial contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required (having regard to the City's Parks Strategy).*

Section 16.10.3 of the Development Plan also states that 10% of the site area shall normally be reserved as public open space. However it also states:

*"Public open space will normally be located on-site, however in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park. In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the City Council Parks Programme, in fulfilment of this objective."*

The proposed development provides a new public plaza, adjacent to the Royal Canal tow path, measuring 5% of the site area. The rationale for the low level of public open space, compared to the Development Plan requirements, is due to the fact that residents will have direct access to one of the main outdoor amenities in the north city – the Royal Canal Way. Furthermore we note the particular site constraints given its linear layout coupled with the ambition to create an attractive, new urban development with appropriate frontage onto the Royal Canal Way on this derelict urban site whilst protecting the amenities of the neighbouring properties.

It is for this reason that a financial contribution is proposed in lieu of the shortfall of public open space on site. A suitably worded condition is requested to be added to a grant of permission as per Section 16.3.4 of the Development Plan.

#### **Plot Ratio:**

Section 16.5 of the Development Plan sets out guidance on Plot Ratio. Please note however, this is not a specific policy. It identifies on Z1 zoned sites such as this site, an appropriate indicative ratio is 0.5 – 2.0.

Zone	Indicative Plot Ratio
Z1 and Z2 Outer City	0.5 – 2.0
Z1 and Z2 Inner City	0.5 – 2.0

Figure 56 Extract from DCC plan indicating plot ratio

However, it also states that “*a higher plot ratio may be permitted in certain circumstances such as:*

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

The plot ratio of this proposed development, located on a redevelopment infill site, is 2.25.

Given that the City Development Plan clearly states that the plot ratio range is indicative, then the proposed higher plot ratio is not considered a material contravention of the Development Plan.

Similarly, in relation to site coverage it is noted that the City Development Plan states an indicative range of 45% - 60% for Z1 zoned sites. The current proposal has a site coverage of 36%. Again the Development Plan standard is stated as indicative, and the current proposal for less than 45% site coverage (providing in turn more open space) is not considered a material contravention.

Given the above it is considered that the shortfall of public open space is not a material contravention of the Development Plan, given the proximity of the site to an existing large public amenity and the fact that the Development Plan does allow for developments to proposed a shortfall where considered appropriate to seek a financial contribution towards public open space provision/upgrade elsewhere in the vicinity.

#### **Car Parking**

Table 16.1 of the City Development Plan outlines car parking standards for city. The application site is located within Parking Zone 2 (as per Map J of the Plan) and which has a maximum residential parking provision of 1 space per unit. Section 16.38 of the Plan reiterates that the parking standard is a maximum standard.

The current proposal proposes a parking standard of 0.1 space per unit, in accordance with the City Development Plan standard, and SPPR7 of the national Apartment Guidelines, which clearly state that

there shall be a default of minimal or significantly reduced car parking provision for BTR developments.

Given the above, it is again considered that a material contravention of the Development Plan does not occur.

#### DISCRETION OF AN BORD PLEANÁLA TO GRANT PERMISSION FOR DEVELOPMENT THAT MATERIALLY CONTRAVENES THE DEVELOPMENT PLAN

##### An Bord Pleanála Discretion

Should the Board consider to the proposed building height (and/or any of the other above listed factors) to represent a Material Contravention of the Development Plan we submit that the Board can grant permission under Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*, which states:

*“(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*

*(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*

*(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.”*

Section 37(2)(b) of the 2000 Act states:

*“Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—*

*(i) the proposed development is of strategic or national importance,*

*(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

*(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”*

In this regard we submit the following under Section 5(6) of the 2016 Act:

- **Section 37(2)(b)(i) of the 2000 Act:** The proposed development is a “Strategic Housing Development”, as defined under Section 3 of the 2016 Act.

and

- **Section 37(2)(b)(iii) of the 2000 Act:** The Board is referred to the following:  
*Section 28 Ministerial Guidelines - Urban Development & Building Heights: Guidelines for Planning Authorities (2018).*

Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function.

Section 1.14 of the Guidelines state that SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.

The 2018 Guidelines place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors and networks:

*“In order to optimise the effectiveness of this investment in terms of improved and more sustainable mobility choices and enhanced opportunities and choices in access to housing, jobs, community and social infrastructure, development plans must actively plan for and bring about increased density and height of development within the footprint of our developing sustainable mobility corridors”. It goes on to highlight that “the preparation of development plans, local areas plans, and Strategic Development Zone Planning Schemes and their implementation in the city, metropolitan and wider urban areas must therefore become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights”.*

SPPR 1 of the Guidelines state the following:

*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.*

The imposition of height or numerical restriction at the subject site would therefore be contrary to Specific Planning Policy Requirement 1 which notes that blanket numerical limitations on building height shall not be provided for through statutory plans.

Section 3.1 of the Guidelines go on to state:

*In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and*

*in other urban locations with good public transport accessibility. Planning authorities must apply the following broad principles in considering development proposals for buildings taller than prevailing building heights in urban areas in pursuit of these guidelines:*

Section	Evaluation of consistency
<ul style="list-style-type: none"> <li>• Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?</li> </ul>	<p>The proposed development seeks to deliver a significant residential development at a site that is highly accessible in terms of public transport (Luas, high frequency Dublin Bus services, planned Metro and rail station at Glasnevin) and centrally located in relation to Dublin City Centre and a number of major employment centres close to the site including the Mater Hospital and Grangegorman University.</p>
<ul style="list-style-type: none"> <li>• Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?</li> </ul>	<p>There is also excellent pedestrian and cyclist links with the adjoining urban areas.</p> <p>In relation to securing the NPF objectives we note the following:</p>
	<ul style="list-style-type: none"> <li>• The proposed development secures the NPF objective of compact urban growth close to high quality public transport,</li> <li>• The development accords with National Policy Objective (NPO) 33 in delivering an appropriate scale of sustainable residential development at a highly accessible location and provided with significant social infrastructure and amenities.</li> <li>• The development accords with NPO 35 in achieving higher density through increased building height of up to 12 storeys on site that already has a significant greater height than adjoining residential areas.</li> <li>• The development accords with NPO 13 in terms of increasing building height and reducing car parking to provide a high quality and high amenity residential development that at the same time achieves increased compact growth at an accessible urban location.</li> <li>• The development accords with NPO 27 in providing a development that is self-sustaining in terms of social infrastructure and convenience within</li> </ul>

	<p>walking distance of the new homes, which reduces the need for the car and which also facilitates alternative modes of transport (Luas, bus and cycle) to get to the city centre and local centres for services and employment.</p> <p>The policies and objectives of the Dublin City Development Plan were adopted in 2016 and are not considered to align or efficiently support the objectives and policies of the 2018 NPF and related Section 28 Guidelines adopted since.</p> <p>The building height limits applicable to the site are considered unduly restrictive and limit the potential for increased residential development at this highly accessible location, which is contrary to the principles of the NPF. It also conflicts with <b>SPPR 1</b> of the Building Heights Guidelines which states that plans should "<b><u>not provide for blanket numerical limitations on building height.</u></b>"</p>
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The imposition of height or numerical restriction at the subject site would therefore be contrary to Specific Planning Policy Requirement 1 which notes that blanket numerical limitations on building height shall not be provided for through statutory plans.

SPPR 3 of the Guidelines state:

*It is a specific planning policy requirement that where; (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.*

The Development Management criteria are assessed in greater detail below:

**Development Management Criteria Section 3.2:  
At the scale of relevant city/town:**

-The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the

As highlighted in Section 3 above the site is proximate to a range of high frequency public transport options within c. 10 minutes walk of the site, including Luas and Dublin Bus. The site is also located across from the planned Metro stop and rail station at Glasnevin.

*character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.*

*On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

The proposed development seeks to deliver an appropriate form and scale of residential development at a site that is located c. 400 m north of Phibsborough Shopping Centre and village with its range of public houses, restaurants, shops and other facilities and c.1.5km north of O Connell Street which offers a wide range of shops, services and recreational uses.

The site is located in close proximity to major areas of employment, including Dublin City Centre, Grangegorman TUD, the Mater Hospital.

The site is well located with respect to primary and secondary schools. A variety of existing leisure amenities, parks, playgrounds, and sports clubs are within a short walk or cycle of the site including St. Brendan's GAA club, Inspire Fitness Centre (Gym, Swimming pool, outdoor pitches and multipurpose sports hall) and St Vincent's GAA club.

The proposed development will replace an existing unattractive set of buildings, including the landmark silo building, with a new series of attractive modern buildings, including a replacement 12 storey high landmark building. The introduction of this new landmark building, and the development as a whole has been the subject of a Townscape Visual Impact Assessment and an Architectural Heritage Impact Assessment. Both of these reports have found that the development as a whole would have a positive impact on the area.

The variation in the height and the use of materials provides a visually interesting development which responds to the heights of the surrounding area.

#### ***At the scale of district/ neighbourhood/ street;***

*The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape*

The proposed development has been carefully designed to respond to the existing situation on site, the neighbouring protected structure, and the Royal Canal Conservation area. The balancing of these elements has created a development that is well considered and is a positive contribution to the area, removing the existing derelict building and providing an attractive development along the Royal Canal Way.

*The proposal is not monolithic and avoids long, uninterrupted walls of building in the*

The proposal is broken into three buildings, which step in height towards the proposed 12 storey local landmark building which replaces the existing tall silo building. The

<p><i>form of slab blocks with materials / building fabric well considered.</i></p>	<p>use of materials, the limited palette of high quality materials ensure an attractive development that is visually interesting.</p>
<p><i>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).</i></p>	<p>The proposal introduces a new public plaza and a new urban edge to the canal enhancing the sense of place and providing for a safer and more attractive urban setting..</p>
<p><i>Makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</i></p>	<p>The surrounding area has a mixed character with 2 storey detached houses and apartment buildings ranging in height up to 7 storeys and industrial sites, such as the applicant site. There is no single unified architectural character to the entire area as a whole given its historic mixed use nature.</p> <p>The apartment development will significantly improve the mix of residential types in the area. The provision of Build to Rent apartments in this location will provide a broader, more sustainable balance of residential tenure across the Phibsborough community.</p> <p>It is considered that the breaking up of the proposal into 3 no. apartment blocks ranging from 3-12 storeys in height provides a variation in heights whilst providing a focal building to the east of the site in place of the existing silo structure that will make a positive architectural contribution to the character of the area and one which this unique site can accommodate.</p> <p>The focal building of up to 12 storeys is designed to replace the old Cross Guns bakery silo and create a key landmark building to provide a sense of place. It creates a legible urban signpost enabling orientation and wayfinding (similar to the silo's current role) and drawing people into and enclosing the new open spaces which will be created as part of the development.</p> <p>Furthermore, the plaza proposed as part of the scheme enhances the public realm of the area and provides a key thoroughfare to the east of the site while also providing additional public facilities will provide more community facilities for the area.</p>

	<p>Units have been carefully positioned to suit the site. Apartments overlook the Royal Canal Way to offer passive surveillance. The public plaza and café is positioned at the north eastern corner of the site to create appropriate street frontage. Block A on the western portion of the site, steps down to 4 storeys and 3 storeys to prevent overshadowing of neighbouring houses and to meet the heights of the neighbouring properties. The apartment blocks are situated at the north part of the site maximising light to open areas to the south, while also minimising the impact on the neighbouring properties to the south. The massing of the development steps appropriately from the context of its neighbouring properties.</p> <p>The site is a long, linear site with the only access provided to the east. These constraints, along with the need to provide a strong urban edge and high quality architecture along the Royal Canal conservation area were key features which informed the chosen design.</p> <p>The proposed use of height to replicate the existing landmark feature on the site, along with the stepping of the buildings to the east and creating new openings to the Royal Canal amenity will make a positive architectural contribution to the character of the Phibsborough area.</p> <p>The scheme is divided into three blocks and uses climbing frames for vertical greenery ensuring that the proposal is not monolithic and avoids long, uninterrupted walls of building.</p> <p>The proposal comprises of a mix of build to rent unit types including 57 no. studios, 85 no. 1-bed apartments and 65 no. 2-bed apartments. The provision of these units, in a largely two storey housing area will enhance the unit typologies currently available in the area.</p> <p>The proposal provides a mix of communal and public open spaces with ease of access for all residents.</p> <p>The proposal is largely a car free development which results in significant public spaces dedicated to pedestrians/cyclists.</p>
<p><i>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</i></p>	<p>The introduction of a café/ retail space along within the Build to Rent development (with studios, one and two bed units) contributes to the mix of uses in the area and the variety of housing types.</p>

<b>At the scale of the site/building</b>	
<i>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light</i>	The layout and design of the 3 buildings and the gaps between them have been orientated and designed to ensure the maximum amount of natural daylight, ventilation and views within the development while also ensuring there is no undue overshadowing to the existing neighbours or the canal tow path. This is confirmed by the IN2 Daylight and Sunlight report.
<i>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'</i>  <i>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution.</i>	IN2 Engineering Consultants have assessed this proposal and have confirmed that all of the apartments have access to high quality daylight and sunlight. Due to proposed massing and orientation the proposed amenity space was found to receive excellent sunlight availability with 98% of the amenity space receiving more than two hours of daylight on March 21 <sup>st</sup> . By siting the scheme at the northern edge of the site, availability of daylight, sunlight and the risk of overlooking have been minimised.
<b>Specific Assessments:</b>	
<i>-Specific impact assessment of the micro-climatic effects such measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</i>	A Microclimate and Pedestrian Comfort assessment has been completed by IN2. This has found that ensuing the microclimate for the development will be acceptable.
<i>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</i>	An NIS and an Ecological Impact Assessment Screening prepared by Whitehill Environmental and a Bat Survey has been prepared by Brian Keeley for this site. The surveys have demonstrated that the proposed development will not significantly impact on any sensitive flora/fauna within the area. Once the landscaping proposals are implemented, they will support local biodiversity in time within the new

	landscaped areas and will be a net positive impact compared to leaving the site as vacant hardscaped land.
<i>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</i>	Not relevant to the current site or proposal as there are no important telecommunication channels to be retained.
<i>An assessment that the proposal maintains safe air navigation.</i>	The proposed development is located outside of all of the Noise, Safety & Security Zones for Dublin Airport. As a result, the proposed landmark building is not considered to impact safe air navigation.
<i>An urban design statement including, as appropriate, impact on the historic built environment</i>	A detailed Architectural Design Statement has been provided by OMP. An Architectural Heritage Assessment has also been completed by Molloy Associates.
<i>Relevant environmental assessment requirements, including SEA, EIA, AA, and Ecological Impact Assessment, as appropriate.</i>	A NIS, an Ecological Impact Assessment, an Environmental Impact Assessment screening report and a Bat Survey have been completed and are submitted as part of this application.
<i>A2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines.</i>	

#### EVALUATION OF CONSISTENCY

It is considered that the subject site is an appropriate site for a development with heights of 3 to 12 storeys. The proposal responds to its existing site context and the overall natural and built environment surrounding it. It makes a positive contribution to the conservation area along the Royal Canal replacing a derelict vacant industrial site with an attractive, high quality development which reflects the urban context and provides a new local landmark building while also improving the security and surveillance of the Royal Canal pedestrian tow path and links. It will enable the continued evolution of the character of Phibsborough and optimise the use of zoned and serviced land at a highly accessible location.

The proposed development provides for new retail/ café space and public open spaces within a scheme which is predominantly car free. It is respectfully submitted that the proposed development has had regard to and is in line with the planning policy framework as set out in the Building Height Guidelines and the National Planning Framework.

#### CONCLUSION

Under Section 37(2)(b) of the 2016 Act, An Bord Pleanála can materially contravene a development plan where national planning policy objectives take precedence including Section 28 Guidelines.

In particular, Section 9(3)(b) of the 2016 Act states the following:

*“Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.”*

The Board are not bound by the 2016 Dublin City Development Plan and can decide to grant permission for the proposed height of the development as a material contravention of the Scheme, but in accordance with national policy and guidelines.

It is requested that the Board assess the proposed development as a material contravention of the City Development Plan, in relation to height.

Furthermore, it is considered that this report represents an appropriate justification for why the proposed development can and should be considered suitable for increased Building Height.

The above section outlines how provision of a new residential scheme on this site, with increased building height can be justified in the context of prevailing national planning policies which actively promote increased heights and new residential development within existing urban areas and brownfield site close to high quality public transport in order to prevent the continued sprawl.

Reference is made to the specific objectives of the NPF which seek greatly increased levels of residential development in our urban centres and significant increases in building heights. Compliance with the NPF and Urban Development and Building Height Guidelines is set out and the report provides an assessment of how the development complies with the criteria for assessing building height at the scale of the city/town; district/neighbourhood/ street and scale of the site/building.

Having regard to the following:

- The location of the site within the built-up area of Phibsborough, close to Dublin City Centre, a number of significant employment centres, and a variety of existing and planned high frequency public transport,
- Its potential to contribute to the achievement of the Government's policy to increase delivery of housing and to achieve greater density and height in residential development in an urban centre close to public transport and centres of employment,
- Its accordance with the provisions of the National Planning Framework (in particular objectives 3a, 3b, 11, 13 and 35),
- Its accordance with the Guidelines for Sustainable Residential Developments in Urban Areas (in particular section 5.8)

It is considered that this statement provides appropriate justification for the Board to grant permission for the development in accordance with national policy and guidelines.

## Section 9 Conclusion

The proposed development represents a significant and strategic residential development in an established, highly accessible and well serviced location close to Dublin City Centre. The development will provide for an effective and efficient use of this serviced brownfield site.

This site at Cross Guns Bridge represents a highly suitable location for a Build-to-Rent development in one of Dublin's most attractive urban neighbourhoods. In addition to the excellent communal facilities provided within the scheme itself, residents will also benefit from an exceptional existing vibrant local amenity context.

The statement of consistency submitted with the application submission demonstrates that the proposed development accords with national and regional planning objectives as directed under the National Planning Framework (NPF). A Material Contravention Statement is included to address the rationale for the appropriate increase in height proposed.

The proposed development will also bring significant benefits to the area, in particular the provision of public access through the previously impermeable wall at the north of the site to the Royal Canal contributing to the public open space in the area and the public amenity to the wider community of Phibsborough.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area.

Thank you for taking the time to consider the proposal.

This statement has demonstrated the compliance of the proposed development with the following:

- *Ireland 2040 Our Plan - National Planning Framework (2018);*
- *Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)*
- *Regional Spatial and Economic Strategy (2019- 2031);*
- *Guidelines for Planning Authorities on Urban Development and Building Heights (2018);*
- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;*
- *Quality Housing for Sustainable Communities (2007);*
- *Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018);*
- *Design Manual for Urban Roads and Streets (2019);*
- *Guidelines for Planning Authorities on Childcare Facilities (2001);*
- *Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities;*
- *Smarter Travel – A New Transport Policy for Ireland (2009-2020);*
- *Transport Strategy for the Greater Dublin Area (2016-2035)*
- *The Planning System and Flood Risk Management (2009);*
- *Dublin City Development Plan, 2016-2022*
- *Phibsborough Local Improvements Environmental Plan 2017-2022*

The proposed development is in compliance with the policies and provisions of the area including the land use zoning, density, design standards for residential schemes, streets and open spaces. In

conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional and local planning policies and guidelines.