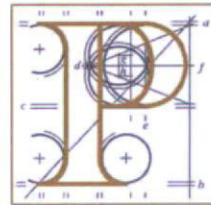


Our Case Number: ABP-309787-21

Planning Authority Reference Number: 3966/20



**An
Bord
Pleanála**

Dublin City Council South
Planning Department
Block 4, Floor 3
Civic Offices
Wood Quay
Dublin 8



Date: 30 March 2021

Re: Construction of a 12 storey Shared Accommodation development, 102 rooms. Demolition of buildings on site.

Site of c. 0.08 ha at 17-21 Foley Street, Dublin 1

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

Teil	Tel	(01) 858 8100
Giao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhride 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,
- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) the Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

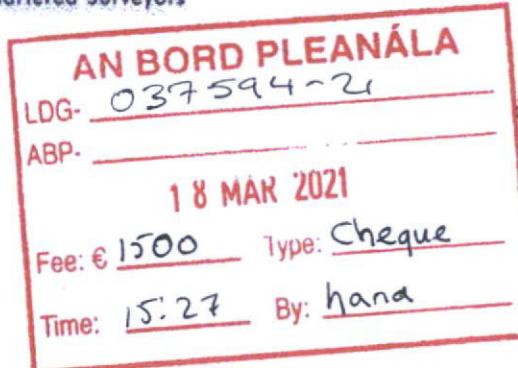
Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a

Teil Glao Áitiúil Facs Láithreán Gréasáin Riomhphost	Tel LoCall Fax Website Email	(01) 858 8100 1890 275 175 (01) 872 2684 www.leanala.ie bord@leanala.ie
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D01 V902 D01 V902

The Secretary,
An Bord Pleanala,
64 Marlborough Street,
Dublin 1.



Date: 18th March 2021

Dear Sir / Madam,

RE: FIRST PARTY APPEAL AGAINST A DECISION TO REFUSE PERMISSION BY DUBLIN CITY COUNCIL FOR SHARED ACCOMMODATION DEVELOPMENT AT 17-21 FOLEY STREET, DUBLIN 1

DUBLIN CITY COUNCIL REFERENCE : 3966/20

1.0 INTRODUCTION

- 1.1 On behalf of the applicant, Red Rock Foley Street Ltd., Millington, 3 Crosthwaite Grove, Dún Laoghaire, Co. Dublin, we John Spain Associates, 39 Fitzwilliam Place, Dublin 2, hereby lodge a first party appeal against the notification of decision of Dublin City Council dated 19th February 2021, to refuse planning permission under Reg. Ref.: 3966/20 for the proposed "Build to Rent" Shared Accommodation development at 17-21 Foley Street Dublin 1.
- 1.2 The subject application is for the demolition of the existing buildings on the site and the construction of a 12 no. storey shared accommodation scheme comprising of 102 no. bedrooms (162 no. bed spaces). As part of this appeal, the proposed development has been revised to provide for a reduction in the number of units from 102 no. to 76 no. (126 no. bedspaces) and a reduced height and massing from 12 no. storeys to 11 no. storeys with enhanced façade modulation and set back levels resulting in a 24% reduction in overall floor area. The revised proposal also includes an increase in the number of communal areas and shared kitchen, living, dining spaces. The proposed amendments to the scheme address the reasons for refusal as set out by the Planning Authority and are detailed in full as part of this appeal, and it is respectfully submitted that they can be incorporated by means of appropriate conditions attached to a grant of conditions by An Bord Pleanala.
- 1.3 It should be noted form the outset, that the principle of development for a shared accommodation scheme at the subject site is considered acceptable to the planning authority as indicated in the Planner's Report; "*The redevelopment of the site for residential use is welcomed and it is considered the site can accommodate residential units within an apartment block format at this location*".

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPI

Executive Directors: Paul Turley BA MRUP Dip Environmental & Planning Law MIPI Rory Kunz BA (MOD) MScERM MAT&CP Dip EIA Mgmt. MIPI
Stephen Blair BA (Mod) MRUP MIPI MRTPI Mary Mac Mahon MSc TCP Pg Dip MSP Pg Dip Env Eng Dip Env Plg Law Dip Mgmt Dip EIA & SEA B Soc Sc MIPI

Senior Associate Directors: Stephanie Byrne BA MRUP MIPI Blaine Cregan B Eng BSc MSc

Luke Wymer BA MRUP Dip Plg & Env Law Dip PM Prof Cert Env Mgmt MIPI

Associate Directors: Meadbh Nolan BA MRUP MRTPI Kate Kerrigan BA MSc MRTPI

John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.
Registered in Ireland No. 396306. Registered Office: 39, Fitzwilliam Place, Dublin 2. VAT No. IE 6416306U

1.4 The subject site is currently underutilised and the provision of a shared accommodation development at this site creates a significant opportunity to provide for much needed residential accommodation, promote urban consolidation and increase the building heights in an appropriate location well served by high frequency, high quality public transport achieving the aims and objectives clearly set out in the National Planning Framework.

1.5 The Planner's Report also states that there are merits to locating shared accommodation development in this location given the proximity to major employment hubs and quality public transport. The report states:

"There are certain merits to locating a shared living scheme on this site, having regard to its location close to employment hubs and connectivity to a range of modal choices. The development would provide additional residential units and a more intensive form of development, thereby adding to the vitality of the area. The proposal is considered acceptable in principle".

1.6 In this regard, the principle of the development on this subject site located in the city centre is considered appropriate and in accordance with the relevant guidelines for shared accommodation. The shared accommodation units will significantly improve the overall provision and variety of residential development in the area and will further enhance and bring forward much needed residential development in the city centre in a location served by exceptional quality public transport including the Luas, Dart and mainline rail at Connolly station and a wide range of bus services.

1.7 This first party appeal addresses in detail the reasons for refusal raised by the Planning Authority, notwithstanding the acceptance by the Planning Authority for shared accommodation at this site. The grounds of appeal demonstrates that the proposal is appropriate in the context of National Planning Policy including the National Planning Framework, The Urban Development and Building Height Guidelines 2020, the Apartment Guidelines 2020 and the Dublin City Development Plan 2016-2022. The following enclosures are included with this appeal:

- **Appendix 1** – Copy of Notification of Decision of Dublin City Council to Refuse Planning Permission.
- **Appendix 2** – DTA Architects Drawings.
- **Appendix 3** – DTA Architectural Design Report
- **Appendix 4** – Daylight and Sunlight Report prepared by 3DDB
- **Appendix 5** – Photomontages and CGI's prepared by 3DDB
- **Appendix 6** – Note on Microclimate prepared by AWN
- **Appendix 7** – Note on Telecommunications prepared by JAK Consulting
- **Appendix 8** – Note on Ecology prepared by Openfield
- **Appendix 9** – Engineering Note prepared by CORA Consulting Engineers
- **Appendix 10** – Revised Operational Management Plan prepared by Liv Consulting
- **Appendix 11** - Revised Landscape and Visual Impact Assessment prepared by Aecom

- **Appendix 12-** Copy of Pre application meeting minutes
 - **Appendix 13-** Draft Legal Covenant
- 1.8 A copy of the notification of decision to refuse planning permission is attached at Appendix 1. We enclose the statutory first party appeal fee of €1,500.
- 2.0 SITE LOCATION AND DESCRIPTION**
- 2.1 The site is strategically located at 17-21 Foley Street, Dublin 1, fronting also onto Joyce's Walk. The site is located to the west of the International Financial Services Centre (IFSC), approximately 100m from Connolly Station which provides Luas, Dart and mainline rail services and is located a short walking distance (190m) from Bus Áras.
- 2.2 The subject site is bound by Foley Street to the north, a 6 no. storey (25m) office building to the south, a 5 no. storey (22m) commercial building to the east and Joyce's Walk to the west, a pedestrian laneway that connects Foley Street with Talbot Street. To west of Joyce's Walk are 5 no. storey commercial buildings directly opposite the subject development forming "Joyce's Court".
- 2.3 To the east of the site, is Ulysses House. This building is a 5 no. storey commercial building of 22m in height. This building directly adjoins the subject site. The proposed development is set back from this boundary to allow appropriate separation in this regard.
- 2.4 Eileen McLoughlin Park, a public open space with a playground on the western side is located to the north of the development on the opposite side of Foley Street. To the east of the park and facing the proposed development is a mixed-use development, The Steelworks, with residential, commercial and retail uses. This building is 8 no. storeys (29m).
- 2.5 The subject site is located in a highly accessible location in the city centre, well served by quality public transport, and a range of local services and amenities. The location of the subject site is considered highly appropriate for shared accommodation in this regard.
- 2.6 The subject site comprises of a vacant 3 no. storey building which are proposed to be demolished as part of this planning application. The subject site is c. 0.0846 ha in size and comprises of brown field lands.
- 2.7 Planning permission was previously granted on the site under Reg. Ref. 3752/18 for a 7 no. storey office building over 1 no. basement with a gross floor area of 4,710 sqm. As such the principle of redevelopment of these lands has already been established.

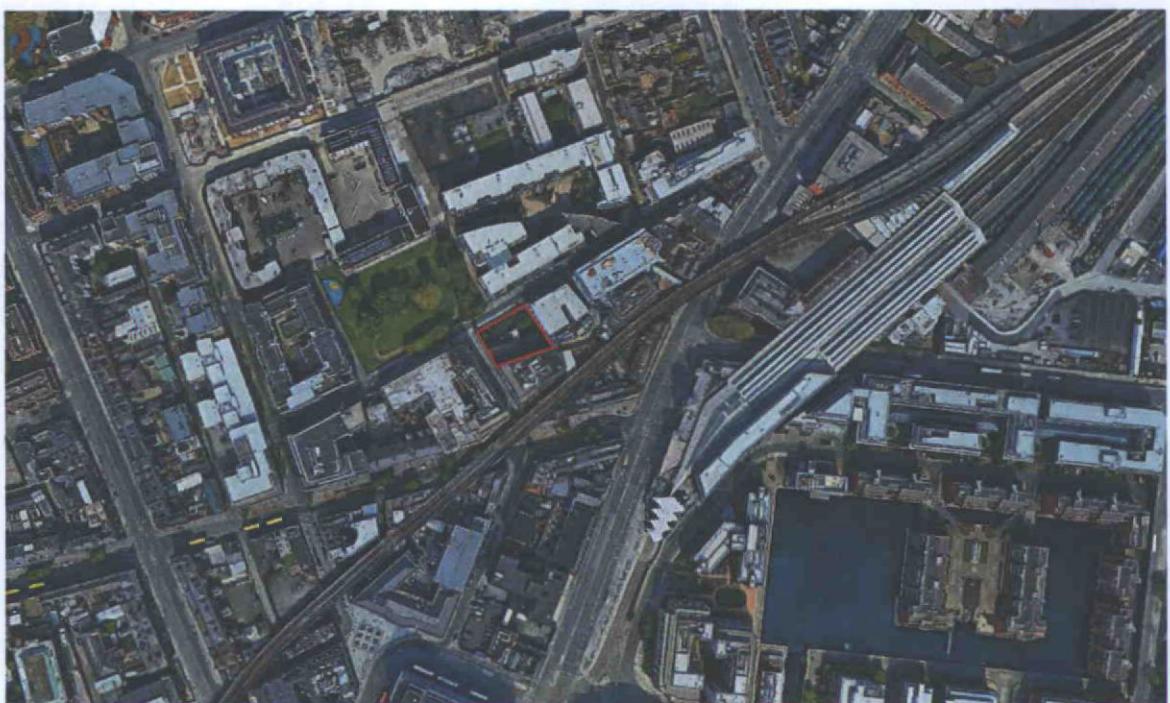


Figure 1: Aerial view of the subject site with the approximate site area outlined in red

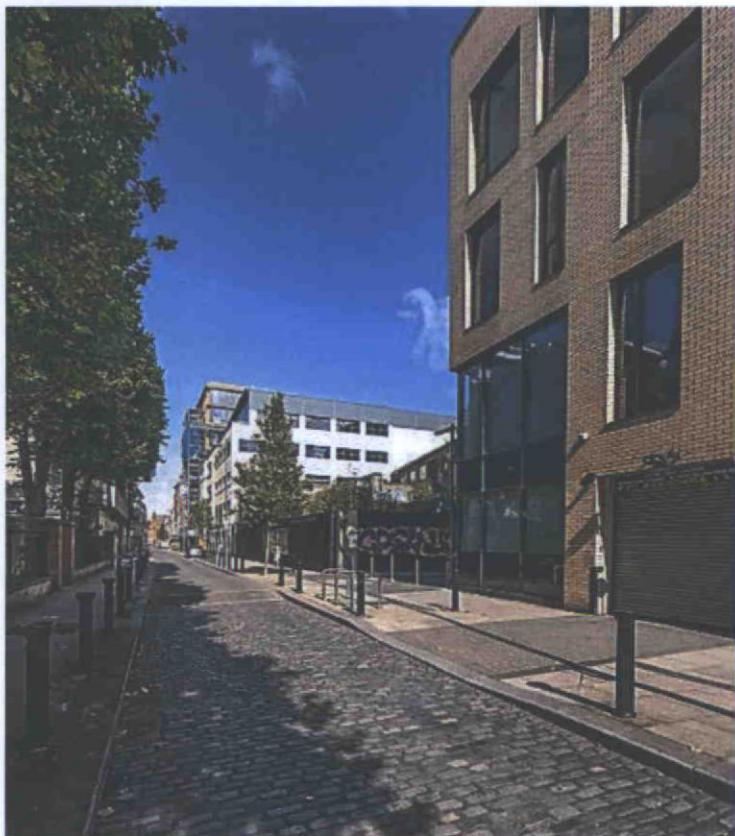


Figure 2: View of existing site along Foley Street

3.0 PRE-APPLICATION DISCUSSIONS

- 3.1 A pre application meeting was held with Mary Conway on 2nd September 2020. It is noted in the Planners Report that no pre application meeting was held. This is incorrect and a copy of the pre application meeting minutes are included as Appendix 12. The design and layout of the development was discussed in detail at this meeting including the proposed height at 12 no. storeys. The main items raised included the following:
- Principle of redevelopment of the site acceptable, redevelopment is welcomed.
 - Daylight / Sunlight to be submitted and included for all units and impact on surrounding properties and the park
- 3.2 As demonstrated within this appeal and within the supporting documentation, the daylight / sunlight penetration internally within the units has been assessed. The results indicate that 100% of the rooms tested are compliant with the BRE guidelines. Furthermore, the impact on the park has also been assessed. The results indicate that c. 89% of the park will receive at least 2 hours sunshine on the 21st March in compliance with the BRE Guidelines also.
- Amendments to the design as per the previous grant of the permission on site in terms of setback provided from Ulysses House to be provided
- 3.3 The proposal provides for an increased set back from Ulysses House compared to the previously permitted development on the site at c. 8m separation. Furthermore the building has been set back along this boundary from 1nd to 11th floor which was previously part of this building footprint. This is clearly demonstrated in the plans submitted with this appeal by DTA Architects.
- Compliance with Shared Accommodation standards to be fully addressed in terms of occupancy and communal facilities
- 3.4 The revised proposal submitted as part of this appeal is fully in compliance with the Apartment Guidelines 2018 in respect of shared accommodation and the Ministerial Report issued on shared accommodation. Compliance with the relevant standards is set out in the following sections of this appeal.
- Interaction with street level and ground floor to be enhanced
- 3.5 The proposal provides for full glazing at ground floor level along Foley Street which provides for active frontage along this elevation. The proposed entrance wraps around only Joyce's Walk providing for further animation at street level at this prominent corner. The ground floor level therefore contributes to the vitality of the streetscape and provides for passive surveillance of both Joyce's Walk and Foley Street from 1st floor level upwards.
- Height of the building in the surrounding context to be justified in urban design terms and LVIA to be prepared
- 3.6 The proposed development provides for a high quality architectural design in keeping with the surrounding context of development emerging in the area. Furthermore the proposed development will significantly enhance the overall quality of the area regenerating a derelict site within a highly accessible location in the city. Full details of the proposed design and justification for the building height is set out in this appeal and within the supporting documentation prepared by DTA Architects.

- Winter views and contextual CGI views to be prepared
- 3.7 Winter views have been prepared and are submitted as part of this appeal to address the concerns raised in the Planners Report. The verified views also include the cumulative impact of all of the recently permitted developments in the area which support the building height proposed as part of this appeal.
- 3.8 It is therefore considered that all of the above points have been fully considered and have been incorporated within the previously proposed development and within the revised design submitted as part of this appeal.

4.0 PROPOSED DEVELOPMENT

- 4.1 The proposed development as submitted as part of the planning application can be summarised as follows as per the statutory planning notice:

The proposed development seeks permission for a 12 no. storey (c. 37.8m) over partial basement level (c. 6,107 sq.m. in total), "Build to Rent" Shared Accommodation development comprising of:

- Demolition of existing buildings on site comprising of c. 1,065 sq.m.
 - 102 no. shared accommodation rooms including 42 no. single occupancy units, 55 no. double occupancy units and 5 no. accessible units (double occupancy) with a total occupancy of 162 no. bedspaces ranging in size from 23 sq.m. – 39 sq.m.
 - Provision of set backs to the building on the north, south and east elevation at 7th and 8th floor level;
 - Provision of a courtyard area at ground floor level (178.9 sqm) and 2 no. accessible roof terraces at 7th (49.9 sqm) and 8th (101.9 sqm) floor level;
 - Provision of "Juliette" balcony to all bedrooms on north, east and west elevations;
 - Provision of partial basement level comprising plant rooms, storage and laundry facilities;
 - Provision of internal communal amenity spaces including games room, coffee area, lounge at ground floor, gym and associated terrace at first floor level and communal spaces (kitchen, living, dining) at each level from 2nd to 11th floor with associated terraces at 2nd to 6th floor.
 - Provision of residential support facilities including reception area, managers office, caretaker unit, refuse store and bicycle store comprising 156 no. bicycle parking spaces at ground floor level;
 - Provision of ESB substation at ground level fronting Joyce's Walk;
 - Provision of hard and soft landscaping, Sheffield bicycle stands, plant, green roof and all other associated site development works necessary to facilitate the development
- 4.2 As part of this appeal, in order to overcome the reasons for refusal, the proposed development has been revised to reduce the height and number of units within the building.
- 4.3 The revised design reduces the height from 12 no. storeys to 11 no. storeys and introduces a series of set backs at 6th floor to 8th floor on the south west elevation increasing along the full extent of the western elevation at 9th floor level. A further set back is also proposed from 1st floor level on the south eastern elevation. This section of the elevation was previously 8 no. storeys and has been reduced to 1 no. storeys to increase the internal residential amenity and internal daylight / sunlight received.

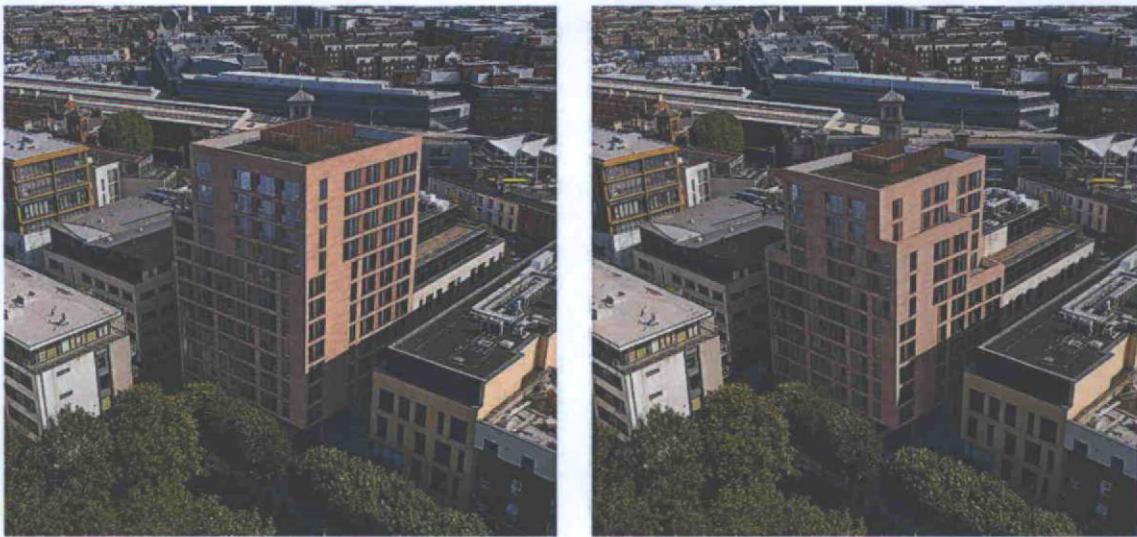


Figure 3: Previously proposed development (left) submitted as part of the planning application versus the revised proposal submitted as part of this appeal (right)

4.4 Overall the proposed development has reduced by 24% of the previously proposed floor area resulting in a significant scaling back of the development. When compared with the previously permitted office development of the site Reg. Ref. 3752/18 and the previously proposed development submitted as part of the appeal, the revised proposal provides for a similar breakdown in terms of plot ratio, site coverage and gross floor area to what was previously permitted on the site. In this regard it is considered the proposed alterations to the development submitted as part of this appeal is largely consistent with the previously permitted scale of development on the site and therefore should be an acceptable form of development on the site.

Description	Permitted Office Scheme Reg. Ref. 3752/18	Applied for Scheme Reg. Ref. 3966/20	Revised Scheme submitted as part of this appeal
Plot Ratio	5.5 : 1	7.2 : 1	5.2 : 1
Site Coverage	75.50%	78.70%	78.70%
GFA sq m	4,710 sq m	6,107 sq m	4,631 sq m
Height	29.66m	37.83m	34.5m

Table 1: Comparison of permitted versus proposed development on the site

4.5 The reduced height and massing of the development provides for enhanced modulation and articulation to the elevations, reducing the visual impact concerns raised by the planning authority. A revised visual impact assessment has been prepared by Aecom to assess the revised proposal as well as a revised daylight / sunlight report prepared by 3DDB. The details of such will be further explained in the following sections of this appeal.



Figure 4: Previous building massing

Proposed building massing

- 4.6 The internal layout of the building has also been reconfigured reducing the number of units from 102 no. (162 no. bedspaces) to 76 no units (126 no. bed spaces). The revised layout includes 26 no. single occupancy units, 46 no. double occupancy units and 4 no. accessible units (double occupancy).
- 4.7 In addition, the communal space provided internally within the development has been increased to provide for a shared kitchen, living , dining area on each floor with additional communal facilities such as co-working space and gym also provided for the use of the residents. Furthermore, the number of external terraces has been increased with an additional terrace provided at 1st floor and 6th floor and private terraces for two units provided at 9th floor.
- 4.8 Overall the level of communal amenity space has been revised to 1,013.6 sq.m. which results in a total of 763.1 sq.m. of shared kitchen / living / dining spaces, equating to 6 sq.m. per person, 76.1 sq.m. of internal communal amenities such as gym and co-working space, and external communal space amounting to 174.3 sq.m. Overall, each resident will be attributed 8 sq.m. of shared amenity space outside their unit throughout the development. In addition, the ground floor entrance courtyard also provide for a further 178.9 sq.m. of residential amenity, however given the dual purpose of this space as an entrance to the scheme, this figure was discounted from the overall quantum of communal space provided.
- 4.9 Furthermore, resident services and facilities are also provided including, post room, lounge, reception area and bike stores which amount to a further 208.4 sq.m. The residential services in combination with the residential amenities amount to a total of 1,222 sq.m., resulting in 9.7 sq.m. per person.
- 4.10 The amendments proposed as part of this appeal are considered to fully address the concerns raised by the planning authority and provide for a significant improvement to the streetscape and overall quality of the area as well as providing a significantly high residential amenity to each of the proposed residents.

5.0 PLANNING POLICY CONTEXT

- 5.1 The application was lodged December 2020 under the provisions of the Apartment Guidelines 2018. However, since the application was lodged, revised apartment guidelines have been published, December 2020. SPPR9(ii) of the Apartment Guidelines 2020 states “*on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála, in which case the application or appeal may be determined on its merits*” (emphasis added). The planning application for the proposed shared accommodation development was submitted to Dublin City Council on the 18th December 2020 in advance of the publication of the Apartment Guidelines 2020 and was considered valid. Thus, the subject application for a shared accommodation scheme was assessed by the Planning Authority on its merits and against the guidance outlined in the 2018 Guidelines.
- 5.2 The Planner’s Report also states that “*This application was lodged prior to the new publication of the amended Guidelines and therefore must be assessed on its own merits*”.
- 5.3 The Circular, dated 12th October 2020, states that ‘*my (the Minister’s) preferred approach is to update the 2018 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, to restrict future commercial co-living development in Ireland with a Specific Planning Policy Requirement (SPPR) with a presumption against grant of permissions for Co Living/Shared Accommodation Development*’.
- 5.4 In respect to current applications, the Circular notes the following:
- “I am of the view that there is now a sufficient quantum of co-living units either permitted or subject to consideration within the planning system, to demonstrate and prove the coliving concept, without impacting housing provision generally.”*
- 5.5 Thus, it is apparent from the information provided that current applications for shared accommodation schemes should continue to be assessed on their merits and in this respect the Planning Authority have accepted the principle of a shared accommodation scheme on the subject site within the City Centre. The updated 2020 Guidelines acknowledge ‘*that there is a sufficient quantum of shared accommodation/co-living units either permitted or subject to consideration within the planning system, that may be built out to demonstrate and prove this concept, without impacting the housing system*’. Thus, the subject application will be considered by the Board on its merits, similar to that assessment undertaken by the Planning Authority.
- 5.6 Compliance with the relevant guidelines as set out in the Grounds of Appeal as set out in the following sections of this appeal document.
- 5.7 As set out in the Planning Application, the proposed development also takes account of National Planning Policy including the National Planning Framework, the Urban Development and Building Height Guidelines 2018, and the Dublin City Development Plan 2016-2022.

6.0 GROUNDS OF APPEAL – RESPONSE TO REASONS FOR REFUSAL

- 6.1 The preceding sections of this first party appeal have provided a planning rationale for the proposed development in the context of the planning policy framework and strategic site location. The following sets out the grounds of appeal in response to the notification of decision by the Planning Authority to refuse permission.

Reason for Refusal No. 1

1. *The development, due to the height and scale of the building is overdevelopment of the subject site. The proposal fails to have any regard to the scale and form of adjoining or nearby properties and does not adequately respond to the prevailing heights along Foley Street or in the vicinity. The development dominates and significantly exceeds the height of the adjoining five to eight storey buildings and the sheer scale and volume of the development as demonstrated in the submitted photomontages, would present a scheme of excessive scale, massing and height resulting in a monolithic appearance when viewed from the adjoining streets. The development would result in a poor quality urban design and place-making outcome which would have a detrimental impact on the visual and residential amenity of the area and would set a precedent for a similar type of development. The proposal would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area*
- 6.2 In relation to reason for refusal No. 1, as previously mentioned, the proposed development has been revised to reduce the height and scale of the building. The overall height of the development has been reduced from 12 no. storeys to 11 no. storeys and a series of set backs at 6th and 9th floor level have been introduced to the western boundary. In addition, a set back from 1st floor level has been introduced on the eastern boundary. The provision of set back levels and the reduction in the height of the building addresses the planning authorities concerns in relation to the visual impact of the development as it relates to the surrounding area.
- 6.3 The Planner's Report acknowledges the appropriateness of the site for high density development, having regard to the location within the city centre close to major employment areas and public transport hubs, "*The subject site is located in the city centre within walking distance of employment hubs, amenities and is also well serviced with public transport connections. The site is therefore suitable for high density development in accordance with the principles established in the National Planning Framework*".
- 6.4 The Planner's Report acknowledges the provisions of the Urban Development and Building Height Guidelines 2018 which support increased heights and densities and supersede the numerical height restrictions as set out in the development plan. However, it is respectfully submitted that the concerns raised by the planning authority relate to a subjective assessment of certain criteria as set out in the development management section of the height guidelines as opposed to the overarching policies and objectives of national planning guidelines which support increased heights and densities on sites such as this subject of the appeal.
- 6.5 As set out in the Planning Application the location of the site is highly appropriate for increased heights and densities. The proposed development is located 190 meters from Connolly Station which is a major public transportation hub in the city. In addition, the subject site is located 400m from the IFSC, a major employment centre, and 700m from the Spire which is centrally located in the city centre. The

location of the site is therefore considered highly accessible and within walking distance of all of the major employment, educational and retail sectors of the city, including national and multinational employers in the Docklands and the city centre generally.

- 6.6 National Planning Policy specifically encourages increased densities and urban compaction on sites with the characteristics as listed above. The NPF states:

"Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority".

- 6.7 The NPF identifies the need for urban regeneration and the redevelopment of highly accessible, strategically located sites within the city centre. National Policy Objective 35 states:

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

- 6.8 The proposed development promotes urban regeneration of this significantly underutilised city centre site well served by high quality public transport. The proposal will provide for much needed residential accommodation in a highly accessible location within walking distance of a number of key area including, Connolly Station, the IFSC and Docklands, and the main retail core of the city. The redevelopment of the subject site is therefore fully in accordance with the objectives of National Planning Policy significantly enhancing the quality and improving the overall streetscape of the area.

- 6.9 The proposed development is therefore considered appropriate development for the subject site in line with National Planning Policy.

- 6.10 The reason for refusal states that *"the development dominates and significantly exceeds the height of the adjoining five to eight storey buildings and the sheer scale and volume of the development as demonstrated in the submitted photomontages, would present a scheme of excessive scale, massing and height resulting in a monolithic appearance when viewed from the adjoining streets"*.

- 6.11 The proposed development has been reduced in height from 12 no. storeys to 11 no. storeys in the revised drawings submitted with this appeal which have introduced set back levels and modulation to the façade design reducing the overall massing of the building. The proposed development at 11 no. storeys is a 24% reduction in the overall floor area compared to the previously proposed development. The reduced scale of the development is considered to be considered consistent with the emerging pattern of development of the area, particularly the recently permitted extension to the North Star Hotel at 10 no. storeys, IFSC House c. 12-13 no. storeys , the Irish Life Centre 10 no. storeys and the Connolly Quarter up to 23 no. storeys.

- 6.12 The revised proposal enhances the modulation and articulation of the façade design creating an interesting building profile. The alterations to the massing are considered to provide for variation in the façade design which complement the range of heights in the surrounding vicinity. In this regard, the proposal is not considered to be of excessive scale, massing or height that would result in a monolithic appearance as indicated by the Planning Authority. The proposal instead creates visual interest to the building through the use of set back levels, the introduction of terraces and the overall reduction in building height and varying roof profile.

- 6.13 Furthermore, the high quality materials and finishes proposed significantly enhance the quality and appearance of the area notwithstanding the refusal reasons which claims that the “*development would result in a poor quality urban design and place making outcome*”. The proposed development seeks to regenerate a visually unattractive and underutilised derelict site containing ruined buildings, located in a key urban city centre location for high quality residential scheme that is reflective of modern architectural styles and designs that significantly enhances and revitalises the area.
- 6.14 The proposed development is a direct contradiction to the claims made by the planning authority in relation to “*poor urban design and placemaking*”. The proposal significantly contributes to the placemaking of the area, creating a new high quality building at this key junction along Foley Street, which is an incomparable improvement to the current quality of the site.
- 6.15 The proposed development will address the corner junction of Foley Street and Joyce's Walk and will encourage pedestrian movement, animation and activity at street level. The design of the building will also complement the existing pallet of materials in the area, providing for a consistent and coherent streetscape. The proposed development is therefore considered to directly contribute to the placemaking of the area, creating an enjoyable pedestrian environment and a visually attractive development on what is currently an unattractive visually intrusive derelict site. The visual amenity of the area is currently hindered by the existing site conditions and therefore the proposal will significantly improve on the quality of the area as the existing site conditions are currently so poor.
- 6.16 The revised LVIA prepared by Aecom to assess the proposed alterations to the development submitted as part of this appeal states that:
- “The existing site will transform from a visually obtrusive vacant urban site in the townscape into an upgraded residential building, which will improve and consolidate the existing urban character on the street. The highest direct townscape effects will arise from the change in use of the existing site, which will transform into a contemporary residential apartment building. The magnitude of townscape change is considered Very High and the resulting significance of change is considered Very Significant Beneficial”.*
- 6.17 The Planner's Report states that “*The extensive elevations and facade would be visually bland and lacks architectural detail, which due to proposed height levels above existing rooflines would be highly visible to the surrounding area*”. A Landscape and Visual Impact Assessment was prepared by Aecom and submitted as part of the planning application. The verified views assessed, clearly indicate that in the majority of views, the proposed development is either entirely hidden or is completely merged within the streetscape, that it does not stand out in the views. In this regard it is submitted that the development clearly is not highly visible in the surrounding area, as stated in the Planner's Report.
- 6.18 Notwithstanding the above, the proposed development has been reduced in height and massing in the drawings submitted with this appeal and therefore the visual impact of the development is reduced in the one view that the building was visible (View 3). In addition, as per the request of the Planning Authority, wintertime images of the proposed development from Eileen McLoughlin Park have been prepared to illustrate the visual impact of the development at this location.



Figure 5: Proposed wintertime view

- 6.19 It is considered that the proposed development as revised as part of this appeal, sits comfortably within the streetscape when viewed from Eileen McLoughlin Park. The proposed height at 11 no. storeys is in line with the emerging heights in the area and does not create any significant additional impact in relation to daylight / sunlight to the amenity space. The Urban Development and Building Height Guidelines set out criteria for assessing building heights in urban locations. The criteria identify that greater heights can be achieved where the building overlooks areas of amenity, key thoroughfares and waterways as follows:

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).

- 6.20 The proposed development overlooks an area of public amenity space at Eileen McLoughlin Park and therefore an appropriate scale and setting for the development is in place which enhances the sense of enclosure and framing of this amenity space. The revised visual impact assessment has been prepared to assess the amendments proposed and the impact of the development on the previously assessed and new views. The LVIA states:

"During the summer, the majority of the Proposed Development will be screened by existing tree vegetation in this view leading to minor changes to the existing baseline view. Views of the Proposed Development will be barely discernible. However, this will change during the winter months without foliage, when the building can be seen through the vegetation. The Proposed Development will form a new corner at the edge of the park and completes a gap in the building lines visible from the park side. The proposed building provides a new scale and interest in an otherwise nondescript built environment framing the park in this viewing direction. It is considered that the magnitude of change during the winter months is Medium-High and the significance is considered Significant Beneficial".

- 6.21 In addition, the reduced scale and massing of the building has also improved the overall daylight and sunlight impact on the surrounding properties and Eileen McLoughlin Park opposite the site. The revised daylight and sunlight report identifies that 89.1% of the overall park area will receive above 2 hours of sunlight on the 21st March which is in excess of the BRE standard. The report concludes:

"The study compared the average sun hours in the Baseline, the Permitted and the Proposed State. In both the numerical values and the 12-hour false colour plans, it can be seen that the loss of sunlight across the area of the park between the Baseline and Proposed State on would be very slight on the summer solstice (21 June). This shows that in the summer months, the park would only be affected slightly.

Similarly, on March 21 (the spring equinox) the average sunlight received by the park in the Proposed State when prepared to the Permitted State are very similar and could be considered to be negligible. Additionally, the difference between the sunlight in the Baseline and the Proposed State is minor.

On December 21st, also known as the winter solstice, the sun path is very low and the shadows cast by the surrounding developments are longer. This results in a very low baseline average value, with the permitted and proposed average sun hours being very similar to the baseline figure.

These results are in agreement with the initial sun lighting study, and it can be said that the park will not sustain a perceptible level of effect due to the proposed development".

- 6.22 Furthermore, revised assessments in relation to wind, microclimate and environmental impacts have all been prepared based on the proposed revision submitted with this appeal. It is considered that the revised proposal reduces the impact of each in these assessments due to the reduced height and scale.
- 6.23 The design statement prepared by DTA Architects sets out details of the overall design intent of the revised proposal and addresses the concerns raised by the Planning Authority from an architectural perspective.
- 6.24 The proposed development will provide for a high quality residential scheme in the city centre, adjacent to a high frequency public transport hub and a short distance from major employment and retail centres. The proposed design and architectural form of the building has been revised in the drawings submitted with this appeal to reduce the height of the development from 12 no. storeys to 11 no. storeys and increased articulation to the building massing has been introduced, which results in a 24% reduction in the overall floor area of the development compared to the previously proposed scheme submitted as part of the planning application. The proposed materials and finishes are representative of quality modern architecture which complements and enhances the existing building character in the area. The proposed significantly enhances the activity at street level providing for activity and animation at this key pedestrian junction with Foley Street and Joyce's Walk. The proposed development also enhances the visual amenity of the area providing for an elegant building in place of a ruined vacant building, regenerating and reutilising this strategically located site.
- 6.25 In combination, the proposed development is a significant improvement to the area, creating a sense of place and introducing a high quality architectural design in the context of the existing surrounding properties. The proposed height of the development is concealed in a number of the key views surrounding the site and where seen, provides for a beneficial impact to the streetscape. It is therefore

considered that the proposed amendments to the scheme submitted as part of this appeal adequately respond to the concerns raised by the planning authority in line with the sustainable development and proper planning of the area.

Refusal Reason No. 2

2. *The number of residents to each communal kitchen / living space throughout the scheme would provide an unsatisfactory standard of residential amenity for the future occupants. Additionally, the daylight levels that would reach a number of the units and the shared living / dining areas would not meet the minimum targeted BRE Guidelines setting a precedent for substandard residential accommodation. The proposal would therefore be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area*
- 6.26 As part of the appeal, the overall unit numbers and internal layout of the development has been revised in response to the reasons for refusal. The number of units has been reduced from 102 no. (162 no. bed spaces) to 76 no. (126 no. bed spaces). The internal layout of the development and the provision of internal communal space has also been revised to provide for 839.2 sq.m. (6.7 sq.m. per person) resulting in an increase of the shared kitchen, living , dining space from 690.8 sq.m. to 763.1 sq.m. (6 sq.m. per person) and additional communal facilities such as a gym and co – working space of 75.8 sq.m.
- 6.27 Externally, additional terraces have been introduced increasing the overall external communal amenity space to 174.3 sq.m. In total the overall quantum of communal amenity space, externally and internally amounts to 1,013.6 sq.m. resulting in 8 sq.m. per person overall. A ground floor external courtyard is also provided amounting to 178.9 sq.m. however this has been excluded from the overall calculation due to its dual use as an entrance to the building. This area nonetheless will provide for a significant enhancement to the amenity value of the development as demonstrated in figure 6.
- 6.28 Furthermore, resident support services such as laundry, concierge, post room and lounge amount to an additional 208.4 sq.m. of resident support services and facilities.
- 6.29 The level of communal amenities and facilities have therefore been significantly increased as a result of the internal reconfiguration which provide for a high level of amenity to the future residents. Additional CGI images have also been prepared to demonstrate the quality of these spaces.



Figure 6: CGI of ground level courtyard space

- 6.30 Due to the level of changes proposed as part of this appeal, it was considered necessary that proposed scheme be reassessed against the standards for shared accommodation. It should be noted however, that since the planning application was lodged, revised apartment guidelines have been released which remove the compliance standards for shared accommodation schemes. SPPR 9 of the Apartment Guidelines 2020 notes the following:

Specific Planning Policy Requirement 9 There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is either:-

- (i) required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process; or,
- (ii) on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála, in which case the application or appeal may be determined on its merits.

- 6.31 Having regard to the above, the planning application was lodged prior to the publication of the new apartment guidelines and therefore can be assessed on its own merits. To assist the Board in assessing the proposed scheme compliance with the relevant standards as set out in the Apartment Guidelines 2018 is set out below.

Shared Accommodation

- 6.32 The proposed development as shown in the revised drawings submitted with this appeal will comprise of 76 no. shared accommodation bedrooms. These units will comprise of a range of units sizes from 23 – 39 sq.m. catering for both double and single occupancy. A total of 26 no. single occupancy and 50 no. double occupancy units are proposed resulting in 126 no. bed spaces

- 6.33 SPPR 9 of the 2018 Apartment Guidelines sets out the requirements for shared accommodation units. The following section set out compliance with the relevant standards.
- 6.34 *"Shared Accommodation may be provided and shall be subject to the requirements of SPPR 7 (as per BTR). In addition,*
- 6.35 *(i) No restriction on dwelling mix shall apply;*
- 6.36 The proposed development as detailed above will provide for 76 no. shared accommodation units ranging in size from 23-39 sq.m. The development also includes the provision of 5 no. accessible rooms.
- 6.37 *(ii) The overall unit, floor area and bedroom floorspace requirement of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5(a) and 5(b);*
- 6.38 Tables 5(a) and 5(b) of the guidelines state the following:

Table 5a: Shared Accommodation – minimum bedroom size

Single*	12 m2
Double/twin*	18 m2

*Including ensuite

Table 5b: Shared Accommodation – minimum common living and kitchen facilities floor area

Bedrooms 1-3	8m2 per person
Bedrooms 4-6	Additional 4m2 per person

Overall, Shared Accommodation units would have a maximum occupancy of 8 persons calculated on the single or double occupancy of the bedrooms provided (eg. 2 x double bedrooms [4 persons] + 4 x single bedrooms [4 persons] = 8 person total occupancy).

Figure 10: Extract from Table 5(a) and 5(b) of the Apartment Guidelines.

- 6.39 The proposed development comprises of a number of bedrooms per floor ranging in size from 23-39 sq.m. with a shared common kitchen / living / dining space located on each floor. The proposed size of the bedrooms therefore comfortably exceed the minimum standards as set out in table 5a. Each of the proposed bedrooms include a sleeping zone, en-suite and small living zone with light cooking facilities.

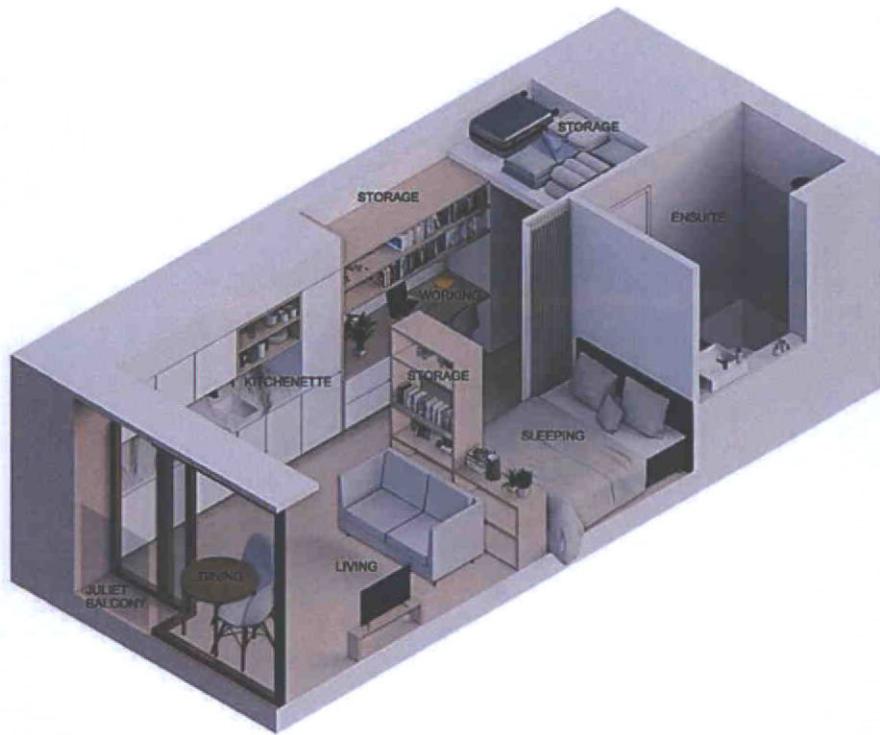


Figure 7: Typical room type

- 6.40 A shared common kitchen / living / dining space is provided on each floor to serve the residents within that floor. At 1st floor level, a shared kitchen / living / dining space has been introduced together with a co- working space. This area can therefore be utilised throughout the day if residents are availing of the working from home option for ease of access.
- 6.41 Table 5b sets out the requirement for shared common living and kitchen facilities. It attributes 8 sq.m. per bedrooms 1-3 and 4 sq.m. per bedrooms 4-6 based on a cluster arrangement. This works out as an average of 6 sq.m. per person. The proposed development provides for 763.1 sq.m. of shared kitchen / living / dining space. This equates to 6 sq.m. per person having regard to the occupancy rate of 126 persons. Having regard to the provision of shared living, kitchen and dining facilities provided it is considered that the proposed development is well served and fully compliant with the 2018 guidelines.
- 6.42 Furthermore, additional communal facilities are provided including a gym at 6th floor and a co working space as previously mentioned. This increases the overall quantum of internal communal space to 839.2 sq.m. External amenity space is also provided at ground floor level, 1st floor level, 6th floor level and 7th floor level amounting to 174.3 sq.m. The overall level of shared communal space within the development amounts to 1,013.6 sq.m. which equates to 8 sq.m. per person (126 bedspaces). A further 178.9 sq.m. of external amenity space is also provided at ground floor level, however this space has been excluded from the overall amenity figure due to its dual purpose use. The space will however provide for a significant amenity value as indicated in figure 6.
- 6.43 It should also be noted that due to the revised design of the building, private terraces have been introduced for 2 no. units at 9th floor level, further enhancing the amenity provision within the development.



Figure 8: Internal CGI of communal shared kitchen / living / dining space at ground floor level

- 6.44 The 2018 apartment guidelines also note that “*the granting of planning permission for other shared accommodation formats from those outlined in paragraph 5.15 above will be at the discretion of the planning authority. In assessing such proposal, planning authorities should ensure that sufficient communal amenities be provided in accordance with the specified standards in table 5(b) above and that the scale of the development is appropriate to the location / buildings involved and to the specific role that the development of the shared accommodation sector should play in the wider urban apartment market.*
- 6.45 The size of the units meets and exceeds the minimum requirements as set out in table 5(a) in terms of bedroom sizes. The quantum of common living and kitchen space as set out in table 5(b) is also allocated to each unit on the basis of 6 sq.m. per person (126 no. bedspaces).
- 6.46 As such it is clearly demonstrated that the proposed type of unit enables a high quality of amenity to be provided both privately and communally throughout the development.
- 6.47 (iii) *Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. 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;*
- 6.48 The proposed units will cater for the storage of smaller items. Larger items such as bicycle will be catered for on the ground floor. As previously mentioned the proposed development provides for additional communal amenities internally such as a gym and co working space and externally in the form of terraces.
- 6.49 (iv) *A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and /*

or proximity to public transport services. The requirements for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures".

- 6.50 There is no car parking proposed within the development designated to the shared accommodation. It is considered that due to the location of the development adjacent to Connolly Station and within the city centre, that there will be no requirement for car parking. The level of bicycle parking however has been considered to provide for 156 no. bicycle spaces in total to serve the shared accommodation.

- 6.51 With regard to reference to SPPR 7, the guidelines state the following:

"BTR Development must be:

Described in the public notices associated with a planning application specifically as a "Build to Rent" housing development that unambiguously categorises the project (or part of thereof) as a long term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period".

- 6.52 The applicant is willing to enter into a covenant for shared accommodation. A draft covenant was submitted with the application and is attached again noting the revised unit numbers.
- 6.53 (b) *Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:*
- 6.54 Residential Support Facilities: comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/ repair services, waste management facilities etc.
- 6.55 The proposed development will provide for a concierge and central management office for the residents. The proposed development will also provide for central waste management facilities to serve the development, bicycle store, laundry room and staff/ management facilities at ground floor level.
- 6.56 Resident Services and Amenities: comprising of facilities for communal recreational and other activities by residents including gym and co working space is also provided.
- 6.57 The proposed development will provide for a range of communal spaces within the development including external and internal amenity spaces. The external spaces are provided in the form of a courtyard at ground floor level and 3 no. roof terraces at 1st, 6th and at 7th floor level which will provide outdoor living and dining facilities.
- 6.58 The proposed level of communal amenity space provided is considered to adequately provide the level of shared accommodation facilities within the development.

- 6.59 Notwithstanding the above, it is considered appropriate to assess the proposed shared accommodation development against the recommendations emerging from the Review Report prepared by the Department, which identifies options to give effect to the review undertaken and makes a number of technical proposals that further clarify the appropriate policy context for the regulation of co-living/shared accommodation development.
- 6.60 In light of the Department's report to the Minister on co-living, the following demonstrates how the proposed scheme meets and complies with the suggested technical amendments outlined in the Co-Living/Shared Accommodation Report prepared by Department officials, and which is likely to inform any pending review of the Guidelines.

1)Increasing the minimum amount of living space per person in comparison other forms of residential accommodation

"To ensure that there is an equivalence in standards of private, communal and amenity floorspace between Shared Accommodation and conventional apartments under the 2018 Guidelines, it is proposed that the minimum floor area per person/bedspace for Shared Accommodation be set at not less than 29 square metres. This would apply to a combination of private space (the bedroom) together with shared support services and amenities, but would exclude corridors and general circulation space etc."

- 6.61 In response to the above, we refer to DTA's Architectural Report which demonstrates that the proposed development provides a significant floor area of private and communal space per resident. The proposed development provides for range of unit sizes from 23 sq.m. to 39 sq.m. The total internal services and amenity space amounts to 1,047.6 sq.m. and external amenity space amounts to 174.3 sq.m. resulting in a total of 1,222 sq.m. The total external and internal amenity space amounts to 9.7 sq.m. per bedspace taking account of 126 no. bedspaces (max capacity). Therefore the total amount of private, communal and amenity floor space amounts to between 33 sq.m. and 49 sq.m. per bedspace. The proposal overall quantum of living space provided is therefore considered to exceed the minimum standards as set out.

2) More explicitly specifying the provision of adequate kitchen/dining facilities

"To clarify that there would be at least six square metres of communal kitchen/dining space per person external to the individual bedroom, for all co-living formats. It should also be specified that this may not be included as part of any such occasional provision within bedrooms, or within the floor area of any other communal facilities and amenities, or any circulation space (corridors, stairwells etc.). In addition, the maximum number of bedrooms sharing a kitchen/dining space should be limited to 20-25, with flexibility up to this range allowable subject to building design. Furthermore, no bedrooms should be designed or let as wholly self-contained units unless they meet the minimum apartment floor area standard of at least 37 square metres for a studio unit or 45 square metres for a one-bedroom apartment."

- 6.62 The proposed development seeks to provide for 76 no. units. All of the units comprise of a living space, en-suite and bedroom equipped with a double bed. Each of the standard rooms are considered to be single occupancy with the larger rooms and accessible rooms double occupancy. The total internal shared Kitchen / Living / Dining space provided is 763.1 sq.m. within the entire development located

on each floor. This equates to 6 sq.m. per bedspace (based on max capacity of 126 no. persons).

- 6.63 This is a highly favourable ratio when compared with other permitted shared accommodation schemes, which have lower level of floorspace per resident, and as such responds positively to the recommendations of the Guidelines.
- 6.64 The proposed development provides a good ratio of residents per cooking area, averaging 1 no. cooking station per every 4 occupants, and 1 no. per every 2.5 units. Shared Kitchen / Living / Dining spaces have been provided on each floor resulting in 13 no. occupants per KLD space, which is a significant improvement from the planning application which resulted in a total of 18 no. occupants sharing a KLD space.
- 6.65 In addition to the above, each shared living unit has access to a kitchenette facility which is typically used for the preparation of light day to day snacks and refreshments, however, it is expected that future residents of the proposed shared living scheme will prefer to use the communal kitchen/dining areas for cooking of larger meals.

3) *Clarifying appropriate locations for Co-Living developments based on 15-minute accessibility to high density employment clusters*

"Co-living development should generally be located within 15 minutes walk (i.e. a 1km radius), or, a maximum 15 minutes morning peak hour public transport accessibility of a high density employment cluster. Such a 'cluster' comprises at least two defined CSO 'workplace zones' with more than 500 employees per hectare in close proximity i.e. within a maximum of 400m (five-minutes walk) of each other. Exceptions to this requirement would be restricted subject to assessment on a case-by-case basis to: (i) Protected Structures, in order to ensure their long term rehabilitation and to address sensitive architectural constraints of the subject building; (ii) Major national level hospitals and health campuses, with any co-living proposal would require to be contractually sponsored/endorsed by the medical institution concerned."

- 6.66 The subject site is considered to be a highly suitable location for a shared accommodation development, having regard to its location within the city centre, adjacent to Conolly Station and extremely well served by train, dart, luas, and bus. The subject site is also located adjacent to significant employment nodes such as the IFSC, the Docklands, the inner city commercial zone and the main retail areas of Henry Street and Grafton Street.

4) *'De-exempting' any change of use from co-living to any other residential use by planning condition when co-living development is granted planning permission.*

- 6.67 *"It is proposed that Guidance would specify that planning authorities restrict any change of use from a permitted co-living development to any other form of residential development, with the possible exception of student accommodation, without first having to seek planning permission."*
- 6.68 The applicant is willing to comply with a condition of planning that restricts any change of use from co-living to any other form of residential development as outlined above.
- 6.69 The above demonstrates how the proposed scheme meets and complies with the technical amendments outlined in the Co-Living/Shared Accommodation Report

and that the subject site is an appropriate location for a shared accommodation scheme and that the proposed scheme, as amended, complies with the relevant guidance for shared accommodation development under the Apartment Guidelines 2018 and emerging best practice for such developments in Ireland.

- 6.70 A revised Operational Management Plan has been prepared by Liv Group and is submitted with this application. The revised management plan takes account of the concerns raised in the Planners Report particularly in relation to the servicing of the building and the moving process.
- 6.71 Having regard to the proposed internal changes to the layout of the development and the reduction in unit numbers the proposed development is fully compliant with all of the relevant standards for shared accommodation. The revised scheme therefore fully addresses the reasons for refusal as set out by the Planning Authority in this respect.
- 6.72 The refusal also raised concerns in relation to the daylight / sunlight access received within the development. the Planner's Report states that "*A daylight and sunlight assessment was submitted with the application demonstrating a number of the units do not meet the targeted minimum 2% ADF BRE Guidelines. Additionally, the communal living / kitchen / dining at second, third and fifth floor level do not meet the targeted minimum 2% ADF. This would result in a poor standard of residential accommodation for the future occupants of the development*".
- 6.73 The revised layout submitted as part of this appeal has been fully informed by the daylight / sunlight analysis. A report has been prepared by 3DDB and states that:

"This study has assessed the Average Daylight Factor (ADF) received in the private habitable spaces and the communal spaces across the development. A total of 114 no. spaces were assessed. The ADF value in all of the assessed spaces was above their applied target value. This results in a 100% compliance rate across the scheme. This is a very good result, and a very positive improvement that resulted from mitigation measures introduced to increase the levels of daylight within the residential units and the amenity spaces".

- 6.74 The daylight / sunlight report clearly indicates that all of the rooms within the proposed scheme are fully compliant with the recommended BRE standard. The report concludes that "*The ADF value in all of the assessed spaces was above their applied target value. This results in a compliance rate of 100% across the scheme*". In this regard the proposed development as revised as part of this appeal fully addresses the refusal reason as set out by the Planning Authority and as such having regard to the 100% compliance rate and the high quality amenity provided within the scheme that An Bord Pleanala grant permission for the revised proposal as submitted as part of this appeal.

8.0 CONCLUSION

- 8.1 This 1st party appeal is submitted on behalf of the applicant, Red Rock Foley Street Ltd., against the decision of Dublin City Council dated 19th February 2021 to refuse planning permission for a proposed shared accommodation scheme at 17-21 Foley Street, Dublin 1.
- 8.2 The reasons for refusal as set out by the Planning Authority relate to the height and scale of the development and the internal residential amenities provided. In response to the refusal reasons, the proposed development has been revised and updated drawings and reports are submitted as part of this appeal. The revised proposal reduces the height of the development from 12 no. storeys to 11 no.

storeys and introduces set backs and articulation to the building façade reducing the overall scale and massing of the building, resulting in a 24% reduction in the overall floor area of the building, significantly reducing the scale of the development in this regard. In addition, the internal layout of the development has been revised to reduce the overall number of units from 102 no. to 76 no. (126 no. bed spaces) and increased internal and external amenity spaces have been provided.

- 8.3 Furthermore, the revised proposal has been assessed in relation to visual impact to the surrounding area and the daylight / sunlight impact both to the properties and existing amenities in the surrounding area and internally within the development itself.
- 8.4 As demonstrated as part of this appeal, the proposed development is 100% compliant with the BRE recommendations internally for all rooms and communal spaces. In addition, the impact of the proposal is minimal on the adjacent public park, with the park receiving in excess of the BRE recommendation. In addition, the proposed alterations to the development submitted as part of this appeal have improved the overall visual impact to the surrounding area. The LVIA submitted with this appeal concludes that:

"The Proposed Development will become a new focal point due to the location of the site at a prominent corner. The reduction in the height and massing of the building from 12 no. storeys to 11 no .storeys and the reduced massing of the building enhances further the integration of the Proposed Development in its surrounding environment. The Proposed Development will form a new corner close to the edge of the Eileen McLoughlin Park and completes a gap in the building lines visible from the park side. The proposed building will provide a new scale and interest in the existing townscape character and will become part in the existing adjacent architecture and pattern of mixed-use development of the area".

- 8.5 The location of the subject site adjacent to the significant public transport node, at Connolly Station and within the city centre adjacent to significant employment, educational and retail hubs is highly appropriate for residential development, providing for the appropriate densities for encouraging urban consolidation and sustainable development of the area in line with National Planning Policy.
- 8.6 The proposed development is in accordance with the Apartment Guidelines for Shared Accommodation and complies with all of the recommendations as set out in the Ministers Report on Shared Accommodation.
- 8.7 The proposed development will significantly improve the quality of the area regenerating a highly accessible, underutilised, derelict site within the city centre to high quality much needed residential accommodation, well served by high frequency public transport services and adjacent to major employment hubs. The proposed development will provide for appropriate heights and densities within the city centre to promote urban consolidation and densification of the city core.
- 8.8 In this regard, it is respectfully requested that An Bord Pleanála overturn the decision of Dublin City Council and grant permission for the proposed development in accordance with the proper planning and sustainable development of the area and is consistent with the policies and objectives of the statutory planning framework nationally and for the subject site.

Yours sincerely,

John Spain Associates