

# Large Scale Residential Development Planning Report & Statement of Consistency

Amendments to a Permitted Development

At a site bound by:

Newmarket Square to the North,  
Ardee Street to the West and  
Mill Street to the South  
(including City House and Unit 3)  
Newmarket,  
Dublin 8

Submitted on Behalf of

**Nrek1 Limited**

September 2024

<b>1.0</b>	<b>INTRODUCTION</b> .....	<b>4</b>
1.1	Pre-application Consultation.....	4
<b>2.0</b>	<b>SITE LOCATION &amp; CONTEXT</b> .....	<b>4</b>
2.1	Location and Description of Subject Site .....	4
<b>3.0</b>	<b>SUMMARY OF RELEVANT PLANNING HISTORY</b> .....	<b>6</b>
3.1	Parent Permission -ABP Ref. ABP-312268-21 .....	6
3.2	First Amendment - DCC Ref. LRD6028/23-S3.....	7
3.3	Second Amendment - DCC LRD Ref. 6032/23-S3.....	7
<b>4.0</b>	<b>DESCRIPTION OF PROPOSED AMENDMENTS TO THE PERMITTED DEVELOPMENT OVERVIEW OF THE PROPOSED DEVELOPMENT</b> .....	<b>10</b>
4.1	Outdoor Communal Open Space and Landscaping .....	12
4.2	Part V.....	13
4.3	Services Infrastructure .....	14
<b>5.0</b>	<b>POSSIBLE EFFECTS ON THE ENVIRONMENT</b> .....	<b>15</b>
5.1	Appropriate Assessment Screening.....	16
5.2	Environmental Impact Assessment .....	17
5.3	Ecological Considerations – Birds and Bats .....	18
<b>6.0</b>	<b>CONSISTENCY WITH NATIONAL AND REGIONAL PLANNING POLICY AND GUIDANCE</b> .....	<b>19</b>
6.1	National Planning Framework (NPF) - Project Ireland 2040 .....	19
6.2	Housing for All – A New Housing Plan for Ireland .....	20
6.3	Regional Spatial and Economic Strategy (RSES) for the Midlands and Eastern Region .....	21
6.4	Transport Strategy for the Greater Dublin Area, 2016-2035 .....	22
6.5	Ministerial Guidelines .....	22
6.5.1	Sustainable and Compact Settlements Guidelines for Planning Authorities (2024).....	22
6.5.2	Urban Development and Building Heights Guidelines for Planning Authorities (2018) .....	24
6.5.3	Sustainable Urban Housing: Design Standards for New Apartments (2023) .....	25
6.5.4	Childcare Facilities – Guidelines for Planning Authorities (2001).....	28
6.5.5	Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009).....	28
6.5.6	Part V of the Planning and Development Act 2000: Guidelines (2017) .....	28
<b>7.0</b>	<b>CONSISTENCY WITH THE DUBLIN CITY DEVELOPMENT PLAN, 2022-2028</b> .....	<b>29</b>
7.1	Land Use and Zoning.....	29
7.1.1	Compliance Statement.....	30
7.2	Strategic Development and Regeneration Area 15 – Liberties and Newmarket Square.....	31
7.2.1	Compliance Statement.....	33
7.3	Shape and Structure of the City .....	34
7.4	Quality Housing and Sustainable Neighbourhoods.....	34
7.5	General Requirements for Residential Development .....	37
7.5.1	Childcare .....	37
7.6.2	Public Open Space .....	38
7.6.3	Guidance on Infill, Brownfield, Regeneration Sites and Large-Scale Development.....	39
7.6.4	Building Height.....	41
7.6.5	Density .....	50
7.6.6	Plot Ratio and Site Coverage .....	53

7.6.7	Apartment Development Standards .....	54
7.6.8	Bicycle Parking Provision .....	58
<b>8</b>	<b>CONCLUSION .....</b>	<b>59</b>

## 1.0 INTRODUCTION

This Report accompanies a Large Scale Residential Development (LRD) planning application on behalf of Nrek1 Limited (the applicant) for amendments to the Strategic Housing Development (SHD) of 132 no. Build to Rent (BTR) dwellings and a ground floor commercial/retail unit permitted under ABP Ref. ABP-312268-21 (the 'parent' permission'), as amended by DCC Refs. LRD6028/23-S3 and LRD6032/23 – S3, respectively.

The proposed amendments primarily consist of an increase in unit numbers from the permitted no. 132 units to 134 units (an uplift of 2 no. additional units) through the conversion of permitted communal roof terraces and extensions to the sixth and seventh floor levels to accommodate the proposed units together with the relocation of the permitted roof terraces to the upper levels.

Construction of the permitted scheme has commenced but due to the proposed amendments being localised in nature and restricted to the upper levels it would not prevent the ongoing construction of the permitted development in a compliant manner.

The proposed amendments also result in the provision of a revised unit mix, comprising of 2 no. studio units, 79 no. 1 bed units, 5 no. 2 bed / 3 person units, 41 no. 2 bed / 4 person units and 7 no. 3 bed units, and a revised quantum of 879 sq.m of external communal amenity space.

This report is structured to provide an overview of the site location and context; a description of the proposed amendments; the planning history of the site; the planning policy context including relevant policies and objectives; and a list of documents provided.

### 1.1 Pre-application Consultation

Pre-Application consultation, as required under S.247 of the Planning and Development Act 2000, as amended, (the Act) was held with Dublin City Council on the 25 June 2024.

At that meeting, Dublin City Council confirmed that no further consultation was required in relation to the proposed amendments to the permitted development, the subject of this application.

In this regard, please refer to Appendix A below which contains an email from the Planning Authority confirming that no further consultation is required in relation to the proposed development under section 247(7) of the Act.

## 2.0 SITE LOCATION & CONTEXT

### 2.1 Location and Description of Subject Site

The site is located in the Newmarket/Liberties Area of Dublin City, approximately 1.7 km to the south-west of O'Connell Street bridge. The site currently comprises several vacant light industrial and warehousing buildings constructed in the 1970 /1980s. The site is bound to the east by a recently completed office development, known as the 'Eight Building' and by Newmarket Square, Ardee Street and Mill Street to the north, west and south respectively.

The site is situated approximately 150m to the south of St Luke's Avenue / Cork Street and c. 420m to the west of New Street South, being two of the main arterial routes into the city centre. In this regard, the site is proximate to a range of high quality, frequent Dublin Bus routes, and is accessible to both the

Luas red and green lines to the north-west and east respectively. These connections facilitate quick and easy travel to the rail lines at Connolly Station to the north-east, while Heuston Station is located c.1km to the north-west. The site is also located proximate to a range of high quality public open spaces/parks, with Weavers Park c. 120m to the west, Oscar Square c. 70m to the south-west, the Cabbage Garden c. 480m to the east and the St Patricks Park located c. 450m to the north-east.

The immediate locality is predominantly characterised by recently completed or ongoing large-scale redevelopment and regeneration projects that was kick-started by the development of the Teelings Distillery in 2016. Two storey suburban type semi-detached and terraced dwelling houses are situated to the west/south-west of the site at Oscar Square and Chamber Street. More recent multi-storey buildings of residential and/or mixed uses are located to the north, east and south of the subject site around Newmarket Square, Mill Street, Ardee Street and Cork Street.

**Figure 2.1: Aerial View of the Site Context**



### 3.0 SUMMARY OF RELEVANT PLANNING HISTORY

#### 3.1 Parent Permission -ABP Ref. ABP-312268-21

On the 13 September 2022, An Bord Pleanála granted planning permission for a Strategic Housing Development on the subject site, comprising the demolition of all structures on site and the construction of a 6-9 storey mixed use building with a maximum height of 31.3m and containing the following:

- 134 no. Build-To-Rent (BTR) apartment dwellings, comprising 1 no. studio unit, 96 no. 1 bed units, 7 no. 2 bed (3 person) units and 30 no. 2 bed (4 person) units. The proposed apartments are primarily provided from first to eighth floor level except for 2 no. units at ground floor level fronting onto Ardee Street.
- 1,131 sq.m of external communal amenity in the form of a podium level communal courtyard (330 sq.m) and 5 no. communal garden terraces at roof level (total of 801 sq.m), incorporating associated landscaping, external lighting and seating areas.
- 115.7 sq.m of internal communal amenity space at ground floor level, including a co-working area (60.6 sq.m) and a games room (55.1 sq.m).
- Ancillary services for BTR residents at ground floor level include a foyer, reception desk, management/maintenance office area, refuse storage area and a bicycle storage area (238 no. resident/visitor bicycle spaces and 2 no. spaces for cargo bikes).
- 606.1 sq.m Gross Floor Area (GFA) of ground floor level commercial/retail space is proposed, with direct frontage onto Newmarket Square and at the corner of Newmarket Square and Ardee Street. The commercial/retail unit includes a dedicated refuse storage area and a bike storage area accommodating 8 no. spaces.
- Ancillary infrastructure/services for the building including an Energy Centre, Water Storage Plant and 2 no. ESB substation/switch rooms at ground floor level.
- Road, footpath, vehicular parking and public realm upgrade works in the immediate vicinity of the proposed building, comprising:
  - (a) Enhanced pedestrian facilities along Newmarket Square, Ardee Street and Mill Street, and at the 2 no. road junctions immediately to the north-west and south-west; and,
  - (b) 5 no. additional on-street car parking spaces (including 1 no. dedicated car share space) and 1 no. loading bay, together with the relocation of an existing bus stop along Ardee Street.
- All associated site and development works and ancillary infrastructure provision, including water services, foul and surface drainage and connections, attenuation proposals, lighting, landscaping and boundary treatments on a site area of 0.32 ha.

Planning permission was granted subject to 29 no. conditions. Condition 2 requires that the development be amended to:

- (a) Omit the 2 no. 1 bed apartments at ground floor level along Ardee Street and replacement with communal amenity space and uses to serve the development;
- (b) The amalgamation of 2 no. north facing 1 bed apartments (Type 1.3) on each floor, from 1-6 floor level, to form 1 no. 2 bed apartment on each floor;

- (c) The amalgamation of 2 no. north facing 1 bed apartments (Type 1.4) on each floor, from 1-6 floor level, to form 1 no. 2 bed apartment on each floor.

Condition 3 confirms that this permission relates to 120 no. Build-to-Rent apartments and 1 no. commercial unit only.

### **3.2 First Amendment - DCC Ref. LRD6028/23-S3**

On the 07 June 2023, Dublin City Council granted planning permission for a Large-Scale Residential Development (LRD) consisting of internal and associated external amendments to the SHD development permitted under ABP Ref. ABP-312268-21, primarily consisting of:

- The redesign of permitted circulation cores arising from fire safety and certification requirements, resulting consequential alterations to the internal and external layout of immediately adjoining areas;
- Improvements to the permitted unit mix through the introduction of 3 bed units, together with associated alterations to immediately adjoining units; and,
- Ancillary and associated external alterations to permitted elevations.

The amendments result in a minor (35 sq.m) increase in the building floor area from 10,655 sq.m Gross Floor Area (GFA) to 10,690 sq.m GFA, together with a revised mix of dwellings comprising 1 no. studio unit, 71 no. 1 bed units, 6 no. 2 bed (3 person) units, 35 no. 2 bed (4 person) and 7 no. 3 bed units.

Planning permission was granted subject to 11 no. conditions. Condition 5 requires that the development be amended to:

- (a) Provide two-way access and access for cargo bikes via the cycle access corridor and doors to Mill Street;
- (b) Provide full details of the proposed e-bike charging facilities; the proposed cargo bike spaces and the double stack cycle parking system located within the ground level cycle store, including dimensions of the proposed stacking system and the required aisle widths for its effective use. A minimum of 238 spaces shall be provided, including 4 no. cargo bike spaces in respect of the residential development. 8 no. cycle-parking spaces shall be provided in respect of the retail use.

It is noted that internal site clearance works have commenced to facilitate the demolition of existing buildings on site and the construction of the permitted development.

### **3.3 Second Amendment - DCC LRD Ref. 6032/23-S3**

On the 19<sup>th</sup> September 2023, DCC granted permission for internal and external amendments to the permitted mixed use, primarily Build to Rent (BTR) residential development granted by An Bord Pleanála under Ref. ABP-312268-21 (Strategic Housing Development), as amended by Dublin City Council under Ref. LRD6028/23-S3.

The amendments primarily included an increase in the number of residential units from 120 to 133 (13 no. additional units) provided by a new set back ninth floor level and extensions at seventh and eighth floor levels. Associated and ancillary amendments included:

- The relocation of 3 no. permitted balconies on the western elevation (Ardee Street) from second (Unit 1B2P 02 02), fourth (Unit 1B2P 04 02) and sixth floor levels (1B2P 06 02) to first (1B2P 01 02), third (Unit 1B2P 03 02) and fifth (Unit 1B2P 05 02) floor levels, respectively;
- Revised landscaping details for the permitted communal amenity terrace at sixth floor level;
- Revised landscaping design for the permitted first floor/podium level courtyard (310 sq.m) to include a table tennis area and basketball area;
- The enlargement and redesign of the permitted internal resident bike store at ground floor level to accommodate 54 no. additional bicycle spaces and 1 no. additional cargo bike space (revised total of 292 no. bicycle spaces and 5 no. cargo bike spaces).
- Associated ground floor level amendments to accommodate the enlarged bike store include the redesign of surrounding circulation areas, refuse store and plant rooms. This results in a reduction in the floor area of the permitted ground floor commercial/retail unit from 536 sq.m Gross Floor Area (GFA) to 516 sq.m GFA;
- The provision of 6 no. visitor bicycle parking spaces (3 no. Sheffield Stands) for the permitted commercial/retail unit onto Newmarket Square;
- The provision of a resident's lounge, 2 no. co-working spaces and a bookable room within the permitted internal amenity space along Ardee Street, together with a yoga/event space within the permitted internal amenity space situated at the corner of Mill Street and Ardee Street; and
- The enlargement and redesign of the permitted switch room at ground floor level, resulting in minor alterations to the permitted adjoining commercial/retail unit bike and bin store.

The permitted development included all associated changes to the previously permitted elevations arising from the above amendments and ancillary development and works. The permitted amendments resulted in a 10-storey mixed use building with a Gross Floor Area (GFA) of 11,623 sq.m (983 sq.m GFA increase), a roof parapet level of 46.95m O.D. (an increase of approximately 3.05m in height from 43.9m O.D as permitted) and an overall building height (including lift overrun) of 47.7m O.D (a minor 800mm increase in height from 46.9m O.D, as permitted.). The permitted amendments also resulted in a revised unit mix (1 no. studio unit, 80 no. 1 bed units, 5 no. 2 bed (3 person) units, 40 no. 2 bed (4 person) units and 7 no. 3 bed units) and a revised quantum of external communal amenity space (906 sq.m).

DCC granted permission subject to 15 No Conditions of which the following conditions are noted:

- **Condition 5** - *The development hereby approved shall incorporate the following amendments:*
  - a) *Apartment unit '1B2P\_09\_03' at the 9th floor level shall be omitted from the scheme. The space vacated by this omission shall become part of the adjoining 86 sq m communal amenity terrace.*
  - b) *The proposed half basketball court at podium level shall be omitted and replaced by appropriate landscaping.*
  - c) *The new apartments at levels 7 & 8 along the northern elevation / Newmarket Square shall be finished with the same materials approved on the lower floor levels of this elevation.*

*Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.*



- **Condition 6** clarifies that the *development hereby approved contains 12 no. additional apartment units equating to an overall permission for 132 units.*

Having regard to Condition 5 (above) and an assessment of the qualitative aspects of the permitted communal courtyard space at podium level, the following commentary in the DCC Planner's Report is noted:

*'Therefore as per the parent SHD permission, it should be discounted from contributing to the Communal Open Space provision. In these terms, the resultant provision taking into account the **COS in the upper floor only, equates to 596 sq.m which represents a shortfall of 181 sq.m. It is recommended that the 86 sq.m roof top terrace at 9th floor level should be extended by removing the adjoining 48 sq.m '1 bed 2-person' unit to form an overall 134 sq.m communal amenity space. The resultant COS would equate to 644 and reduced the shortfall to 133 sq.m.** This would be acceptable having regard to Section 4.12 of the Apartment Guidelines which allows for some flexibility on urban infill schemes on sites of up to 0.25ha.'* [Emphasis added in **bold**]

#### **4.0 DESCRIPTION OF PROPOSED AMENDMENTS TO THE PERMITTED DEVELOPMENT OVERVIEW OF THE PROPOSED DEVELOPMENT**

The proposed development consists of internal and external amendments to the permitted mixed use, primarily Build to Rent (BTR) residential development granted by An Bord Pleanála under Ref. ABP-312268-21, as amended by Dublin City Council under Ref. LRD6028/23-S3 and Ref. LRD6032/23-S3.

The proposed amendments primarily include an increase in the number of units from a permitted 132 units to 134 (2 no. additional units) provided through the infill of permitted communal roof terraces at sixth and seventh floor levels, respectively and as follows:

- Amendments at Ground floor level include a reduction in the floorspace of the permitted retail unit from 516 sq.m to 437 sq.m due to an amended layout and configuration of the integral bicycle store to provide an additional 6 no. bicycle storage spaces from a permitted 292 no. spaces to 298 no. bicycle storage spaces (including 6 cargo bike spaces) and alterations to emergency fire escape.
- Amendments to the configuration of internal residential amenities (including a resident's lounge, 2 no. co-working spaces, a bookable room and a yoga/event space) resulting in a reduction of the combined internal residential amenities floorspace from 255 sq.m to 247 sq.m (an 8 sq.m reduction) due to the provision of Mechanical and Electrical Risers and AOV.
- Amendments at Sixth Floor level include the omission of a communal roof terrace at the north-eastern corner of the building and the infilling thereof by providing an additional studio unit (floorspace of approximately 41 sq.m) with a north facing balcony, together with associated external alterations.
- Amendments at Seventh Floor Level include the omission of part of a communal roof terrace at the south-eastern corner of the building and the infilling thereof by providing an additional 2-bedroom unit (floorspace of approximately 76 sq.m) with a south facing balcony and the re-provision of the communal open space in the form of a rooftop terrace at 8th floor level, together with associated external alterations.

The proposed development includes all associated changes to the previously permitted elevations arising from the above amendments and ancillary development and works. The proposed amendments will result in an increase in the number of units from a permitted 132 units to 134 (2 no. additional units) and a revised unit mix, comprising of 2 no. studio units, 79 no. 1 bed units, 6 no. 2 bed / 3 person units, 40 no. 2 bed / 4 person units and 7 no. 3 bed units together with a revised quantum of 879 sq.m of external communal amenity space(s). In the interest of clarification, the proposed development will not result in an increased height of the overall permitted 10-storey high building but will result in a revised Gross Floor Area (GFA) of 11,746 sq.m.

In order to clarify the differences between the permitted and proposed development, Table 4.1 below provides details of the permitted scheme (under DCC Ref. LRD6032/23-S3) in the left-hand column and the corresponding comparative details arising from the subject proposals in the right-hand column.

**Table 4.1: Comparative Key Development Parameters**

<b>Development Parameter</b>	<b>Permitted Scheme</b> <b>DCC Ref. LRD6032/23-S3</b>	<b>Amended Scheme</b>
<b>Site Area</b>	0.19ha (nett) – subject site 0.32ha (gross – including public realm works permitted under Ref. ABP-312268-21)	No Change
<b>No. of BTR Units</b>	132	134
<b>Unit Mix</b>	1 x studio 79 x 1 bed 5 x 2 bed / 3 person 40 x 2 bed / 4 person 7 x 3 bed	2 x studio 79 x 1 bed 5 x 2 bed / 3 person 41 x 2 bed / 4 person 7 x 3 bed
<b>Non-Residential Uses</b>	516 sq.m of ground floor level commercial/retail space.	441 sq.m of ground floor level commercial/retail space.
<b>Building Height</b>	6-10 storeys with a maximum parapet height of 31.75m (46.95m O.D.)	No Change
<b>Gross Floor Area</b>	11,673 sq.m (as applied for) 11,623 sq.m (as permitted on foot of Condition 5(a))	11,746 sq.m
<b>Density</b>	132 units / 0.32ha = 413 units per ha (gross)	134 units / 0.32ha = 418 units per ha (gross)
<b>Plot Ratio</b>	6.3	6.4
<b>Site Coverage</b>	87%	87%
<b>Cycle Parking</b>	292 no. resident/visitor bicycle spaces and 5 no. cargo bike spaces at ground floor level. 8 no. internal (staff) spaces for the retail/commercial unit at ground floor level.	298 spaces broken down as follows. Long Term Secure (225 Space) – 1 per bedspace including new apartments. Short Term (67) - .5 per apartment.

<b>Development Parameter</b>	<b>Permitted Scheme</b>	<b>Amended Scheme</b>
	<b>DCC Ref. LRD6032/23-S3</b>	
	6 no. additional external visitor spaces for the retail/commercial unit at ground floor level.	Cargo Spaces: (6 – located in different compartments).
<b>Residential Services and Amenities</b>	255 sq.m internal amenity space - includes the incorporation of a resident's lounge, 2 no. co-working spaces, a bookable room and a yoga/event space within the permitted.	247 sq.m internal amenity space - includes the incorporation of a resident's lounge, 2 no. co-working spaces, a bookable room and a yoga/event space within the permitted.
<b>Outdoor Communal Amenity Spaces</b>	310 sq.m at Podium Level and a total of 644 sq.m of communal amenity terraces at upper roof levels to provide a total of 954 sq.m external communal amenity space.	310 sq.m at Podium Level and a total of 569 sq.m of communal amenity terraces at upper roof levels to provide a total of 879 sq.m external communal amenity space.
<b>Car Parking</b>	None	No Change
<b>Public Open Space</b>	None	No Change
<b>Childcare Provision</b>	None	No Change

#### 4.1 Outdoor Communal Open Space and Landscaping

The permitted development provides a total of 879 sq.m of communal external amenity space in the form of a first floor/podium level courtyard and 5 no. roof garden terraces, summarised as follows:

- A 310 sq.m communal courtyard at first floor podium level, incorporating an informal play area, amenity lawn area and seating, together with tree coppices and buffer planting to provide screening and security to windows from the first floor level apartments.
- 2 no. communal garden terraces at seventh floor level (combined total of 162 sq.m), comprising:
  - A communal garden terrace at the northern portion of the development overlooking Newmarket Square (127 sq.m); and
  - A smaller communal garden terrace at the southern portion of the development overlooking the corner of Ardee and Mill Street (35 sq.m).
- A 78 sq.m communal garden terrace at eight floor level on the roof of the proposed additional unit at 7<sup>th</sup> floor level.
- 2 no. communal garden terraces at ninth floor level (combined total of 329 sq.m), comprising:

- A communal garden terrace at the western portion of the development overlooking Ardee Street (193 sq.m); and
- A smaller communal garden terrace at the northern portion of the development overlooking the internal courtyard of the proposed development (136 sq.m).

The proposed amendments include revisions to the landscaping design of external spaces at 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> floor levels, respectively and as follows:

- Due to fire safety regulations and limitations in terms of maximum permissible travel distances to an escape core, the eastern most extent of the now larger 7<sup>th</sup> floor level (above the proposed northern infill unit) cannot be used to augment the existing 127 sq.m northern roof terrace. This section of the 7<sup>th</sup> floor level will only be accessible for maintenance purposes and will not be used as a communal amenity space for residents.
- The landscape amenity terraces permitted under the permitted development to level 7, provided two roof terraces the larger of the two is south facing and west facing. The layout has been altered as part of the amendment application with a reduction in size and the inclusion of a DAC access from the building. This design includes an irregular folded arrangement within the ground plane this allows for the development of social seating areas. Box planters with feature planting aid screening for users, create shade and interest whilst developing a space with a balanced approach towards hard and soft scape. The second of the two terraces is east, north, and south facing. The arrangement is more formal in type from the larger terrace area. The terrace includes a deck area which can accommodate a series of active amenities including Yoga / Dance with a surround of planting and seating to form a buffer to the building and the edge boundary of the terrace. Under the amendment application the larger terrace is reduced in size with a portion of the floor now providing additional accommodation. The smaller footprint retains the design concept of the larger floor with the provision of a social south facing garden space. The parent permission did not provide a landscape amenity terrace or external area to level 8. This has now been altered under the amendment application. As part of the amendment application a landscape terrace has been proposed.
- The permitted ninth-floor level has two terraces. These terraces have been arranged to maximise aspect and amenity. The larger of the terraces includes the provision of two lawn areas, and a surround of box planters and irregular shaped planters / seats to provide social spaces and a planting back drop. The design also provides a small play space using some of the play elements which were previously part of the first level courtyard. The smaller terrace is situated in the north east. This compact terrace has been designed to include a social seating area, lawn and chess draughts board. Under the amendment application the larger of the two terraces situated at the southern boundary of the building has remained unchanged, with the northern terrace being extended to provide greater space for amenity and low impact recreation, the chess board and lawn remain but are set further apart with the lawn increasing in size.

## 4.2 Part V

The proposed amendments do not omit / remove any of the Part V units granted previously nor does it require any additional provision in this regard.

As noted previously under Planning Application Ref. LRD6032/23-S3, the applicant intends to transfer 13 no. built units on site, representing 10% of the total number of units. All details of compliance with Part V requirements will be agreed with the Planning Authority upon the issue of any grant of planning permission pursuant to Condition 15 attached to planning permission Ref. LRD6032/23-S3.

#### **4.3 Services Infrastructure**

An Engineering Infrastructure Note, prepared by Barrett Mahony Consulting Engineers accompanies this planning application. The Infrastructure Report addresses any engineering considerations for the proposed amendments.

It is noted that the subject application does not provide any alterations to the principles of the permitted foul drainage and water supply design, as permitted previously. The water supply and foul drainage design for the additional units proposed in this application integrate with the internal foul water drainage and water supply design on the lower floor levels of the building.

A new connection agreement with Irish Water has been executed for 132 no. units. A separate new connection application will be made for the now proposed 2 no. additional units, should these be granted planning permission.

There are no proposed changes to the consented layouts for roads, footpaths and parking. There are also no proposed changes to the previously consented mobility management measures / residential travel plan.

## 5.0 POSSIBLE EFFECTS ON THE ENVIRONMENT

The following documentation was submitted with the parent SHD permission (ABP Ref. ABP-312268-21) to address potential environmental impacts arising from the construction of a 6-10 storey mixed use building containing a ground floor commercial/retail unit and 134 no. residential units:

- Natura Impact Statement and Appropriate Assessment Screening Report prepared by Biosphere Environmental Services;
- Environmental Impact Assessment Screening Report prepared by Declan Brassil & Co. Ltd;
- Statement in Accordance with Article 299B of the Planning and Development Regulations 2001-2021 prepared by Declan Brassil & Co. Ltd;
- Archaeological Desktop Report prepared by Archaeological Projects Limited;
- Architectural Conservation Report prepared by Mullarkey Pedersen Architects;
- Bird and Bat Assessment Report prepared by Wildlife Surveys;
- Site Lighting Report and Sustainability Report prepared by Homan O'Brien Consulting Engineers;
- BTR Wind Microclimate Study and Daylight, Sunlight and Overshadowing Study prepared by IES;
- Verified Photomontages Booklet, together with Townscape and Visual Appraisal Report prepared by Modelworks; and
- An Infrastructure Report, Site-Specific Flood Risk Assessment Report, Outline Construction and Demolition Waste Management Plan and Outline Construction and Environmental Management Plan by Barrett Mahony Consulting Engineers.

It is noted that the number of units permitted was reduced to 120 by conditions attached to the SHD permission (Conditions 2 and 3). The granted LRD amendment planning permission (DCC Ref. LRD6028/23-S3) for minor internal and external amendments to the SHD development was accompanied by an Appropriate Assessment Screening Report, updated Site Lighting Report and an updated Operational Waste Management Plan. In addition, the second LRD amendment planning permission under DCC Ref. LRD6032/23-S3 which primarily established an uplift in unit numbers from 120 to 132 through the provision of an additional set back top floor level (ninth floor level) together with extensions to the seventh and eighth floor levels was accompanied by the following updated and amended documentation to address the potential environmental impacts arising from the proposed amendments to the permitted development:

- Appropriate Assessment Screening Report prepared by Biosphere Environmental Services;
- Architectural Conservation Report prepared by Mullarkey Pedersen Architects;
- Site Lighting Report and Sustainability Report prepared by Homan O'Brien Consulting Engineers;
- Daylight, Sunlight and Overshadowing Study, together with Wind Microclimate Study prepared by IES;
- Townscape and Visual Appraisal Report (including Verified Photomontages at Appendix 1) prepared by Modelworks; and

- Infrastructure Report, Site Specific Flood Risk Assessment Report, Outline Construction and Environmental Management Plan and Outline Construction and Demolition Waste Management Plan prepared by Barrett Mahony Consulting Engineers.

The previously submitted documentation for both the parent SHD permission and the subsequent amendment permissions demonstrated that the subject site comprises entirely of man-made structures of no ecological or environmental value. It was also demonstrated that the development of the subject site will not have an adverse or negative environmental impact on any flora, fauna or European Sites, is acceptable from a flood risk perspective and will not increase the risk of major accidents or natural disasters. The assessments did not identify any likely significant impact on the environment arising from the permitted scheme.

The proposed development consists of amendments to a permitted development in an inner-city urban area, primarily comprising of an increase in unit numbers from 132 to 134 (providing 2 no. additional units) through the provision of two additional infill units on previously permitted roof terraces.

This subject application is accompanied by the following updated and amended documentation to address the potential environmental impacts arising from the proposed amendments to the permitted development:

- Site Lighting letter prepared by Homan O'Brien Consulting Engineers;
- Daylight, Sunlight and Overshadowing Study prepared by IES;
- Verified Photomontages prepared by Modelworks Ltd; and an
- Engineering Services Note prepared by Barrett Mahony Consulting Engineers.

Based on the submitted reports, and the nature of the proposed amendments to the permitted scheme, it is not considered that the development will have any significant direct, indirect or cumulative adverse negative effects on the environment.

The proposed amendments to the permitted development do not include the provision of a basement or substantial additional works below the ground floor plate of the permitted building. Therefore, the conclusions, recommendations and mitigation measures of the previously submitted Archaeological Desktop Report prepared by Archaeological Projects Limited, as reflected in Condition 21 of the parent SHD permission.

It should be noted that construction of the permitted scheme has commenced on-site. The nature of the proposed amendments being contained to the upper most levels of the permitted building will allow construction works to continue during the determination stage of the subject development.

## **5.1 Appropriate Assessment Screening**

The Appropriate Assessment Screening Report prepared by Biosphere Environmental Services and submitted with the second LRD amendment application (LRD6032/23-S3) concluded as follows:

*'This report for Appropriate Assessment Screening has considered the potential impacts of proposed amendments to a previously permitted mixed residential development (ABP Ref. ABP-312268-21, as amended by Dublin City Council under Ref. LRD6028/23-S3) at Newmarket Square, Dublin 8 on the integrity of relevant European sites.*



*The report concludes on the best scientific evidence that it can be clearly demonstrated that no element of the project has potential to cause effects on the integrity or Qualifying Interests/Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects, in light of their conservation objectives.*

*On the basis of the findings of this report for Screening for Appropriate Assessment, it is concluded:*

*(i) that the project is not directly connected with or necessary to the management of a Natura 2000 site, and*

*(ii) significant impacts on the Natura 2000 network are not foreseen as a result of the proposed project.*

*Based on this information, and beyond reasonable scientific doubt, it is considered that a Stage 2 Appropriate Assessment is not required.'*

In considering the above, the DCC Planner's report concluded as follows:

*'The wider area would already be connected to the existing drainage network. **Most potential impacts would have be from the shorter term Construction & Demolition phase rather than the operational phase. No open watercourses are present on site or located nearby that would act as a potential pathway to Natura 2000 sited.***

*Having regard to the nature and scale of the proposed development and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.'* [Emphasis added in bold]

Having regard to the above, it is submitted that the proposed development which primarily involves the infilling of two roof terraces and the construction of two additional apartments will not result in any meaningful incremental potential impact(s) arising from the construction phase. Having regard to the minor scale of the proposed amendment it is unlikely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## **5.2 Environmental Impact Assessment**

In assessing the previous amendment application under DCC Ref. LRD6032/23-S3, the DCC Planner had due regard to the planning history of the site and in considering the need for Environmental Impact Assessment, the report concluded as follows:

*'It is noted that the parent SHD application site was subject to an EIAR Screening. ABP, being the competent authority assessing that application, had considered that the proposed parent development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.*

*In this instance having regard to the nature of the development in an urban area, there is no real likelihood of significant effects on the environment arising from **the proposed development which is relatively small scale in nature to the permitted parent scheme – much of it relating to amendments to permitted internal layouts, infilling of the 7 & 8th floor levels and the provision of a 9th floor. The need for environmental impact assessment can, therefore be excluded at***

***preliminary examination and a screening determination is not required.*** [Emphasis Added in bold]

Having regard to the above, it is submitted that the proposed development is of a minor nature, involving modest 'infilling' of permitted roof terraces at 6<sup>th</sup> and 7<sup>th</sup> floor levels to provide two additional apartments. Having regard to the modest nature of the proposed changes to a previously permitted development in an urban area it is submitted that the proposed amendments would not give rise to new environmental considerations / impacts that have not previously been considered. As such, it is submitted that any associated environmental effects can be screened out at preliminary examination stage.

### **5.3 Ecological Considerations – Birds and Bats**

The parent SHD application was accompanied by a Bat and Bird Assessment (dated December 2021) and refers to surveys carried out in April and May 2021. The results of this previous assessment are summarised below:

- **Bats** - The report concluded that no trees of bat roosting potential were identified on site. No evidence of bats roosting or bat foraging was noted, therefore no significant negative impacts on roosting animals are expected to result from the proposed redevelopment. Notwithstanding, the report recommended that a pre-construction survey should be carried out prior to the demolition of structures, as a precaution. If bat roosting is noted, a derogation licence will be required from NPWS prior to the demolition of on-site structures. The applicant intends to comply with this mitigation measure, as captured under Condition 1 of the parent permission.
- **Birds** - The above report concluded that there were no birds nesting in any of the buildings within the site. No swifts, swallows, herring gulls or other protected species were present in the site and there were also no pigeons or other species typical of inner-city buildings. A herring gull was present on a neighbouring house but there were no nesting gulls in the site. The report included a recommendation for habitat enhancement in the form of swift boxes.
- **Conclusion** – It is stated that the development of the subject site offers the potential to enhance the biodiversity of the area by providing plants and roosting and nesting opportunities. There is the potential for a moderate long-term positive impact.

The proposed amendments appropriately incorporate the recommendations of the previous Bird and Bat Assessment, providing habitat enhancement measures within the landscaping of the external amenity areas, including appropriate planting, swift and boxes. The revised lighting design for the development has also been provided in accordance with the recommendations of the Bird and Bat Assessment.

## 6.0 CONSISTENCY WITH NATIONAL AND REGIONAL PLANNING POLICY AND GUIDANCE

This section provides an overview of the relevant national and regional planning policy guidance, including Guidelines issued under Section 28 of the Act. The design and detail of the proposed development has been informed by and is consistent with the relevant policies and objectives, as set out below.

### 6.1 National Planning Framework (NPF) - Project Ireland 2040

The National Planning Framework (NPF) (Project Ireland 2040) sets out both the national strategic outcomes (NSO's) and national policy objectives (NPO's) for the future growth and sustainable development of the country to 2040. The NPF is the Government's high-level, strategic plan for shaping the future growth and development of the Country.

The NPF acknowledges the critical role that Dublin City plays, supporting its growth (jobs and population) to accommodate an extra 235,000 - 293,000 people by 2040. The NPF seeks that this growth be accommodated within its footprint, noting that housing choice, transport mobility and quality of life are key issues. The NPF therefore sets a target of at least 50% of all new homes targeted for Dublin City and suburbs are delivered within its existing built-up footprints.

To achieve these targets of compact growth and urban consolidation, the NPF identifies the re-using of large and small 'brownfield' land, / infill sites, and underutilised lands at locations that are well served by existing and planned public transport for housing and people intensive employment purposes. The NPF particularly highlights the need to focus on underutilised lands within the canals and the M50 ring and the relocating of less intensive uses outside the M50 ring and the existing built-up area generally.

Relevant NSOs and NPO's of the NPF include the following:

- **NPO 1** - Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.
- **NPO 2A** identifies a target of half of future population growth occurring in the cities or their suburbs.
- **NPO 3A** directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.
- **NPO 4** seeks to ensure the creation of attractive, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and wellbeing.
- **NPO 11** states that there will be a presumption in favour of development which encourages more people and generate more jobs/activity within existing cities, towns and villages, subject to meeting appropriate planning standards and achieving targeted growth.
- **NPO 13** requires that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria to achieve well-designed high-quality outcomes in order to achieve targeted growth.
- **Objective 27** to 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.

- **Objective 33** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **Objective 35** promotes increased densities through measures including infill development schemes, area or site-based regeneration and increased building height.

In accordance with the NPOs, the proposed amendments to a permitted mixed-use, primarily residential development will ensure the delivery of 134 no. modern and adaptable new homes and a commercial/retail unit on a highly accessible brownfield, infill site within inner city Dublin. The development is located proximate to high quality public transport facilities, employment opportunities and local services. The provision of additional residential accommodation on the subject site will encourage and provide sustainable travel patterns by promoting the use of sustainable travel modes such as public transport usage, cycling and walking over private car use.

It is considered that the proposed increase in the density of the previously permitted SHD scheme would not seriously injure the residential or visual amenities of the area and is considered an acceptable urban design response to the emerging context of the Newmarket/Liberties area, which is now includes a variety of new multi-storey, mixed use and high-density developments.

## 6.2 Housing for All – A New Housing Plan for Ireland

Housing for All – A New Housing Plan for Ireland (Housing for All) was published September 2021. It identifies the extent by which Ireland’s housing system is not meeting the needs of enough people and is failing to provide enough homes to buy or to rent in the private sector. In order to address Ireland’s continuing housing crisis, the Plan will require the public and private sector to work together to reach the overall target of 300,000 homes by 2030. These homes need to be affordable, built in the right place, to the right standard and in support of climate action. They need to satisfy demand for housing across four tenures – affordable, social, private rental and private ownership. They need to be advanced through the planning process and be built within the context of specific development targets for the five cities and major towns, and the complementary objectives of the Town Centre First policy and rural housing.

Housing for All seeks to put in place pathways that will create the environment needed to enable supply of over 300,000 new homes by 2030, meaning an annual average of at least 33,000 homes per year to come from both the public and private sector.

- Supporting home ownership and increasing affordability;
- Eradicating homelessness, increasing social housing delivery and supporting social inclusion;
- Increasing new housing supply; and
- Addressing vacancy and efficient use of existing stock.

While Housing for All focuses on specific interventions and capital investments to increase the delivery of state-led housing construction, it recognises that some 170,000 homes (56.7%) will be delivered by the private sector over the period to 2030, or some 18,300 homes on average annually, of which 6,500 will be in the private rental sector.

Significant emphasis is placed on ensuring that new housing supports the Climate Action Plan and in particular increasing energy efficiency in private rental dwellings.

The proposed residential development will contribute towards increasing new housing supply, and in particular will increase supply quickly, to meet the housing delivery targets identified in Housing for All. The proposed development will provide high-quality accommodation within a central and accessible location within Dublin city that is well served and connected with public transport services.

### **6.3 Regional Spatial and Economic Strategy (RSES) for the Midlands and Eastern Region**

The Regional Spatial and Economic Strategy for the Eastern and Midland Regional Area (RSES) sets out the vision for growth and Regional Policy Objectives (RPO) for the Eastern and Midland Region (9 counties), including Dublin.

The growth and settlement strategy of the RSES reflects the objectives of the NPF; seeking to promote compact growth, together with the consolidation and re-intensification of infill, brownfield and underutilised lands with Dublin City and its suburbs. 50% of all new homes targeted for Dublin and its suburbs are to be located within the existing built up area to achieve, in Dublin City Council's administrative area, an increase in population of c. 100,000 people by 2031.

A more detailed planning and investment framework for the Dublin Metropolitan Area (DMA) is set out in the Dublin Metropolitan Area Strategic Plan (MASP). The MASP identifies a number of large-scale strategic sites (strategic development lands), based on key corridors that will deliver significant development (housing and employment development) up to the year 2031. The MASP also recognises that intensification, infill and brownfield development opportunities will also be brought forward during the lifetime of the Plan. Achieving the vision statement of the MASP will be through the implementation of guiding principles for the sustainable development of the DMA including; compact sustainable growth, integrated transport and land use, acceleration of housing delivery, and co-ordination and active land management.

Relevant Regional Policy Objectives (RPO's) include the following:

***RPO 3.2:*** Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

***RPO 5.5:*** Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

The permitted development, as proposed to be amended with additional units, will deliver a high-density scheme of modern and adaptable new homes on an infill, brownfield site in inner city Dublin that is well served by public transport provision and local service provision. This is in accordance with the principles, vision and objectives of the of the Eastern and Midlands RSES, together with the Metropolitan Area Strategic Plan (MASP). The proposed amendments ensure that the constructed development will capitalise on its inner city location, whilst providing an architecturally appropriate built form and height which complements the ongoing regeneration of the immediately surrounding area.

## 6.4 Transport Strategy for the Greater Dublin Area, 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 (the GDA Transport Strategy) provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area. It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection and delivery of other infrastructure, such as housing, water and power, can align their own investment priorities.

Section 7.1.2 outlines principles of land use and transport integration which seek to reduce the need to travel, reduce the distances travelled, promote walking and cycling and promote public transport use. Strategic planning principles include ensuring residential development is located proximate to high-capacity public transport should be prioritised over development in less accessible locations in the GDA. Furthermore, to the extent practicable, residential development should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised. At a local level, planning should promote walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services, and other services at the local level such as schools.

The proposed amendments to the permitted development in inner-city Dublin accords with the GDA Transport Strategy by providing additional high quality residential units on the subject site, maximising the number of people living within walking distance of a range of public transport options, employment opportunities and a wide variety of social/community/educational facilities and services.

## 6.5 Ministerial Guidelines

The following is a list of Section 28 Guidelines that are considered to be of particular relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable and Compact Settlements Guidelines for Planning Authorities (2024)
- 'Sustainable Urban Housing: Design Standards for New Apartments' (2023)
- 'Urban Development and Building Heights – Guidelines for Planning Authorities' (December 2018) published by the Department of Housing, Planning and Local Government.
- Part V of the Planning and Development Act 2000: Guidelines (2017)
- 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities' (2009)
- 'Childcare Facilities – Guidelines for Planning Authorities' (2001).

### 6.5.1 Sustainable and Compact Settlements Guidelines for Planning Authorities (2024)

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities set national planning policy and guidance in relation to the planning and development of settlements, with a focus on sustainable residential development and the creation of compact settlements.

Chapter 3 provides advice on appropriate net residential densities. Having regard to Table 3.1 of the guidance it is considered that the subject site can be classified as a 'City - Urban Neighbourhood'.

Notably, this category includes ‘strategic and sustainable development locations’. The guidance goes on to state that these areas are:

- *‘...highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin...’*

Chapter 4 of the guidance include key indicators of quality design and placemaking.

Chapter 5 (Development Standards) includes a number of Specific Planning Policy Requirement (SPPRs) that are relevant, as follows:

- **SPPR 1 (Separation Distances)** – states that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

- **SPPR 2 (Minimum Private Open Space Standards for Houses)** sets out minimum private open space standards for houses, which are not applicable in this instance, as all of the proposed dwellings are either duplex units or apartments. In this regard, it is noted that SPPR 2 states that ‘Apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates).’
- **SPPR 3 (Car Parking)** - It is a specific planning policy requirement of these Guidelines that in city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

#### 6.5.1.1 Compliance Statement

With regards to Density, the Guidelines state that in sites such as this, a range between 50 dph to 250 dph (net) density shall generally be applied. The proposed development provides for a density of 418

u/ha. However, given that this is an infill site with strong public transport links, it is submitted that the proposed density is consistent with the guidelines. The site is proximate to a range of high quality, frequent Dublin Bus routes, and is accessible to both the Luas red and green lines to the north-west and east respectively. These connections facilitate quick and easy travel to the rail lines at Connolly Station to the north-east, while Heuston Station is located c.1km to the north-west.

The issues of overlooking, privacy separation distances, car and bicycle parking are all addressed in the Design Statement prepared by Reddy Architecture + Urbanism submitted herewith.

### **6.5.2 Urban Development and Building Heights Guidelines for Planning Authorities (2018)**

The *Urban Development and Building Heights Guidelines for Planning Authorities (2018)* states that generic maximum height limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework, and instead continue an unsustainable pattern of development whereby cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area. Furthermore, the Guidelines provide that blanket limitations can also hinder innovation in urban design and architecture leading to poor planning outcomes.

The Guidelines include wider and strategic policy considerations and a more performance criteria driven approach that planning authorities should apply alongside their statutory development plans in securing the strategic outcomes of the National Planning Framework and in particular compact growth of urban areas.

The Guidelines identify a key objective of the NPF is to *'see that greatly increased levels of residential development in our urban centres and significant increases in the buildings heights and density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels'*.

Section 3.1 of the Guidelines state that it is Government policy that building heights must be generally increased in appropriate urban locations and therefore there is a presumption in favour of buildings of increased height in our towns/city cores and other urban locations with good public transport accessibility. As a broad principle, the Guidelines provide that proposal for buildings taller than prevailing building heights will be considered where they positively assist in securing National Planning Framework objectives of focusing development in key urban centres; fulfil targets relating to brownfield, infill development supporting compact growth in urban centres; and, increase residential density and unit numbers, including student accommodation, in core areas and inner suburbs.

The proposed development seeks to provide 2 no. additional apartment dwellings to a permitted development on the subject site through infill extensions at sixth and seventh floor levels. The proposal will facilitate the further intensification and consolidation of a brownfield, inner city infill site in an accessible location that is well served by high frequency bus services and proximate to a range of employment opportunities and services.

The design, location and material finish of the proposed extensions have afforded due regard to the design language established by the permitted development on site and the existing/emerging streetscape context, which is now predominantly defined by contemporary, multi-storey, mixed use developments surrounding Newmarket Square and in the wider area. The proposal retains the established pattern of stepped increases in height from the permitted development from the eastern



and southern elevations to the apex of the development at the prominent western entrance to Newmarket Square at the corner with Ardee Street.

The City Plan is consistent with the above guidance as it no longer prescribes blanket height restrictions. Instead, the City Plan acknowledges that certain areas of the city, such as those located adjacent to high quality public transport will lend themselves to more intensive forms of development. Similarly, brownfield and infill sites are also acknowledged for their potential to achieve greater densities subject to the location and proximity to other services. Appendix 3 of the City Plan sets out guidance regarding density and building height in the city in order to achieve sustainable compact growth.

Section 3.2 of the Urban Development and Building Height Guidelines state that *'In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála, that the proposed development satisfies the following criteria...'* The Guidelines then specify a range of criteria to be addressed where the proposed density and height exceed those specified in the Development Plans (SPPR 3).

As per the requirements of SPPR 3, a series of performance-based development management criteria are set out in Table 3 of Appendix 3 of the City Plan. These criteria are consistent with the criteria and guidance set out in the above guidelines and seek to ensure protection of residential, heritage, streetscape and landscape amenity. All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3 of Appendix 3 of the City Plan.

A compliance assessment in respect of same is provided under Section 7.6.4.1 below.

### **6.5.3 Sustainable Urban Housing: Design Standards for New Apartments (2023)**

The Sustainable Urban Housing: Design Standards for New Apartments Guidelines were originally published in 2015 and have been updated in December 2020 and December 2022. The guidelines contain qualitative and quantitative measures for the design of apartments and related facilities including storage areas, open spaces and communal facilities. Section 6 of the Guidelines identifies the information required to accompany a planning application for an apartment scheme or mixed-use development including apartments. Appendix 1 provides a range of minimum apartment areas and standards which apply to new apartment schemes

Section 2.4 of the Guidelines identify a range of locations in cities and towns that may be suitable for apartment development. In this regard, the guidelines identify 'Central and/or Accessible Urban Locations' as locations that *'...are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:*

- *Sites within walking distance (i.e., up to 15 minutes or 1,000-1,500 m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
- *Sites within reasonable walking distance (i.e., up to 10 minutes or 800-1,000 m) to/from high-capacity urban public transport stops (such as DART or Luas); and*
- *Sites within easy walking distance (i.e., up to 5 minutes or 400-500m) to/ from high frequency (i.e., min 10-minute peak hour frequency) urban bus services.'*

The site is an inner-city brownfield location, less than 500m from high frequency Dublin Bus services along Cork Street to the north and New Street to the east. Stops for both the Luas Red and Green Lines is also located approximately 1.2km to the north-west and east respectively. Accordingly, this 'Central

*and/or Accessible Urban Location'* is appropriate for higher density development, as provided by the proposed amendments to the permitted development on the subject site.

In relation to future housing need, Sections 2.6 and 2.7 of the guidelines acknowledge demographic trends indicate a trend towards smaller households since 1996 with the majority of households in Ireland comprising of 1-2 person households.

Circular letter NRUP 07/2022 dated 21st December 2022 (issued by the Department of Housing, Local Government and Heritage) states that the amendments to the Apartment Guidelines (2020) which came into effect on the 22 December 2022 remove Specific Planning Policy Requirements (SPPRs) 7 and 8 which relate directly to Build to Rent (BTR) developments. The effect of the revised Apartment Guidelines 2022 is that BTR is no longer a distinct class of development for planning purposes, and that planning standards for BTR development are required to be the same as those for all other generally permissible apartment types.

Section 5 of the Apartment Guidelines recognise BTR development as a valid form of rental accommodation and sets out typical characteristics, but with no allowable divergence from the minimum standards for apartments generally, which are set out in Sections 3 and Section 4 of the Guidelines. This ensures that apartment developments, irrespective of the intended end user, will be designed to the same minimum standards. In this regard it is noted that the development standards contained in the DCDP is consistent with that of the above guidance. Table 7.1 below, provides a summary of compliance against relevant development standards.

Section 5 of the guidelines include guidance on the provision of amenities within BTR Schemes as follows:

*'The provision of dedicated amenities and facilities specifically for residents is usually a characteristic element. The provision of such facilities contributes to the creation of a shared environment where individual renters become more integrated and develop a sense of belonging with their neighbours in the scheme. This provides the opportunity for renters to be part of a community and seek to remain a tenant in the longer term, rather than a more transient development characterised by shorter duration tenancies that are less compatible with a long term investment model.'*

***There are a range of potential facilities that may be provided in conjunction with BTR in other jurisdictions such as dedicated laundry facilities, communal leisure areas, gym, workspaces/hot desks, concierge service, etc. Facilities may also include private dining rooms, kitchen areas, office spaces, TV/lounge rooms, etc. that can be booked on occasion by individual residents for their own use.'***

In this regard the permitted development includes for a range of indoor communal amenities at ground floor level to include a resident's lounge, 2 no. co-working spaces, a bookable room and a yoga/event space. These facilities will make a significant contribution towards shared community facilities within the permitted and proposed development.

As demonstrated in the submitted Housing Quality Assessment and floorplans, the proposed additional 2 no. apartments have been designed to comply with all relevant standards of the 2023 Apartment Guidelines, summarised as follows:

- **Unit Mix:** SPPR 2 provides that where *'up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units'*. The subject proposal comprises 2 no

additional units of which 1 no. unit is a studio unit (or 50%) and the other a 2-bedroom unit. Accordingly, the subject proposal complies with SPPR 2.

- **Minimum Apartment Sizes:** SPPR 3 sets out minimum required overall floorspace areas for new apartments, as follows:
  - Studio apartment (1 person) 37 sq.m
  - 1-bedroom apartment (2 persons) 45 sq.m
  - 2-bedroom apartment (4 persons) 73 sq.m
  - 3-bedroom apartment (5 persons) 90 sq.m

All new proposed units meet the minimum standards for internal floor areas (SPPR 3), rooms sizes, storage space and private amenity space provision. Both the proposed units exceed the required minimum floorspace provision for a studio and two bedroom apartment, respectively.

Paragraph 3.8 of the guidelines requires that the *'majority of all apartments in any proposed scheme of 10 or more apartments exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%).'*

On an incremental basis the proposed development falls below the above threshold of 10 no. units.

- **Dual Aspect:** 1 of the 2 (or 50%) of the proposed new units is a triple aspect unit in excess of the minimum requirements of SPPR 4 for 33% dual aspect units in central and accessible locations.
- **Lift and Stair Cores:** None of the proposed amendments would result in the overall scheme providing 12 apartments per floor per core, in accordance with SPPR 6.

All upper floor level external amenity spaces (569 sq.m) receive more than adequate sunlight throughout the year as demonstrated by the Daylight, Sunlight and Overshadowing Study Report prepared by IES. 62% of the combined external amenity areas will receive at least 2 hours of sunlight over their combined area on the 21st March, thus complying with the BRE recommendations.

The permitted podium level communal courtyard continues to not receive the sunlight level recommended in the BRE Guidelines. However, the revised landscaping proposal for this space incorporates additional active recreational uses. It is submitted that the additional activities provided will substantially improve the usability of this area as an external recreational space by residents of the development.

In addition, the subject proposal is on a urban infill site of 0.19ha. In this regard, it is noted that Section 4.12 of the guidelines states that:

*'For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.'*

**Bicycle Parking and Storage:** The proposed amendments include an increase in the size of the previously permitted residents bike store at ground floor level to provide a total of 292 no. resident/visitor bicycle

spaces and 6 no. cargo bike spaces. This is well in excess of the cumulative requirement of 261 no. spaces to serve the overall 134 no. units in accordance with the Guidelines.

It is noted that the development standards contained in the City Plan is consistent with the SPPR's of the above guidance. In this regard Table 7.1 7 (below) also provide a summary of compliance against all relevant development standards.

#### **6.5.4 Childcare Facilities – Guidelines for Planning Authorities (2001)**

Section 2.4 of the Guidelines consider appropriate locations for childcare facilities, and with reference to facilities 'in new communities/larger new housing developments' provides that:

*'Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.'*

Section 3.3.1 of the Guidelines state that 'in relation to new housing areas, a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate'. This is a guideline standard and will depend on the particular circumstances of each individual site.

Paragraph 4.7 of the Apartment Guidelines (refer to sub-section 6.4 below) provides flexibility in this regard and removed the requirement for 'blanket provision' across all residential schemes. In this regard the Apartment Guidelines acknowledge that notwithstanding the Planning Guidelines for Childcare Facilities (2001), the appropriate threshold for provision of childcare 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. In this regard the guidance state that 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 bedrooms.

The newly adopted Dublin City Development Plan, 2022-2028 (the City Plan) is consistent with the above guidance. Set out below under Section 7.6.1 is a statement of consistency to demonstrate compliance with the above guidance and the City Plan.

#### **6.5.5 Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)**

An Appropriate Assessment Screening Report was submitted with the previous application, and given the nature of the proposed development, it is submitted that the proposed infilling of two roof terraces and the construction of 2 no. apartments would not result in any meaningful impact arising from the construction phase. Having regard to the minor scale of the proposed amendment it is unlikely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

#### **6.5.6 Part V of the Planning and Development Act 2000: Guidelines (2017)**

The proposed development will not impact upon the agreed and permitted Part V provision with DCC. The applicant will comply with Condition 15 attached to planning permission Ref. LRD6032/23-S3. Please see the Part V Compliance letter and calculations submitted herewith.

## 7.0 CONSISTENCY WITH THE DUBLIN CITY DEVELOPMENT PLAN, 2022-2028

This section of the report seeks to demonstrate consistency with the current Dublin City Development Plan, 2022-2028 ('the City Plan').

The City Plan is consistent with the National and Regional Strategic Planning Policy and current Section 28 Ministerial Guidance. The following provisions of the City Plan are noted and relevant:

- Appendix 4 of the plan sets out Mandatory Development Plan Requirements by having particular regard to Section 10(2) of the 2000 Planning and Development Act (as amended) and Section 10(2A) of the Planning and Development Act as amended to demonstrate that the core strategy and housing strategy are consistent with the National Planning Framework, Regional Spatial and Economic Strategy and specific planning policy requirements specified in Section 28 ministerial guidelines.
- Appendix 14 of the plan contains a Statement Demonstrating Compliance with Section 28 Guidelines.

Set out below is a summary, providing an assessment of consistency of the proposed scheme against the relevant provisions of the City Plan and the development standards contained therein.

### 7.1 Land Use and Zoning

The subject site is zoned **Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses**, with the objective '*to consolidate and facilitate the development of inner city and inner suburban sites for mixed uses*'. The Z10 zoning objective of the site has been carried forward from the previous City Development Plan.

The purpose of this zoning is to promote mixed use in order to deliver sustainable patterns of development in line with the principles of the 15-minute city, with mono uses, either all residential or all employment/office use generally not being permitted. It is required that a range of 30%-70% of the area of Z10 lands can be given to one particular use, with the remaining lands to be given over to another use or uses. The primary uses supported in this zone are residential, office and retail, with ancillary uses also facilitated where they deliver on the overall zoning objective.

Flexibility on the mix requirement may be considered on a case-by-case basis on very small infill sites (less than 0.5ha), where it can be demonstrated that the proposal would not result in an undue concentration of one particular land use on the Z10 landholding as a whole.

On Z10 zoned lands, residential development is permitted in principle. Under Variation No. 5 of the DCDP, '*Build to Rent residential*' was removed as an open-for consideration use under the Z10 zoning objective.

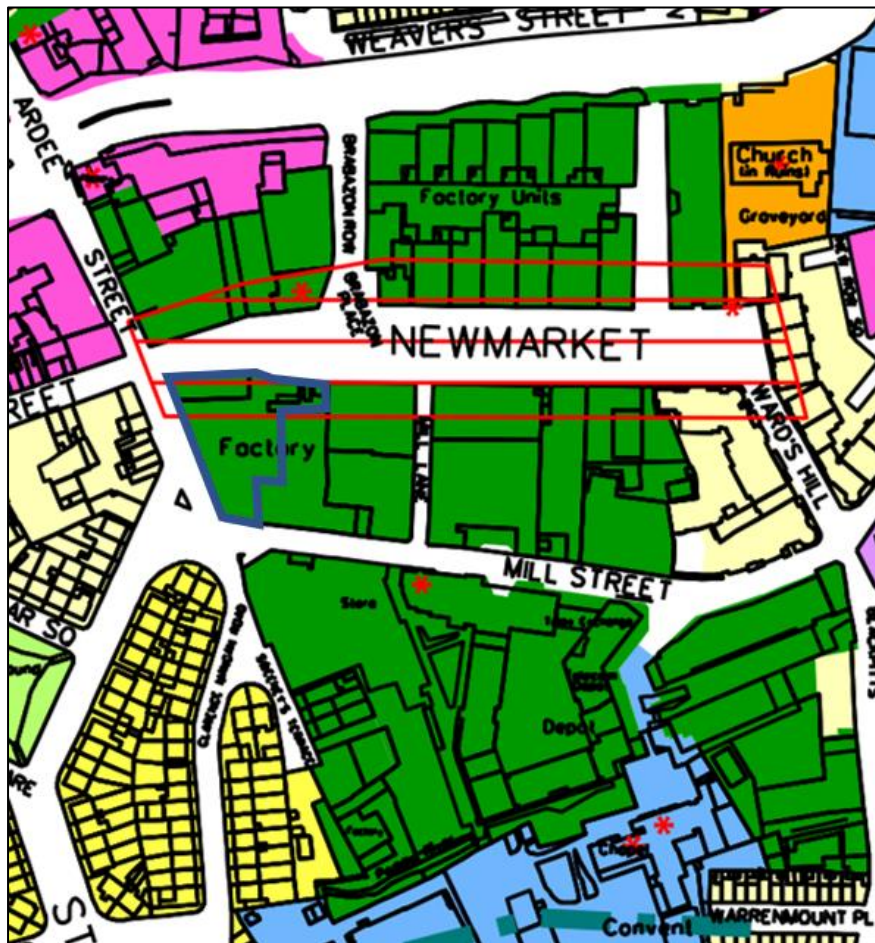
Appendix 19 of the DCDP was inserted on foot of Variation No. 5 of the DCDP and clarifies as follows:

*'Build-To-Rent (BTR) development was established as a separate class of development for planning purposes, arising from Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, as published in 2018 and updated in 2020.*

*For the purposes of the planning system the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DHLGH, 2023 no longer identify Build to Rent (BTR) accommodation as a specific housing typology which require specific guidance / design standards. A*

*technical update in relation to 'Build-To-Rent' (BTR) accommodation has been made to the development plan.'*

**Figure 7.1: Zoning Context (subject site outlined in dark blue)**



**7.1.1 Compliance Statement**

The proposed amendments primarily consist of an increase in the number of residential units from a permitted 132 no units to a proposed 134 no. units – an uplift of 2 no. apartments at 6<sup>th</sup> and 7<sup>th</sup> floor levels, respectively.

Given the location of the proposed units at the upper levels of the building as an extension of the permitted exclusively residential above ground floor levels, it is not possible or appropriate to accommodate non-residential uses within the extended areas. The proposal enhances the sustainable use of the Z10 brownfield, inner urban land resource within a permitted development that has been determined to be fully consistent with the use mix requirements of the zoning objective. In this regard it is noted that the previous DCC Planner’s report (under DCC Ref. LRD6032/23-S3) accepted this principle where it was stated as follows:

*‘The site is subject to zoning Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses, with the objective ‘to consolidate and facilitate the development of inner city and inner suburban sites for mixed uses’. The zoning also carries a requirement that 30%-70% of the area can be given to one particular use, with the remaining lands to be given over to another use or uses.*

*Given that the proposal will increase the number of residential units by 13 units and that this will be primarily by achieved through the provision of an additional set-back top floor level together with extensions to the permitted seventh and eighth floor levels, it would not be considered reasonable to require the provision of additional non-residential uses within these newly extended areas. However, the proposal represents the enhancement and further sustainable use of Z10 lands and resource within a permitted Development. This accords with the wider development plan policies relating to urban density and Sustainable Development Regeneration Areas, particularly in relation to the former industrial use of the site and its city centre location. The site is also in close proximity to key transport networks and the services & amenities within the local Newmarket area.'*

In addition to the above, it must be noted that the proposed additional BTR units, the subject of this application represents an extension / amendment of an established BTR scheme that is currently under construction. Indeed the parent permission and subsequent amendment thereof was considered and assessed under former provisions of the Apartment guidelines and development plan provisions prior to Amendment No. 5 of the development plan coming into effect. In this regard, Variation No. 5 does not prohibit the delivery of additional BTR units. However, it does require that such units be designed to comply with the standards for apartments, as set out in the 2023 Apartment Guidelines, as demonstrated below in Table 7.4.

In this regard, Section 34(3C) of the Planning and Development Act 2000 (as amended) is relevant and restricts the planning authority in its assessment of this amendment application to solely consider the modifications proposed, rather than the entirety of the permitted and proposed development in a holistic manner. Thus, the policies, objectives and standards of the adopted development plan cannot be applied to the permitted 132 no. dwellings and associated development not affected by the proposed additional units, as they have the benefit of permission, is currently under construction and a reassessment of the entire scheme from first principles would be inappropriate in this instance. Similarly, the issue of zoning, which was discussed in the Inspector's Report on the parent permission permitted by An Bord Pleanála, or the principle of development falls outside the adjudicative scope of this application.

Accordingly, the proposed development shall be assessed and described in an incremental fashion under the remaining headings of this report below to demonstrate full compliance with the current development plan as it relates to the proposed 2 no. additional units and any associated development to facilitate same.

## **7.2 Strategic Development and Regeneration Area 15 – Liberties and Newmarket Square**

The City Plan incorporates 17 Strategic Development and Regeneration Areas (SRDA), being areas that are considered capable of delivering significant quantities of homes and employment for the city and are a key element in the delivery of compact growth and sustainable development under the Plan.

The SDRA designation for the Liberties/Newmarket Area (incorporating the subject site) under the previous Development Plan was carried forward to the current City Plan as SDRA 15 - Liberties and Newmarket Square. This SDRA corresponds to the area defined by the Liberties Local Area Plan 2009 and seeks to incorporate relevant elements of the LAP, as appropriate, that have yet to be realised.

For each SDRA, a series of guiding principles are set out and indicated on an accompanying plan in the City Plan and are to be read in conjunction with the zoning objectives, principles and other objectives



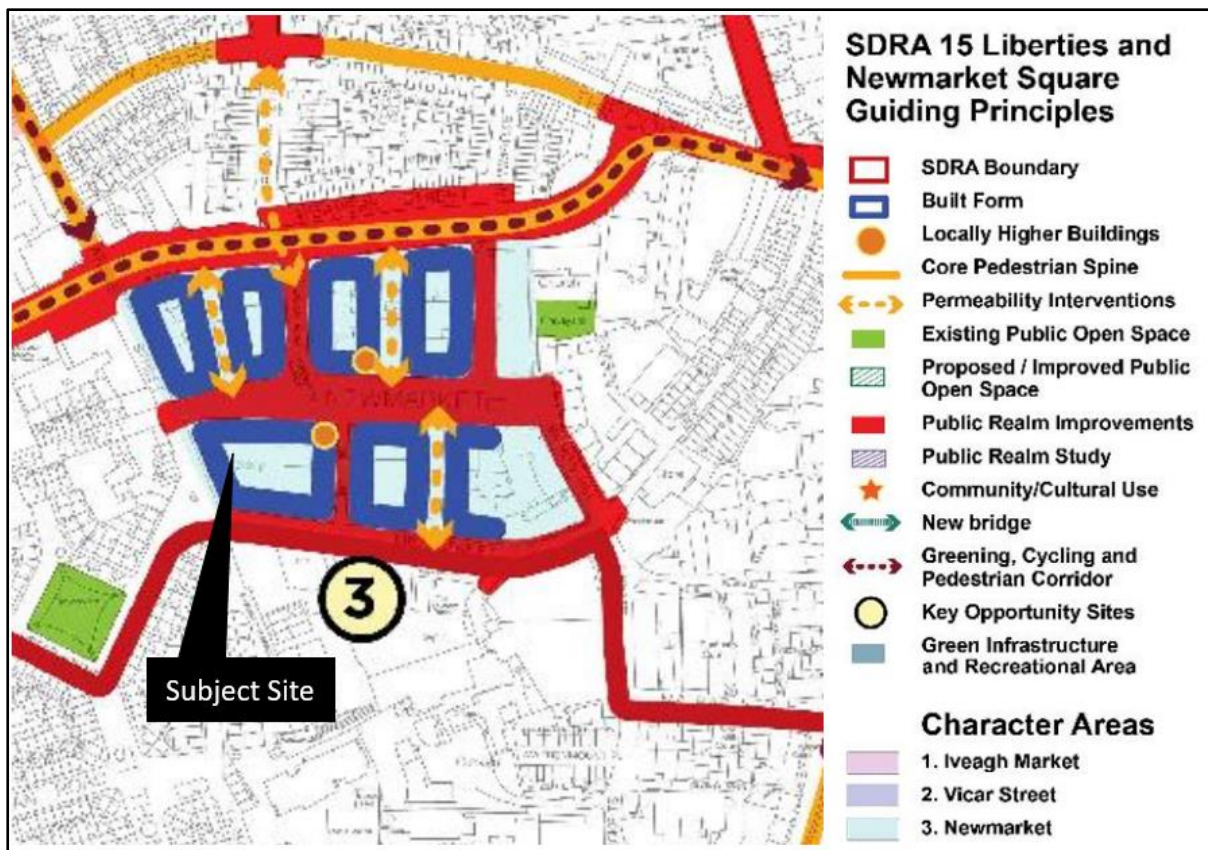
and policies of the City Plan. It is stated that the guiding principles plans are not intended to be prescriptive, but seek to set out an overall strategy for each site in terms of the appropriate form and scale of development, key routes and permeability, open space etc. Some flexibility in the interpretation of the guiding principles maps will be applied where the applicant can demonstrate that the overall intent of the guiding principles has been incorporated and considered and that an appropriate development response for the site has been provided.

The general guiding principles for SDRA 15 are set out in 6 key themes – Urban Structure; Land Use & Activity; Height; Design; Green Infrastructure; and Movement and Transport. The general guiding principles of SDRA 15 considered relevant to the subject site and the proposed development are outlined below.

- **Urban Structure:** *'To support the regeneration of large blocks in order to provide the opportunity to improve the human scale of the existing urban structure';*
- **Height:** *'To support 6-8 storeys as a benchmark height for new developments in the SDRA area where conservation and design considerations permit. Opportunities for locally higher buildings above the benchmark height, that will be slender in nature, are identified in the accompanying Guiding Principles Map.'*

*'Opportunities exist for buildings of increased height in line with the considerations outlined in Appendix 3 of the development plan. The potential locations for locally higher buildings are shown on the accompanying Guiding Principles Map, with an indication of potential heights set down for the different character areas below, as relevant.'*

**Figure 7.2: SDRA 15 Liberties and Newmarket Square – Key Opportunity Site No. 3**





The subject site forms the southern and western edge of Key Opportunity Site No. 3 – Newmarket, illustrated in the SDRA 15 guiding principles plan (see Figure 7.2 above). The guiding principles statement for Key Opportunity Site 3 – Newmarket states:

*The Newmarket area is currently undergoing significant change. As part of this change, redevelopment of the larger blocks should contribute to the creation of a permeable, active network of pedestrian streets, as identified in the Guiding Principles Map. In particular, **development should deliver active and animated frontages along the building edges, in particular, at the Cork St. and Newmarket Square interfaces.** In this regard, development should respond to the emerging public realm improvements at Newmarket Square and surrounds.*

*In this area, **base heights should be 6-8 storeys**, where heritage, built form character and residential amenity considerations allow. However, along the Cork St. frontage, heights should respond to the prevailing heights on this part of the street. **The opportunity for locally higher buildings up to 12-14 storeys to provide urban design and placemaking benefits to the emerging character of the Newmarket area exists at the identified locations.**’ [Emphasis Added]*

### 7.2.1 Compliance Statement

Having regard to the relevant guiding principles for the SDRA and the specific development guidance in respect of Key Opportunity Site No. 3 it should be noted that the proposed amendments to the previously permitted development would not:

- (a) alter the block form of the development permitted on the subject site which will, in conjunction with the adjoining completed office building to the east, result in the comprehensive redevelopment of an urban block bound by Newmarket Square to the north, Mill Street to the south, Ardee Street to the west and Mill Lane to the east.
- (b) alter the extent of the active frontage onto Newmarket Square provided by the permitted ground floor level commercial/retail unit, which wraps around the corner with Ardee Street.
- (c) Exceed the previously permitted height of permitted scheme, as the proposed amendments are restricted to a localised areas at 6<sup>th</sup> and 7<sup>th</sup> floor levels, respectively.

It is submitted that the design of the proposed amendments ensures that the stepped rhythm of the building that incorporates gradual increases in height from the eastern and southern boundaries to the apex of the site at the corner of Ardee Street and Newmarket Square is retained. The proposed additional units have been designed and will be finished in a complimentary fashion to ensure its successful integration within the permitted building envelope and design and in manner that will compliment the design and appearance of the permitted building. It is submitted that the design of the proposed extensions achieves the following:

- Increases the density of the permitted development on a brownfield, infill site in inner city Dublin while seeking to appropriately minimise the visual presence of the proposed upper floor extensions at street level immediately surrounding the site;
- Allows for the architectural focus of the building to be the gradual stepped increases in height and the projecting brick clad façade and fenestration patterns along the northern and western elevations;
- Retains the prominence of the projecting red brick clad element of the permitted development which wraps around the corner of Newmarket and Ardee Street as a wayfinding feature, reinforcing and emphasising the importance of the western entrance to the redeveloped Newmarket Square;

- Follows the pattern of redevelopment in the immediate vicinity of the site, comprising multi-storey, mixed use developments which incorporate stepped increases in building heights to the periphery of the lands surrounding Newmarket Square and provide architecturally distinctive buildings through height, massing and design at the key entrances to the Newmarket area.

Furthermore, Section 4 of Appendix 3 of the City Plan sets out a policy approach for the assessment of development of increased height, scale and density in the city that aligns with the Section 28 Guidelines contained in *The Urban Development and Building Heights Guidelines for Planning Authorities* (2018). As per the requirements of SPPR 3, a series of performance-based development management criteria are set out to ensure protection of residential, heritage, streetscape and landscape amenity. All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3 of Appendix 3. An assessment of compliance with Table 3 of Appendix 3 is provided in Section 7.6.4.1 of this report, below.

### 7.3 Shape and Structure of the City

Chapter 4 of the City Plan sets out the overarching framework and strategy to guide the future sustainable development of the city. The objective is to ensure that growth is directed to, and prioritised in the right locations to enable continued targeted investment in infrastructure and services and ensuring the optimal use is made of public transport. It contains guiding principles regarding criteria such as building height, density, urban design, quality architecture and public realm. These matters are all addressed in detail under separate headings further below.

### 7.4 Quality Housing and Sustainable Neighbourhoods

Chapter 5 of the City Plan sets out guidance and policy objectives in respect of housing development and delivering sustainable neighbourhoods. The table below provides a summary of the relevant Chapter 4 policies in the left-hand column together with a compliance response in the corresponding right hand column, or a direction to the reader as to the relevant documentation submitted.

**Table 7.1: Summary of Compliance with Chapter 5 Policies**

Relevant City Plan Policy	Compliance Response
<p><b>QHSN1:</b> To accord with the provisions of the National Planning Framework 2018, the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 (including the Metropolitan Area Strategic Plan) and the Ministerial Circular relating to Structural Housing Demand in Ireland and Housing Supply Targets, and the associated Section 28 Guidelines: Housing Supply Target Methodology for Development Planning (2020) and make provision for the scale of population growth and housing supply targets outlined in these plans and guidelines.</p>	<p>Please refer to Sections 6.1 and 6.3 of this report which address compliance with the NPF and RSES for the Midland and Eastern Region.</p>

Relevant City Plan Policy	Compliance Response
<p><b>QHSN2</b> - To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009), Housing Options for our Aging Population (2019), the Design Manual for Quality Housing (2022), the Design Manual for Urban Roads and Streets (DMURS) (2019) the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Affordable Housing Act 2021 including Part 2 Section 6 with regard to community land trusts and/or other appropriate mechanisms in the provision of dwellings.</p>	<p>Section 6 of this report identifies the relevant Section 28 guidelines and provides a compliance assessment in respect of same.</p>
<p><b>QHSN3:</b></p> <p>(i) To secure the implementation of the Dublin City Council Housing Strategy (Appendix 1) in accordance with the provision of national legislation.</p> <p>(ii) To encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the city in accordance with the provisions of the Housing Need Demand Assessment and any future Regional HNDA.</p>	<p>The subject site is situated within the identified Liberties Area, as identified in the HNDA appended to the City Plan. It is a requirement that applications for 15 or more units in the Liberties Sub-City Area include a minimum of 15% 3 bed + units and a maximum of 25-30% 1 bed/studio units.</p> <p>The subject proposal only provides 2 no. additional units to a permitted development of 132 no. units. Accordingly, the unit mix requirement for the Liberties area is not directly applicable to the subject proposal. As detailed earlier in this report (Table 4.1), the proposed additional units would not materially amend the previous permitted overall mix of units.</p>
<p><b>QHSN6</b> seeks to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development.</p>	<p>Please refer to Section 7.6.4.1 below.</p>
<p><b>QHSN10</b> seeks to promote residential development at sustainable densities throughout the city in accordance with the Core Strategy,</p>	<p>Please refer to the Design Statement prepared by Reddy Architecture + Urbanism submitted herewith.</p>

Relevant City Plan Policy	Compliance Response
<p>particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.</p>	
<p><b>QHSN11</b> promotes the 15-minute city concept, which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well-designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible.</p>	<p>Please refer to Section 7.6.5 below.</p>
<p><b>QHSN36</b> promotes 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.</p>	<p>Please refer to the submitted Housing Quality Assessment that accompanies the planning application. It is submitted that the new proposed units have been designed to achieve suitable levels of amenity within each individual unit.</p> <p>The subject site is located in an inner-city area of Dublin that benefits from its proximity to a comprehensive array of public open spaces, social infrastructure facilities and services.</p> <p>It is noted that the overall permitted development, as proposed to be amended, has been previously assessed by both Dublin City Council and An Bord Pleanála and deemed to be appropriate, successfully contributing to the emerging redevelopment context of the Newmarket Square/Liberties Area.</p>
<p><b>QHSN37</b> seeks to ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.</p>	<p>Specific Planning Policy Requirement 2 of the Apartment Guidelines 2023 provides that where <i>'up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units'</i>. The subject proposal comprises 2 no additional units of which 1 no. unit is a studio unit (or 50%) and the other a 2-</p>

Relevant City Plan Policy	Compliance Response
	bedroom unit. Accordingly, the subject proposal complies with SPPR 2.
<p><b>QHSN38</b> seeks to encourage and foster the creation of attractive, mixed use, sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and HNDA, with supporting community facilities and residential amenities.</p> <p>Further detail in regard to unit mix is set out in Chapter 15: Development Standards. Unit mix requirements for the Liberties and the North Inner City are set out in Section 15.9.1 and Table 37 of the Housing Strategy in Appendix 1.</p>	<p>As noted previously, the subject proposal only provides 2 no. additional units to a permitted development of 132 no. units. Accordingly, the unit mix requirement for applications of 15 or more units in the Liberties area is not directly applicable to the subject proposal.</p> <p>Notwithstanding the above, the cumulative unit mix provided by the permitted and proposed development as set out in Table 4.1 of this report remains consistent with the previously permitted overall housing mix on the subject site.</p>
<p><b>QHNS 39</b> promotes efficient and effective property management in order to secure the satisfactory upkeep and maintenance of communal areas in the context of the Multi Unit Developments Act 2011 and the Property Services (Regulation) Act 2011.</p>	<p>Please refer to the Building Lifecycle Report prepared by Reddy Architecture + Urbanism.</p>

## 7.5 General Requirements for Residential Development

Section 15.8 of the City Plan sets out the general requirements for residential development followed by more specific guidance for apartment development.

### 7.5.1 Childcare

Section 15.8.4 of the City Plan states that the Council seeks to ensure that an adequate number of childcare facilities are provided to serve the city's growing population. In order to meet this objective, one childcare facility (equivalent to a minimum of 20 child spaces) for every 75 dwellings units, shall be provided in all new mixed use and residential schemes. Assessments of childcare facilities are required to form part of community and social audit to be submitted with planning applications for 50 or more units. In this regard, **Policy QHSN55** seeks to facilitate the provision of appropriately designed and sized fit-for-purpose affordable childcare facilities as an integral part of proposals for new residential and mixed-use developments, subject to an analysis of demographic and geographic need undertaken by the applicant in consultation with the Dublin City Council Childcare Committee, in order to ensure that their provision and location is in keeping with areas of population and employment growth.

#### 7.5.1.1 Compliance Statement

The proposed development would result in an uplift of 2 no additional residential units of which only the one 2-bedroom unit has potential to accommodate a household with young children requiring

childcare. However, neither the approved SHD parent permission or subsequent amendments thereof provided for a childcare facility.

Previously under DCC Ref. LRD6032/23-S3, the Planning Authority accepted that *'...the resultant cumulative unit residential mix results in a potential for 34 units of the overall development to generate a childcare demand.'* The proposed amendment would result in a slight increase of this number from 34 units to 35 units due to the additional 2-bedroom unit proposed.

In applying the national standard of 20 childcare spaces per 75 dwellings to the 35 units it would result in an unchanged demand for approximately 10 childcare spaces. This is based on discounting all 1 bed units as provided for in the Childcare Guidelines, together with a conservative estimate that 40% of the proposed 2 bed units will not contribute to a requirement for childcare provision in accordance with the Apartment Guidelines.

In this regard the previous DCC Planner's Report endorsed the findings of the previously submitted statement of consistency that included *'...an updated review of existing childcare facilities within approximately 1km of the subject site. According to publicly available records from Tusla. In total, 23 childcare facilities offering a range of services (full day, part time and sessional) were identified within approximately 1km of the site. The planning authority is therefore satisfied that the omission of childcare from the development is acceptable and that the minimal potential childcare demand arising from the permitted and amended development is adequately catered for in the existing facilities surrounding the site.'*

It is submitted that the proposed amendment the subject of this application would not result in any increase in childcare demand over that previously identified for the subject development.

## **7.6.2 Public Open Space**

Section 15.8.6 of the City Plan requires that public open space for residential developments shall be provided at a rate of 10% of the overall site area. Section 15.8.7 states the circumstances under which a Financial Contributions in Lieu of public open space provision could be considered, including 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.

### **7.6.2.1 Compliance Assessment**

The planning history associated with the subject development has established that the site is relatively constrained and is located proximate to a range of high quality public open spaces/parks. On this basis it was previously accepted that a financial contribution in lieu will be required.

The applicant has agreed previously agreed to same and that a financial contribution be applied to the 2 no. additional units, in accordance with the Dublin City Council Development Contribution Scheme 2023-2026, which provides for a financial contribution in lieu of public open space at a rate of €5,000 per unit.

### 7.6.3 Guidance on Infill, Brownfield, Regeneration Sites and Large-Scale Development

Section 15.5.1 of the City Plan defines 'Brownfield' sites as 'previously developed lands that are not currently in use' and notes that they are quite often located in areas in need of regeneration. These sites often contain derelict or vacant buildings which are underutilised and in need of redevelopment.

Brownfield lands have the ability to regenerate and rejuvenate large portions of the city through redevelopment. Dublin City Council will seek to ensure the following considerations are incorporated in proposals for large-scale, regeneration and brownfield development:

- To encourage innovative, high quality urban design and architectural detail in all new development proposals.
- To analyse and review the surrounding built environment to ensure the new development is consistent with the character of the area.
- To contribute to the streetscape creating active and vibrant public realm.
- To create animation and create activity at street level and vertically throughout the building.
- To provide for appropriate materials and finishes in the context of the surrounding buildings.
- To create new compositions and points of interest.
- To provide an appropriate mix of uses comprising retail, residential, recreational, cultural, community- and/or employment generating uses to improve the existing range of uses and facilities in the area.
- To prioritise pedestrian and cycle movements in connection with public transport infrastructure.
- To retain existing and create new features to make an easily navigational urban environment, including active building frontages with clearly defined edges and safe public routes.

#### 7.6.3.1 Compliance Assessment

The proposed amendments relate to a permitted development on a brownfield site within the Newmarket area of inner-city Dublin, within SDRA 15 – Liberties and Newmarket Square. Construction of the extant permission for the site has been commenced and will result in a complete transformation / regeneration of this formerly under-utilised brownfield urban site.

The development completes the comprehensive regeneration of an urban block on the western end of Newmarket Square. The area immediately surrounding the site is defined by ongoing and plan led regeneration and re-development projects, benefitting from the area's proximity to a range of high-capacity and frequent public transport service options, employment opportunities, community services and facilities. New multi-storey developments surrounding the site to the north, east and south are generally completed or at an advanced stage of construction, with few permitted developments in the area yet to commence. These developments generally incorporate building heights of 6-8 storeys along Newmarket Square, with higher buildings of between 9-13 storeys provided along Cork Street/St Luke's Avenue and at Mill Street as important wayfinding markers and points of interest which announce the entrances to the overall redevelopment area surrounding Newmarket Square. These developments incorporate a wide array of uses and facilities, including tourist attractions/accommodation (hotels), student accommodation, apartment developments, restaurants, cafes, retail units, artist studios, an indoor market space, a gallery, a public house, business incubation units and office space.

The proposed development will not result in an increased building height above the previously permitted 10-storey building height as the proposed additional units occupy localised areas of infill development at 6<sup>th</sup> and 7<sup>th</sup> floor levels, respectively.

It is submitted that the location and the design of the proposed additional apartments would not contribute significantly to the overall massing of the scheme and seeks to retain the stepped rhythm of the permitted building envelope, incorporating gradual increases in height from the eastern and southern boundaries to the apex of the site at the corner of Ardee Street and Newmarket Square.

Accompanying this report is a Design Statement, prepared by RAU that includes a number of comparative CGI's and other images showing the resultant appearance of the proposed additional units on the appearance of the permitted building. In this regard it is submitted that the design, massing and siting of the proposed units at 6<sup>th</sup> and 7<sup>th</sup> floor levels, respectively integrates with the permitted building and compliments the design and appearance of same.

It is submitted that the proposed extensions achieve the following:

- Increases the density of the permitted development on a brownfield, regeneration site in inner city Dublin, proximate to high quality public transportation, public open spaces, employment opportunities, amenities and facilities. The proposed development also seeks to appropriately minimise the visual presence of the proposed upper floor extensions at street level immediately surrounding the site;
- Allows for the architectural focus of the building to be the gradual stepped increases in height and the projecting brick clad façade and fenestration patterns along the northern and western elevations;
- Retains the prominence of the projecting red brick clad element of the permitted development which wraps around the corner of Newmarket and Ardee Street as a wayfinding feature, reinforcing and emphasising the importance of the western entrance to the redeveloped Newmarket Square;
- Follows the pattern of redevelopment in the immediate vicinity of the site, comprising multi-storey, mixed use developments which incorporate stepped increases in building heights to the periphery of the lands surrounding Newmarket Square and provide architecturally distinctive buildings through height, massing and design at the key approaches to the Newmarket area.

The revised proposal also incorporates amendments to the integral bicycle store at ground floor level to provide a total of 298 no, bicycle spaces, which is in excess of the City Plan requirements. Charging facilities for e-bikes are also provided.

The subject proposal will ensure an appropriate density of development is provided on the subject brownfield site within an inner-city SDRA, in a high-quality contemporary building of a height, design and massing that is reflective of the immediately surrounding redevelopment area. Whilst the 2 no. additional units proposed is considered a modest increase, the additional population and density will assist in ensuring the creation of a vibrant and sustainable inner-city community.

Furthermore, Table 7.3 (below) sets out how the proposed development complement the prevailing scale, mass and architectural design in the surrounding streetscape by having specific regard to the 10 no. identified objectives and associated performance indicators / criteria of Table 3, Appendix 3 of the City Plan.



## 7.6.4 Building Height

Appendix 3 of the City Plan sets out the height strategy for the city. It states that appropriate density and layouts that create appropriate street scale and enclosure are achieved with mid-rise typologies of buildings 4 to 8 storeys. Scope for taller or landmark feature buildings is generally limited to marking key areas of note, and opportunities for height will be promoted on sites identified in section 4 of Appendix 3 and in accordance with the performance criteria set out in Tables 3 and 4 of Appendix 3.

Section 4 of Appendix 3 sets out a policy approach for the assessment of development of increased height, scale and density in the city that aligns with the Section 28 *Urban Development and Building Heights Guidelines for Planning Authorities* (2018). In accordance with the guidance and specifically SPPR 1, areas are identified where increased height will be supported. As per the requirements of SPPR 3, performance-based development management criteria are set out to ensure protection of residential, heritage, streetscape and landscape amenity. All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3 of Appendix 3.

The Guidelines state that a key objective of the NPF is to *'see that greatly increased levels of residential development in our urban centres and significant increases in the buildings heights and density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels'*.

Section 3.1 of the Guidelines states that it is Government policy that building heights must be generally increased in appropriate urban locations and therefore there is a presumption in favour of buildings of increased height in our towns/city cores and other urban locations with good public transport accessibility. As a broad principle, the Guidelines provide that proposal for buildings taller than prevailing building heights will be considered where they positively assist in securing NPF objectives of focusing development in key urban centres; fulfil targets relating to brownfield, infill development supporting compact growth in urban centres; and, increase residential density and unit numbers in core areas and inner suburbs.

### 7.6.4.1 Compliance Assessment

The proposed development facilitates the intensification and consolidation of a brownfield urban infill site in an accessible location that is well served by high frequency bus services. The height, massing and scale of the proposed development have afforded due regard to the existing streetscape and redevelopment context of the Newmarket area.

Section 3.2 of Guidelines state that *'In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála, that the proposed development satisfies the following criteria...'*. The Guidelines then specify a range of criteria to be addressed where proposed densities and heights exceed those specified in the Development Plans (SPPR 3). It is noted that these criteria are consistent with those set out in Table 3 of Appendix 3 of the City Plan.

In accordance with Policies SC14, SC16 and SC17 of the City Plan, Table 7.3 below address the ten objectives and associated performance criteria as per Table 3, Appendix 3 of the City Plan.

**Table 7.3: Compliance with Density and Height Criteria of Table 3, Appendix 3 of the City Plan, 2022-2028**

Objective		Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
1.	To promote development with a sense of place and character.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints,</li> <li>• have a positive impact on the local community and environment and contribute to 'healthy placemaking',</li> <li>• create a distinctive design and add to and enhance the quality design of the area,</li> <li>• be appropriately located in highly accessible places of greater activity and land use intensity,</li> <li>• have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area,</li> <li>• not be monolithic and should have a well-considered design response that avoids long slab blocks,</li> <li>• ensure that set back floors are appropriately scaled and designed</li> </ul>
<p><b>Statement of Compliance with Objective No. 1:</b></p> <p>The proposed set back floor, together with infill of areas at sixth and seventh floor levels to the permitted SHD development as amended by DCC Refs. LRD6028/23-S3 and LRD6032/23 – S3, respectively is located in the Newmarket/Liberties area of inner city Dublin, proximate to high quality public transport options and employment opportunities, community services and facilities. The immediate locality of the site is defined by the ongoing regeneration and development of the Newmarket/Mill Street/Cork Street characterised by multi-storey developments with a wide range of uses at ground and upper floors. In this regard, ABP Inspector's Report assessing the SHD development that this application is proposing to amend states:</p> <p><i>'The area is a busy and robust environment, characterised by a range of architectural styles and periods. No harm would result to the character of the road with the proposed limited increase in height on the application site. Newmarket, Ardee Street, Mill Street and surrounds are characterised by a mixture of heights and scale and is an area undergoing significant redevelopment and transition and while the proposed development represents a change in scale, height across the site is stepped to have</i></p>		

<b>Objective</b>		<b>Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale</b>
		<p><i>regarding to existing and permitted heights. The use of material and finishes to the elevations contributes to breaking down the overall mass of the proposed development. CGIs and 3D imagery of the proposed development, alongside a landscape and visual impact assessment, have also been submitted with the application and have assisted in my assessment of the proposal. Overall, I consider the design and massing of the development appropriate for the location. The development of the site would bring into use a zoned serviced site that is underutilised at present at this prime location.'</i></p> <p>It is submitted that the proposed development is designed to retain and reinforce the key design characteristics of the permitted development and contribute to creating a sense of place and character in accordance with the criteria by:</p> <ul style="list-style-type: none"> <li>• Complementing the established context and urban structure;</li> <li>• Providing a distinctive development at the western entrance to Newmarket Square providing an enhanced variety of scale and form to the locality, thereby improving the legibility of the streetscape;</li> <li>• Utilising materiality and specific design characteristics which successfully avoid the creation of a monolithic development with long slab blocks.</li> <li>• Providing a design which complements and enhances the permitted development, maintaining the key design characteristics of the permitted development to integrated with the surrounding context;</li> <li>• Providing for the appropriate redevelopment of scarce vacant and underutilised land within the inner city of Dublin, which contributes to the enhancement of the area and healthy placemaking.</li> </ul>
2.	To provide appropriate legibility.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• make a positive contribution to legibility in an area in a cohesive manner,</li> <li>• reflect and reinforce the role and function of streets and places and enhance permeability.</li> </ul>
<p><b>Statement of Compliance with Objective No. 2:</b></p> <p>As detailed above, DCC and the Board determined that the permitted SHD development successfully contributes to improving legibility through the use of varied height, architectural detailing and materiality appropriate to its context at the western end of Newmarket Square. The permitted development includes enhancements to the ground floor public realm, active frontages along adjoining streets and fenestration that provide passive surveillance.</p> <p>The proposed amendments provides for an additional 2 no. units which increased the density of the development. The 2 no proposed apartments will assist with the reading of this overall scheme. As the apartment presents to the square this is done by completing the language next to the 8 building. At the south towards Mill St, the proposed apartment will present as a minor change.</p>		

Objective		Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
3.	To provide appropriate continuity and enclosure of streets and spaces.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• enhance the urban design context for public spaces and key thoroughfares,</li> <li>• provide appropriate level of enclosure to streets and spaces,</li> <li>• not produce canyons of excessive scale and overbearing of streets and spaces,</li> <li>• generally, be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3,</li> <li>• provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street-level activity, animation and visual interest.</li> </ul>
<p><b>Statement of Compliance with Objective No. 3:</b></p> <p>The permitted SHD scheme includes new public realm, active frontages along Newmarket Square and fenestration that will passively overlook the surrounding streets. The Inspector’s Report on the SHD application states that the <i>‘proposed development will improve the street frontage along both Newmarket, Ardee Street and Mill Street consolidating the urban fabric for this development block. There are no monolithic facades included, with all elevations featuring fenestration in a sympathetic arrangement to avoid overlooking. The proposal includes new public realm, active frontages and fenestration that will passively survey surrounding streets. It will contribute to the legibility of the area, by establishing a positive addition to the streetscape. The addition of build to rent apartments will contribute to the unit mix and tenure at the location.’</i></p> <p>The proposed amendments include an increase in unit numbers from the permitted no. 132 units to 134 units (an uplift of 2 no. additional units) through the conversion of permitted communal roof terraces and extensions to the sixth and seventh floor levels to accommodate the proposed units together with the relocation of the permitted roof terraces to the upper levels.. The proposed amendments reinforce the location of the subject site at the western end of Newmarket Square, assisting with the reading of this overall scheme. As the apartment presents to the square this is done by completing the language next to the 8 building. At the south towards Mill St, the proposed apartment will present as a minor change.</p>		
4.	To provide well connected, high quality and active public and communal spaces.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport,</li> <li>• be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and</li> </ul>

Objective		Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
		<p>communal spaces, particularly to residential courtyards,</p> <ul style="list-style-type: none"> <li>• ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities – see Appendix 16,</li> <li>• ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development,</li> <li>• ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated,</li> <li>• Provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability.</li> </ul>
<p><b>Statement of Compliance with Objective No. 4:</b></p> <p>As noted under Objective 3 above, the permitted SHD scheme includes new public realm, active frontages along Newmarket Square and fenestration that will passively overlook the surrounding streets. The public realm and parking improvement works integrate with the established and permitted Newmarket Square Part 8 upgrade works to the north and north-east to create a multi-functional urban and market square.</p> <p>The built form of the permitted development is a perimeter block surrounding a podium level communal open space that integrates with the form of an immediately adjoining office block to create a single urban block with frontage onto adjoining streets. The permitted development also included upper floor level communal amenity spaces and ground floor level bicycle parking facilities for future residents and the commercial/retail space. The development was designed with zero car parking on the basis of its proximity to high quality and frequent public transport options within the inner city of Dublin. The bicycle parking provision within the ground floor level has increased in this application to promote alternatives to the private car, particularly considering the inner-city location of the site.</p> <p>The proposed amendments and associated revisions to the upper floor levels and communal rooftop spaces were informed by assessment of the daylight penetration to internal and external spaces (Daylight, Sunlight and Overshadowing Study by IES). The submitted report confirms that the proposed amendments meet relevant daylight / sunlight standards.</p>		
5.	To provide high quality, attractive and useable private spaces.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• not compromise the provision of high quality private outdoor space,</li> <li>• ensure that private space is usable, safe, accessible and inviting,</li> </ul>

Objective		Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
		<ul style="list-style-type: none"> <li>ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16,</li> <li>assess the microclimatic effects to mitigate and avoid negative impacts,</li> <li>retain reasonable levels of overlooking and privacy in residential and mixed use development.</li> </ul>
<p><b>Statement of Compliance with Objective No. 5:</b></p> <p>Section 4.1 above, together with the Design Assessment, Housing Quality Assessment and Architectural Drawings address the quantity and quality of private and communal outdoor spaces within the proposed development. All future residents have access to high quality and usable outdoor amenity space areas within the development and the design facilitates reasonable overlooking and activity onto adjoining streets and the courtyard amenity space, while ensuring that future and nearby residents benefit from adequate levels of privacy in an inner city location.</p> <p>It is noted that not all of the permitted units are provided with private amenity spaces, offset by the provision of excess external and internal communal amenity space. In this regard, the Inspector’s Report on the permitted SHD development states: <i>‘I consider, given the location of the site in a prime city centre brownfield site suitable for redevelopment as a BTR scheme, the quality of the proposed communal amenity areas (internal and external) and the proximity of Weaver Park and St. Patrick’s Park in this instance the level of private amenity provided is acceptable but should not be viewed as a norm as it is site specific to this location and development. Furthermore, I note that the proposed development has a particular design aesthetic and the provision of projecting balconies may undermine the overall architectural approach to the scheme.’</i></p> <p>All of the proposed additional units benefit from the provision of private amenity spaces in the form of terraces and balconies that are usable, safe, accessible and inviting.</p> <p>The updated Daylight, Sunlight and Overshadowing Study demonstrates that future residents will benefit from adequate and acceptable levels of natural light.</p> <p>The following is noted from the Inspector’s Report assessing the permitted SHD development:</p> <p style="padding-left: 40px;">Daylight, Sunlight and Overshadowing – <i>‘I consider that adequate allowance has been made in the proposed design for access to sunlight through its configuration on site relevant to the scale of the development. I am satisfied that adequate levels of amenity space will meet sunlight standards.’</i></p>		
6.	To promote mix of use and diversity of activities.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>promote the delivery of mixed use development including housing, commercial and employment development as well as social and community infrastructure,</li> </ul>

<b>Objective</b>		<b>Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale</b>
		<ul style="list-style-type: none"> <li>• contribute positively to the formation of a 'sustainable urban neighbourhood',</li> <li>• include a mix of building and dwelling typologies in the neighbourhood,</li> <li>• provide for residential development, with a range of housing typologies suited to different stages of the life cycle.</li> </ul>
<p><b>Statement of Compliance with Objective No. 6:</b></p> <p>Please refer to the compliance statements under sub-section 7.4 and 7.6.3 above. In this regard it is also noted that the Inspector in assessing the SHD application (which included residential units and a ground floor commercial/retail unit) was of the opinion that the <i>'proposed development will provide increased diversification of housing typology in the area which at present comprises predominately two storey dwelling houses and would in my opinion improve the extent to which it meets the various housing needs of the community.'</i></p>		
7.	To ensure high quality and environmentally sustainable buildings.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, and views to minimise overshadowing and loss of light – see Appendix 16,</li> <li>• not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain,</li> <li>• ensure a degree of physical building adaptability as well as internal flexibility in design and layout,</li> <li>• ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive,</li> <li>• maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage,</li> <li>• be constructed of the highest quality materials and robust construction methodologies,</li> <li>• incorporate appropriate sustainable technologies, be energy efficient and climate resilient,</li> <li>• apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not</li> </ul>

<b>Objective</b>		<b>Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale</b>
		<p>possible in the context of a particular site (See Appendix 16),</p> <ul style="list-style-type: none"> <li>incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions are in place – see Appendix 13,</li> <li>include a flood risk assessment - see SFRA Volume 7.</li> <li>include an assessment of embodied energy impacts – see Section 15.7.1</li> </ul>
<p><b>Statement of Compliance with Objective No. 7:</b></p> <p>In compliance with the above, please refer to the following Reports submitted with the application:</p> <ul style="list-style-type: none"> <li>Daylight, Sunlight and Overshadowing Study prepared by IES which assesses the proposed development in terms of daylight and sunlight, together with the impact on surrounding areas and buildings in terms of daylight, sunlight and overshadowing. The results of the assessments demonstrate that the proposed amendments are generally in accordance with relevant guidelines and are appropriate to the site context.</li> <li>The Design Assessment, Housing Quality Assessment and Architectural Drawings addresses the adaptability and flexibility of the permitted and revised proposed development; dual aspect ratios; the high-quality finish and materials; and, the location of plant infrastructure at ground floor level. The revised proposed development generally retains the design character, architectural form and material finishes of the permitted development, with the additional floor and infill sections proposed being set back and incorporating light materials to minimise visual impact.</li> <li>The engineering Services Note addresses the surface water drainage strategy for the development, including the use of nature based SUDS solutions.</li> </ul>		
8.	To secure sustainable density, intensity at locations of high accessibility.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>be at locations of higher accessibility well served by public transport with high capacity frequent service with good links to other modes of public transport,</li> <li>look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design.</li> </ul>
<p><b>Statement of Compliance with Objective No. 8:</b></p> <p>The area is served by a number of high frequency bus services within the immediate surrounds of the site. The nearest bus stop is located directly opposite the proposed development on Ardee Street which provides an inbound service. The outbound service is also located on Ardee Street approximately 50m from the proposed development. The bus stop is served by Bus Route 150 (Hawkins Street to Rossmore).</p>		



Objective		Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
<p>Additional bus services are available c.200m north of the proposed development on Cork Street and include routes 27, 56A, 77A and 151. Bus route 27 provides the highest frequency of 10min during peak hours.</p> <p>Proposed improvements in public transport infrastructure and frequency include Bus Connects' proposed Core Bus Corridor No. 9 located on Cork Street. The retention of the existing 150 bus service on Ardee Street, renamed Route 71 and 72, is also included in the BusConnects Network proposals.</p> <p>The proposed development is c.1.3km from the Harcourt Luas stop on the Luas Green Line connecting Broombridge in the northern city suburbs to Sandyford and Brides Glen in the southern suburbs. The proposed development is also c.1.1km from the Fatima Luas stop on the Red Line connecting Saggart/Tallaght in the West to Connolly / The Point in the East.</p> <p>The availability of car share is noted on inter alia Newmarket (c.150m) and The Coombe (c.300m). The station-less bike share operator Bleeper Bike serves the area of the proposed development with appropriate cycle stands within a 2min walk of the site suitable for parking public bikes. The nearest fixed Dublin Bikes stand is approximately 10min walk from the proposed development.</p> <p>The Inspector's Report on the SHD application stated '<i>...the site is in my opinion a 'Central and/or Accessible Urban Location' as defined under Section 2.4 of the Apartment Guidelines 2020 and is a suitable location for higher density residential development. I am satisfied that the site is well placed to accommodate high density residential development given its proximity to high capacity public transport, within walking distance of significant employment and within short commute (walking, cycling, Luas, bus) of a range of employment options, and within walking distance of a range of services and amenities. I am of the opinion that the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b).</i>'</p> <p>On the basis of the above a zero car parking scheme was permitted and also allows the optimisation of the development footprint, particularly in respect of the delivery of an active type ground floor use to satisfy the Z10 zoning objective of the site.</p>		
9.	To protect historic environments from insensitive development.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments – see section 6 below.</li> <li>• be accompanied by a detailed assessment to establish the sensitivities of the existing environment and its capacity to absorb the extent of development proposed,</li> </ul>

<b>Objective</b>		<b>Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale</b>
		<ul style="list-style-type: none"> <li>• assess potential impacts on keys views and vistas related to the historic environment.</li> </ul>
<p><b>Statement of Compliance with Objective No. 9:</b></p> <p>The Inspector’s report on the SHD application stated that the <i>‘proposed development has due regard to its location within a Conservation Area and will not have a negative impact on it’.....I consider the design and massing of the development appropriate for the location’.</i></p> <p>An Architectural Conservation Report and revised Streetscape and Visual Appraisal Report (incl. Verified Photomontages) (TVIA) accompanied the previous application – DCC Ref. 6032/23-S3.</p> <p>That Architectural Conservation Report noted that while the northern portion of the site is within a conservation area, there are no historic buildings or features on the subject site and that there is little historic fabric in the western end of Newmarket Square. The report concludes that the permitted and proposed development represents a continuation of the significant change and regeneration in the recent physical and social character of this area, with the scale and massing reflecting that of recent multi-storey developments in the vicinity, generating a more urban character in accordance with Dublin City Council’s objectives for the area. The proposal serves to strengthen the existing urban grain and character through the introduction of a new building aligned to, and re-emphasising, the historic urban space. In this regard, the proposed development will not have an adverse impact on historic environments.</p>		
10.	To ensure appropriate management and maintenance.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.</li> </ul>
<p><b>Statement of Compliance:</b></p> <p>The requirement of a building lifecycle report that sets out the long-term management and maintenance strategy of the proposed development is acknowledged. An updated building lifecycle report prepared by Reddy Architecture + Urbanism accompanies this application.</p>		

**7.6.5 Density**

Section 15.5.5 of the City Plan states that new development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. It is also a requirement that the density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity. An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods.

Section 3.2 of Appendix 3 sets out guidance on density and the factors that will be taken into account in assessing proposals for higher densities. In this regard, the City Plan states:

*‘Appropriate densities are essential to ensure the efficient and effective use of land. It is important to make the best use of the city’s limited land supply in order to meet the need for new homes, jobs and infrastructure required by the city’s growing population...’ [Emphasis added]*

In terms of a strategic approach to development the City Plan states:

*'highest densities should be located at the most accessible and sustainable locations. Sustainable densities in accordance with the standards set out in the Guidelines on Sustainable Residential Development in Urban Areas 2009 will be supported. An urban design and quality led approach to creating sustainable development will be promoted. There should be a focus not just on maximising density to maximise yield of it but on a range of qualitative criteria and the consideration of a wide range of other factors including architecture, urban design, community facilities and infrastructure, green infrastructure and quality placemaking.'* [Emphasis added]

As a general rule, the City Plan supports the following density ranges in the city:

Location	Net Density Range (units per ha)
City Centre and Canal Belt	100-250
SDRA	100-250
SDZ/LAP	As per SDZ Planning Scheme/LAP
Key Urban Village	60-150
Former Z6	100-150
Outer Suburbs	60-120

#### 7.6.5.1 Compliance Assessment

The proposed increase in unit numbers from 132 to 134 units, will result in a modest increase of the permitted density from 413 u/ha to 418 u/ha. This uplift in density will be achieved in a manner that would not result in an increased height of the permitted development and with only modest additional massing at 6<sup>th</sup> and 7<sup>th</sup> floor levels only.

Both the permitted and proposed density exceed the generally applied density range of up to 250 u/ha and the general presumption against schemes in excess of 300 units per hectare.

With regard to density at the higher end of the guidance range, the City Plan states that a very high density can challenge positive responses to context, successful placemaking and liveability aspirations, sometimes resulting in poor quality development, and that proposals *'in excess of this density will be only be considered in exceptional circumstances where a compelling architectural and urban design rationale has been presented. It is acknowledged that schemes of increased density are often coupled with buildings of increased height and scale. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply.'*

It is submitted that the assessment of the proposed density must be framed by the permitted density of the under-construction development of 413 u/ha. The proposed increase to 418 units per hectare is marginal and the assessment of the density is appropriately confined to the marginal increase rather than revisiting the permitted density. In this regard, section 34(3C) of the PDA, as inserted by the LRD Act 2021, states that in assessing a modification to a SHD permission that:

*"the planning authority concerned shall, notwithstanding section 34(2)(a), be restricted in its determination of the application, other than in respect of any assessment of the effects of the proposed development on the environment, to considering the modifications proposed by the applicant to the previously permitted development and for the purposes of determining such an application the*

*reference in subsection (6) to 'the development concerned' shall be read as a reference to 'the modifications to the previously permitted development.'*

The proposed amendments incorporate an additional 2 no. units in a manner that minimises increases in the permitted massing and that appropriately and successfully integrates the additional units by utilising the strong architectural design elements and materiality successfully incorporated in the permitted development. The justification for the marginal increase in density is comprehensively addressed in this Report having regard to the relevant considerations set out in the City Plan for increased density, as follows:

- **The performance criteria set out in Table 3 of Appendix 3 of the City Plan.** The performance criteria are comprehensively addressed in Table 7.3 above, and establish that the permitted and proposed increase in density is appropriate with particular regard to the site's location and context, its level of accessibility by public and active modes, the quality of architecture and urban design, and the assessments of the quality of existing and future residential amenities.
- **The efficient and effective use of land at the most accessible and sustainable locations.** As noted above, the Inspector's Report assessing the SHD development states:

*'The area is a busy and robust environment, characterised by a range of architectural styles and periods... Newmarket, Ardee Street, Mill Street and surrounds are characterised by a mixture of heights and scale and is an area undergoing significant redevelopment and transition and while the proposed development represents a change in scale, height across the site is stepped to have regarding to existing and permitted heights..... **Overall, I consider the design and massing of the development appropriate for the location.** The development of the site would bring into use a zoned serviced site that is underutilised at present at this prime location.'* [Emphasis added]

The area is also characterised as an 'accessible and sustainable location'. The area is well served by employment, retail and community facilities. It is also served by a number of high frequency bus services including proposed Core Bus Corridor No. 9, is c.1.3km from the Harcourt Luas stop on the Luas Green Line and c.1.1km from the Fatima Luas stop on the Red Line, car share schemes are available at Newmarket (c.150m) and The Coombe (c.300m), and bike share schemes are available in the area. In this regard, the Inspector's Report on the SHD application stated

*'...the site is in my opinion a 'Central and/or Accessible Urban Location' as defined under Section 2.4 of the Apartment Guidelines 2020 **and is a suitable location for higher density residential development.** I am satisfied that the site is **well placed to accommodate high density residential development** given its proximity to high capacity public transport, within walking distance of significant employment and within short commute (walking, cycling, Luas, bus) of a range of employment options, and within walking distance of a range of services and amenities. I am of the opinion that **the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units** would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b).'* [Emphasis added]

- **Appropriately addressing potential amenity impacts.** The application is accompanied by a number of reports addressing the potential impact of the proposed amendments on existing and

proposed residential amenities. The submitted reports include a Daylight, Sunlight and Overshadowing Study that assesses the daylight and sunlight available in the proposed units and amenity spaces, and the impact of the proposed development on surrounding areas and buildings in terms of daylight, sunlight and overshadowing. The assessment demonstrates that the proposed amendments are generally in accordance with relevant guidelines and are appropriate to the site context. The Design Assessment, Housing Quality Assessment and Architectural Drawings address and demonstrate the adaptability and flexibility of the proposed amendments with regard to dual aspect, orientation and the quality of the architecture and public realm. It is submitted that the proposed increase in density is supported by the assessment of the impacts on existing and proposed residential amenity.

- **A strong architecture and urban design justification.** The proposal responds to the context by presenting a gradual increase in height / form towards the city, stepping down to the south and west towards the finer grain of Oscar Square. The 2 no proposed apartments will assist with the reading of this overall scheme. This is a very slight change to this side of the building. It is noted that the Inspector's Report on the SHD application stated:

*“the proposed development will improve the street frontage along both Newmarket, Ardee Street and Mill Street consolidating the urban fabric for this development block. There are no monolithic facades included, with all elevations featuring fenestration in a sympathetic arrangement to avoid overlooking. The proposal includes new public realm, active frontages and fenestration that will passively survey surrounding streets. It will contribute to the legibility of the area, by establishing a positive addition to the streetscape. The addition of build to rent apartments will contribute to the unit mix and tenure at the location.”*

Having regard to the foregoing, it is submitted that the marginal increase in density is appropriate to the location and context and is consistent with the criteria contained in the City Plan for increased density above that generally guided.

### 7.6.6 Plot Ratio and Site Coverage

Appendix 3 of the City Plan acknowledges that plot ratio<sup>1</sup> and site coverage<sup>2</sup> are tools that 'can be used as part of a suite of measures to ensure higher density schemes are appropriately developed to a high standard.'

The table below sets out indicative plot ratio and site coverage standards for different areas of the city.

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<sup>1</sup> Gross floor area (excluding basements) of the building(s) divided by the site area.

<sup>2</sup> Site Coverage is the percentage of the site covered by building structures excluding public roads and footpaths.

Area	Indicative Plot Ratio	Indicative Site Coverage
Central Area	2.5-3.0	80-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%
Outer Employment and Residential Area	1.0-2.5	45-60%

The City Plan also identifies that higher plot ratio and site coverage may be permitted in certain circumstances such as:

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

The subject site falls within the identified 'Regeneration Area' category, where a Plot Ratio of 1.5 to 3.0 applies and a Site Coverage standard of 50-60% applies.

#### 7.6.6.1 Compliance Assessment

The proposed development seeks to increase the overall Gross Floor Area of the permitted building from 11,623 sq.m to 11,746 sq.m through the conversion of permitted communal roof terraces and extensions to the sixth and seventh floor levels to accommodate the proposed units together with the relocation of the permitted roof terraces to the upper levels.

This will result in an increase in the permitted plot ratio for the building from 6.3 to 6.4 (based on the net site area) but does not increase the permitted site coverage of 87%. It is noted that the subject site benefits from the existing SHD permission for a building with a higher plot ratio and site coverage standard, provided in consideration of the location and context of the site being:

- Within a SDRA that is undergoing comprehensive regeneration;
- Adjoining major public transport termini and corridors;
- At the western end of an urban block bound by existing streets;

In assessing the SHD development, the Inspectors Report notes as follows:

*The planning authority considered that the subject property represents an underutilised site and therefore a higher plot ratio is deemed acceptable in this instance, subject to high quality design and appropriate levels of residential amenity both internal and external to the application site.'*

#### 7.6.7 Apartment Development Standards

The City Plan promotes the apartment development standards consistent with the *Sustainable Urban Housing: Design Standards for New Apartments (December 2020)* or any other future amendment that would include the December 2022 update.

Table 7.4 provides a summary of the relevant SPPRs and standards contained in both the City Plan and the above guidelines in the left hand column with an associated compliance response in the right hand column.

**Table 7.4: Summary of Compliance with the City Plan Apartment Development Standards**

Relevant Development Plan Standard and Guidance	Statement of Compliance with Development Plan Standard and Guidance
<p><b>Mix of Units</b> - SPPR 2 provides some flexibility in terms of unit mix for building refurbishment schemes on sites of any size, urban infill schemes on sites up to 0.25 ha, schemes up to 9 units and for schemes between 10 and 49 units. The planning authority will assess each application having regard to SPPR 2 on a case by case basis. For further details, please refer to The Sustainable Urban Housing: Design Standards for New Apartments (December 2020) guidelines.</p>	<p>The subject proposal complies with SPPR 2, with the 2 no. standard apartment units proposed consisting of 1 no. studio unit and 1 no. two bedroom (4 person) unit.</p>
<p><b>Floor Areas</b> - The minimum floor areas permissible are as per SPPR 3 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, as follows:</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>The new additional units proposed meet all of the applicable minimum standards for 1 bed and 2 bed floor areas set out in the City Plan and the Apartment Guidelines 2022 as demonstrated in the submitted Housing Quality Assessment Report – prepared by Reddy Architecture + Urbanism.</p>
<p><b>Safeguarding Higher Standards</b>- The majority of all apartments in any proposed scheme of 10 or more apartments (excluding Build to Rent accommodation) shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%.</p> <p>In accordance with the Housing Options for an Ageing Population Policy Statement 2019, 50% of the apartments that are in excess of the minimum sizes should be designed in accordance with the guidance set out in Universal Design Guidelines for Homes in Ireland 2015 to ensure that they are suitable for older people, mobility impaired people, people living with dementia and people with disabilities. (QHSNO11 refers)</p>	<p>The proposed scheme only seeks an increase in 2 no. units.</p> <p>As detailed in the submitted Design Assessment Report, the subject proposal complies with Policy QHSNO11.</p>

Relevant Development Plan Standard and Guidance	Statement of Compliance with Development Plan Standard and Guidance
<p><b>Dual Aspect</b> - Specific Planning Policy Requirement 4 requires a minimum of 33% dual aspect units in central and / or accessible urban locations and 50% of units in suburban and / or intermediate locations.</p> <p>In prime city centre locations, adjoining or adjacent to high quality, high frequency public transport, 33% dual aspect may be accepted in locations where there are specific site constraints such as tight urban infill sites up to 0.25ha or where there is a need to maintain a strong street frontage.</p>	<p>The submitted Housing Quality Assessment notes that 1 of the proposed new units is either dual aspect, in excess of the minimum requirements of SPPR 4 for 33% dual aspect units in central and accessible locations. This takes the total number of dual aspect apartments to 48 which equates to 36 % overall. This exceeds the minimum standard for a city centre site.</p>
<p><b>Lift, Stair Cores and Entrance Lobbies</b> – Specific Planning Policy Requirement 6 as set out in the Sustainable Urban Housing: Design Standards for New Apartments (2020) specifies that a maximum of 12 apartment per core may be provided. The maximum provision may be relaxed for refurbishment or infill sites of 0.25ha on a case by case basis.</p>	<p>None of the proposed amendments would result in the overall scheme providing 12 apartments per floor per core, in accordance with SPPR 6.</p>
<p><b>Internal Storage</b> - Internal storage within an apartment unit shall be provided in accordance with the Sustainable Urban Development: Design Standards for New Apartments as set out in Appendix 1 and Section 3.30 to 3.34 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) for details. Flexibility shall be provided in certain circumstances on a case by case basis.</p>	<p>The submitted Housing Quality Assessment details that internal storage for all proposed additional units meet the requirements of the Apartment Guidelines 2022.</p>
<p><b>Private Amenity Space</b> - Private amenity space shall be provided in the form of terrace, balcony or private garden and should be located off the main living area in the apartment. The minimum areas for private amenity are set out in Appendix 1 and Section 3.35 to 3.39 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) for details.</p>	<p>The submitted Housing Quality Assessment details that both proposed additional units provide balconies or terraces that meet the quantitative requirements of the Apartment Guidelines 2022.</p>
<p><b>Communal Amenity Space</b> - All new apartment developments are required to provide for communal amenity space externally within a scheme for the use by residents only. Communal open space provision is</p>	<p>In this regard, a total of 879 sq.m of external communal amenity space is provided, in excess of the quantitative requirements of the Apartment Guidelines. The external</p>



Relevant Development Plan Standard and Guidance	Statement of Compliance with Development Plan Standard and Guidance
<p>in addition to any private or public open space requirements.</p> <p>The minimum areas for private amenity are set out in Appendix 1 and Section 4.10 to 4.12 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) for details.</p> <p>Communal amenity space must be clearly defined and distinguished within a scheme and clearly identified as part of any planning application. The communal amenity areas should be of high landscape quality and provide for adequate daylight and sunlight access throughout the year. The communal amenity area should be functional and usable to a range of activities including, children's play (see Section 15.8.8 for further details), passive recreation and leisurely activities such as games and exercise.</p> <p>On refurbishment or infill sites of up to 0.25 ha, the communal amenity requirements may be relaxed on a case by case basis.</p> <p>Communal amenity spaces may comprise of courtyard spaces and linear open spaces adjacent to the development. Roof terraces may be provided in certain circumstances subject to an assessment of accessibility, safety and micro-climatic impacts.</p> <p>It must be demonstrated that roof terraces are suitable for the intended use in terms of wind comfort levels, daylight and sunlight, noise impacts and safe and secure accessibility for all users, particularly children. Roof terraces must also accommodate landscaping features such as tree planning, shrubs and outdoor seating in order to create a quality green environment.</p>	<p>communal amenity spaces are primarily in the form of 5 no. communal garden terraces at upper floor levels (569 sq.m) and with a first floor/podium level courtyard (301 sq.m).</p> <p>The communal amenity spaces have been designed by the project landscape architect - Doyle + O'Troithigh.</p> <p>All upper floor level external amenity spaces (569 sq.m) receive more than adequate sunlight throughout the year as demonstrated by the Daylight, Sunlight and Overshadowing Study Report prepared by IES.</p> <p>In addition, the subject proposal seeks to amend a permitted development on a constrained urban infill site of 0.19ha. It is submitted that the provision of roof terraces as the primary form of communal external amenity space is in accordance with the permitted development on the subject site, previously assessed by An Bord Pleanála and Dublin City Council.</p>
<p><b>Refuse Storage</b> - Refuse storage and collection facilities should be provided in all apartment schemes. Refuse storage should be accessible to each apartment stair/ lift core and be adequately sized to cater for the projected level of waste generation, types and quantities.</p>	<p>The provisions of the Guidelines have been incorporated into the refuse storage and collection strategy for the proposed scheme. Appropriate bin stores have been provided at ground floor level in the scheme. It is noted that the previous application – DCC Ref.</p>

Relevant Development Plan Standard and Guidance	Statement of Compliance with Development Plan Standard and Guidance
	6032/23-S3 was accompanied by an Operational Waste Management Plan prepared by AWN Consulting.
<p><b>Lifecycle Report</b> - All residential developments should include a building lifecycle report that sets out the long term management and maintenance strategy of a scheme. The lifecycle report should include an assessment of the materials and finishes proposed, the ongoing management strategy, the protocol for maintenance and repair, the long term maintenance costs for residents and the specific measures that have been taken to effectively manage and reduce the costs for the benefit of residents.</p>	A Building Lifecycle Report prepared by Reddy Architecture and Urbanism accompanies the planning application.
<p><b>Microclimate ((Daylight and Sunlight, Wind and Noise)</b> – The City Plan requires that all apartment schemes should be accompanied by an assessment of microclimatic impacts, including daylight and sunlight, noise and wind. These assessments should outline compliance with the relevant standards and ensure a high level of residential amenity is provided both within the apartment unit and within the surrounding residential properties.</p>	<p>An updated Daylight, Sunlight and Overshadowing Study Report prepared by IES is submitted with this planning application.</p> <p>This assessment outlines how the proposed amendments and overall development complies with relevant standards, ensuring that a high level of residential amenity is provided within the proposed new apartment units, within the permitted apartment units. The reports also demonstrate the proposed new apartments will not have an adverse additional impact on adjoining developments.</p>

### 7.6.8 Bicycle Parking Provision

Table 1 of Appendix 5 of the City Plan sets out bicycle parking standards for a range of development types. For residential apartments a standard of 1 space per bedroom plus an additional visitor space for every two apartments area required. For retail uses, 1 no. short stay/visitor space is required per 100 sq.m GFA and 1 no. long term space is required per 5 staff members.

The bicycle parking provision exceeds the City Plan requirements for an overall development of 133 no. apartment dwellings and a 441 sq.m commercial/retail unit.

The proposed amendments include an increase in the size of the ground floor resident/visitors bike store to accommodate a total of 292 no. resident and visitor spaces, in excess of the requirement for 261 no. spaces to serve the 134 no. apartment units. In addition, the residents internal bike store also accommodates 6 no. cargo bike spaces for use by residents.

## **8 CONCLUSION**

It is submitted that the proposed development is consistent with national, regional and county level policies and objectives, and that the proposed design has afforded full regard to all relevant planning, architectural, engineering, ecological and environmental considerations. Accordingly, it is submitted that the proposed development is consistent with national policy and guidelines, the Dublin City Development Plan, and the proper planning and sustainable development of the area.

## **APPENDIX A**

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### **Email from Dublin City Council re. Section 247(7) of the Act.**

## Ciaran Moss

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**From:** Liam Currie <liam.currie@dublincity.ie>  
**Sent:** Friday 5 July 2024 16:46  
**To:** Declan Brassil  
**Subject:** Site bounded by Newmarket Square to the North; Ardee Street to the West and Mill Street to the South (including City House and Unit 3) Newmarket, Dublin 8

Dear Declan,

I refer to our Stage 1 Section 247 pre-planning consultation on the 25<sup>th</sup> June 2024.

Regarding the information submitted for the meeting, in relation to a potential application to amend the development permitted under ABP Ref. ABP-312268-21 (the 'parent' permission), as subsequently amended by DCC Refs. LRD6028/23-S3 and LRD6032/23 – S3.

The proposed amendments primarily consist of an increase in the number of units from a permitted 132 units to 134 (2 no. additional units) through the infill of permitted communal roof terraces at sixth and seventh floor levels, as follows:

- (a) Amendments at Sixth Floor Level include the omission of a communal roof terrace at the north-eastern corner of the building and the infilling thereof by providing an additional studio unit (with a floorspace of approximately 38 sq.m) together with associated external alterations.
- (b) Amendments at Seventh Floor Level include the omission of part of a communal roof terrace at the south-eastern corner of the building and the infilling thereof by providing an additional 2 bedroom unit (with a floorspace of approximately 73 sq.m) and the re-provision of the displaced communal space at rooftop level (8th floor) above the proposed new unit.

The proposed amendments also result in the provision of a revised unit mix, comprising of 2 no. studio units, 79 no. 1 bed units, 5 no. 2 bed / 3 person units, 41 no. 2 bed / 4 person units and 7 no. 3 bed units, and a revised quantum of external communal amenity space (878 sqm).

In this context, I confirm that the planning authority is satisfied, having compared the proposed development to the permitted development, that: (a) the proposed development is substantially the same as the permitted development, and (b) the nature, scale and effect of any alterations to the permitted development are not such that require an LRD meeting, and that no further pre-planning consultation is required in relation to the proposed development.

We look forward to receiving your planning application in due course.

*\*The applicant is advised that this declaration relates only to the issues itemised above. The applicant is advised that any additional amendments submitted with any future Stage 3 LRD application based on this declaration may be considered invalid.*

Kind regards,  
Liam

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