



(a) **Planning and Development Act 2000 (as amended) & Planning and Development Regulations 2001 (as amended) (Part 8)**

(b) **Local Government Act 2001 (as amended)**

In compliance with the provisions of Section 179 of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) and in compliance with the provisions of the Local Government Act 2001 and pursuant to the requirements of the above, notice is hereby given of Dublin City Council's intention to carry out the following works:

Application No: 3449/21

Proposal: LAW: Planning and Development Act 2000 (as amended) Planning and Development Regulations 2001 (as amended) - Part VIII

Applicant: David Dinnigan, Executive Manager, Housing and Community Services Department, Dublin City Council

Location: Dorset Street Upper, Dominick Street Upper and Saint Mary's Place North, Dublin 1

Proposal: Pursuant to the requirements of the above, notice is hereby given of:
A comprehensive phased redevelopment of the urban block bounded by Dorset Street, Upper Dominick Street and Saint Mary's Place, in Dublin 1, known as Dorset Street Saint Mary's Place Flats.

The existing 1.2 hectare site comprises 113 homes, and a playschool (now closed) which form Dorset Street Saint Mary's Place social housing scheme; the existing dwellings comprise of 4 storey and 5 storey flat blocks with existing access roads from Saint Mary's Terrace.

The proposed development which will be managed by Dublin City Council comprises of:

- Demolition of the existing buildings, in two phases
- Provision of 163 homes; within 4 blocks and 1 terrace, ranging from 3-7 storeys (including 7 houses, 11 duplexes and 145 apartments)
- Provision of a boxing club, a multi-use childcare facility, a commercial space and a café
- Associated car and cycle parking; public and private open spaces; ancillary structures; and, all other necessary enabling works, roads and services.

Zoning

The site is located in an area governed by the landuse zoning Sustainable Residential Neighbourhoods – Zone Z1 with the accompanying objective “*to protect, provide and improve residential amenities*”.

A south eastern portion of the subject site is within a Zone of Archaeological Interest

Site Notice:

In place and worded as required.

Site Description:

The subject site is bounded by Dorset St, Upper Dominick St and St Mary's Place and is a 1.2ha site comprising of 113 homes, and a playschool (now closed) which form Dorset St and Mary's Place social housing scheme. The existing residential units comprise of 4 x 5 storey flat blocks with existing access roads from St Mary's Terrace. The former fire station (a Protected Structure), currently housing St Saviour's Boxing Club, is located within this urban block, however it sits outside the application boundary and the Black Church is located directly to the north, along St Mary's Place North.

Planning History:

2692/09 / LAW:

PROTECTED STRUCTURE: Pursuant to the requirements of the above, notice is hereby given of the proposed development by Dublin City Council: Refurbishment works and extension to community building at Old Fire Station Dorset Street Dublin 1 a protected structure. The site is located on Dorset Street Upper, Dublin 1. The building is a protected structure referenced 2390 in the record of protected structures, Dublin City Development Plan 2006-2011. Scope of works will consist of essential repairs to the existing structure; changes to the interior spatial layout, upgrading of plumbing, heating and electrical services; measures to bring building up to modern standards of energy efficiency; improvements to internal circulation; improvements relating to security and health and safety of building users. The plans and particulars of the proposed development will be available for inspection during office hours for a period not less than 6 weeks beginning on 2nd April 2009 at Dublin City Council, Planning Department, Civic Offices, Wood Quay, Dublin 8 between 8.00hrs and 16.30hrs Monday to Friday. Submissions and observations with respect to the proposed development dealing with the proper planning and sustainable development of the area in which development would be suited, may be made in writing to: The Executive manager, Planning Department, Dublin City Council, Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8 before 15.30hrs on 28th May 2009.

2539/14 / LAW:

Pursuant to the requirements of the above, notice is hereby given of the proposed demolition of St. Mary's Terrace, a 2-storey block comprising 12 one-room units at ground floor level and 12 on the first floor (total 24 units). Following the demolition of the building it is proposed to retain the existing boundary walls and to landscape the open space, retain the existing trees. A new low railing will be constructed at the gable ends of the demolished building to match the height and finish of the existing railing. The long wall to St. Mary's Terrace will be largely retained, but the North-East corner will be provided with a new railing to match the existing,

and the palisade fencing will be removed. Access will be maintained at both ends of the grassed area, one of these being a 3-metre access for maintenance at the North West corner. Two new public lighting columns will be provided, one at each end of the demolished building to replace those affixed to the building.

Observations/Submissions:

3 Observations have been received and the relevant issues raised include the following:

- The proposed scheme will overshadow existing residences at St Mary's Place North in close proximity to the scheme
- The proposed development will create overlooking and privacy issues into neighbouring properties
- Concern regarding future access arrangement for emergency services etc to the scheme and surrounding property
- The mature trees opposite St Mary's school should be retained
- The design of the scheme is not of sufficient quality and will have a negative impact on the heritage of this City Centre location.
- The proposed represents an overdevelopment of the subject site
- Question as to whether sufficient consideration has been given to the traffic impacts of the proposal
- There is significant concern with the design of Block A and the impacts on the houses on Mountjoy St and St Mary's Place North. In this regard, there is concern
 - The proposed units within Block A will create serious overlooking issues
 - The houses within Block A are substandard in terms of open space provision
 - As a result, the separation distances between the rear elevation of Block A and the existing dwellings along Mountjoy St and St Mary's Place North is inadequate.
- A number of suggestions are proposed
 - Block A houses are moved forward (east) to increase the separation distances, as a result the amenity space to the front of the building is removed, along with the car parking
 - The use of 'pop out' splayed window detail could be used to prevent overlooking
 - The bookend apartment elements to Block A need to be reconsidered in light of the proposed movement of the houses with Block A and need to be reduced in height
- The proposed apartment block is out of scale with the 2 storey houses to the east
- The proposed scheme should be faced with yellow/pale brick to integrate with the existing context and this brick should be used throughout
- There is no urban design justification for the proposed 7 storey block on the corner of Dorset St and along St Mary's Place North
- Clarification required future car parking and access to the laneway that divides the houses of Mountjoy St and the proposed scheme

All relevant comments and objections have been taken into account during commentary of the proposed Application.

Interdepartmental Report(s):

Drainage Division: Report dated 05/10/2021 – no objection to the development subject to Conditions.

Transportation Planning Division: no objection to the development.

Archaeological Report: Report dated 21/10/2021 - No objection to the development, subject to conditions

Consultees /Interested Parties:

Transport Infrastructure Ireland recommends conditions, pending resolution of the following

In the first instance, TII considers insufficient information has been submitted to demonstrate the proposed development can proceed complementary to safeguarding Luas infrastructure in the vicinity, in particular;

The Existing Combined Sewer on Dominick St. is located under the Luas alignment. There would be significant disruption to Luas operations while attempting to make the Proposed Foul outfall connection under the Luas alignment and TII considers that reassessment of this element of the application should be undertaken to avoid significant risk and disruption to Luas infrastructure and operations

Dublin City Development Plan Policy:***Chapter 4 Shape and Structure of the City, Section 4.5.9 Urban Form and Architecture***

Well-considered urban design and architecture can make a positive contribution to the townscape and urban environment, and can improve the environmental performance, competitiveness and attractiveness of the city. The following policy is relevant to the proposed development:

SC26: To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's acknowledged culture of enterprise and innovation, and which mitigates and is resilient to, the impacts of climate change.

Chapter 5 Quality Housing, Section 5.5.2 Sustainable Residential Areas

The Department of Housing, Planning Community and Local Government Statement 2015 encourages Planning Authorities to engage in active land management by leading and managing the development process and ensuring that land zoned for development come into use in accordance with Development Plan Policy and in tandem with supporting infrastructure. In particular the following policy is relevant to the proposed development:

QH5: To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration area, vacant sites and under-utilised sites.

QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

QH13: To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in The Residential Quality Standards and

with regard to the Lifetime Homes guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

QH21: To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.

Chapter 16 Development Standards, Section 16.2.1 Design Principles

This section of the Development Plan states that development will respond creatively to and respect and enhance its context, and have regard to *inter alia* :

- The character of adjacent buildings, the spaces around and between them and the character and appearance of the local area and the need to provide appropriate enclosure to streets.
- The character, scale and pattern of historic streets, squares, lanes, mews and passageways.
- Existing materials, detailing, building lines, scale, orientation, height and massing, plot width.

Development Standard 16.10.1 Residential Quality Standards – Apartments

This section contains standards under the following headings that shall apply to the proposed development:

- Floor areas
- Mix of Residential Units
- Aspect, Natural Lighting, Ventilation and Sunlight Penetration
- Block Configuration
- Entrance Lobbies, Circulation and Safety
- Internal Space Configuration for Apartments
- Storage
- Layout Flexibility
- Private Open Space
- Communal Open Space
- Communal Facilities
- Cycle Parking
- Design for Management and Maintenance

Development Standard 16.10.3 Residential Quality Standards – Apartments and Houses

This section contains standards under the following headings that shall apply to the proposed development:

- Public Open Space
- Safety and Security
- Acoustic Privacy

Relevant Policy Guidelines

- Urban Development and Building Heights - Guidelines for Planning Authorities, DoECLG, December 2018
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHLGH, December 2020.
- Guidelines for Planning Authorities, Sustainable Residential Development in Urban Areas & Best Practice Urban Design Manual, DoEHLG, December 2008.
- Quality Housing for Sustainable Communities – Best Practice Guidelines for delivering Homes Sustaining Communities, DoEHLG, 2007.

Planning Assessment

Principle of Development

The application site is designated Zoning Objective Z1 'To protect, provide and improve residential amenities'. The proposed residential, commercial and community uses are permissible uses in Z1. It is considered that the proposed development is in accordance with the Land Use Zoning Objectives for the subject site.

Density, Plot Ratio and Site Coverage

Indicative plot ratio and site coverage standards are set out in the Dublin City Development Plan 2016-2022. The stated density of the development is 136uph. Plot ratio standards for Z1 range from 0.5 -2.0 and site coverage standards for Z1 is 45%-60%.

The stated site coverage is 22% and the plot ratio is 1.27:1. The proposed site coverage is lower than the range outlined in the Development Plan, however, given the site context which is surrounded by two-storey housing, it is considered that owing to the open nature of the current site, a slightly lower site coverage may be appropriate. It is therefore considered to be in accordance with the Development Plan in terms of density, plot ratio and site coverage.

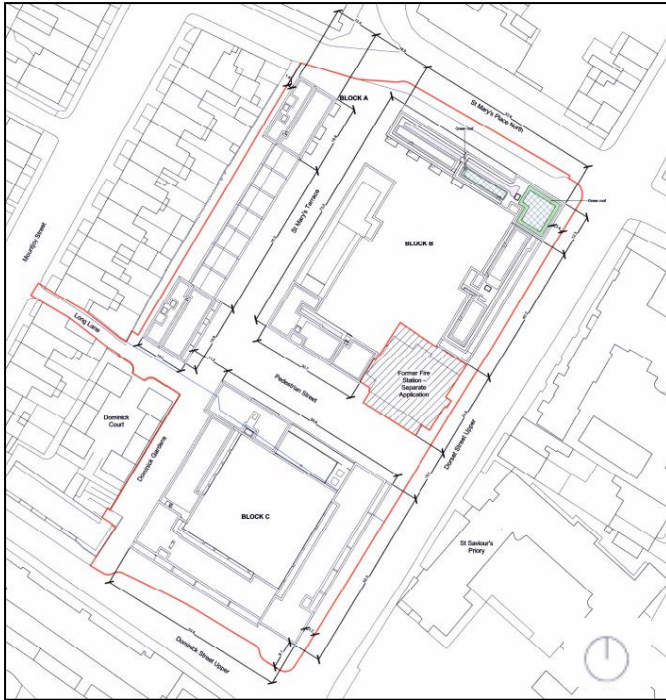
Layout

The proposed development comprises the demolition of the existing 113 dwellings and a playschool, contained within 4no. 5 storeys flat blocks two-storey residential development, to enable the provision of three new blocks ranging in heights from 3 to 7 storeys. The current application would involve the provision of a café, childcare facility, retail unit and boxing club, which fronts onto Dorset Street Upper.

The current application would seek to reconfigure the existing layout and would provide defined building lines along Dorset Street Upper, Dominick Street Upper and St. Mary's Place Upper. Two of the proposed Blocks (Block B and C) would be arranged in perimeter block format, surrounding an area of communal open space. Block A is a linear block running along the western boundary and would be positioned to the rear of buildings fronting onto Mountjoy Street. The proposed layout would facilitate north-south movement from Dorset Street Upper to Dominick Street Upper through the provision of a realigned St Mary's Terrace. East-west movement through the site would be provided via a new pedestrian street, running between Blocks B and C.

The planning authority strongly supports the intention of the design team to introduce active ground floor uses along the primary street frontages. The positioning of the community and commercial uses along Dorset Street Upper would provide a vibrant mix of uses. The current design would also seek to maximise the provision of ground-floor residential units that would have own door access, thereby maximising the passive surveillance of public spaces.

As noted in the report above, the southeast corner of Block B is comprised of a former Fire Station, which is a Protected Structure but is however the subject to a separate planning application.



Height

The Development Plan Height Strategy identifies a building height of 24m for residential development in this location. The proposed scheme is a maximum of 7 storeys, with commercial floor space at ground floor level. Based on the submitted plans, the scheme would have a maximum height of 23.81 meters, which would be within the Development Plan Height Guidelines.

The subject site is located in a central and accessible location and the scheme is in close proximity to Drumcondra Rail Station and a Dublin Bus QBC and will be serviced in the future by an upgraded bus connects route. The site is therefore suitable for a higher density of development in accordance with the principles established in the National Planning Framework.

The site contains a Protected Structure and the residential buildings have been arranged around a number of proposed public open spaces and routes throughout the site with extensive landscaping and tree planting proposed. The Applicant has submitted a Design Statement, which states adherence to objectives relating to visual impact, including townscape views, urban design and protection of the built heritage. The design statement indicates the proposed new development, in the context of the surrounding area. A rationale is set out for the proposed height, which includes location adjacent to public transport, and government policy to promote additional height in such locations. It is stated that the proposed design is a considered design, which will enhance the urban character of the area and help to create an improved and dynamic elevation.

The townscape views indicate the views of the proposed new buildings from the surrounding context. The scale of the proposed scheme is undoubtedly large however, the use of setbacks in the façade and the changes in the palette of materials appear to help break up the scale of the building and allows the proposal to harmonise with the surrounding urban context.

The views submitted clearly show that the proposals influence the surrounding context. Distance views from Granby Row (View 1), Western Way (View 5), Bolton St (View 8) and Dorset St (View 2), in particular, clearly indicate the proposal will have a visual impact on the

views across the City. The prominent features of the scheme include the corner element at the junction of Dorset St and St Mary's Place North (Block B), which rises to 7 storey.

The views of the proposal are considered, in this instance, to be acceptable as it is considered that the massing and verticality of the building may perch above the framed view of the site, however, this can be justified given the modern and high-quality design. The townscape views along with elevation drawings also indicate that the articulation of a higher building scale within the site and the layering of the higher elements are aided by the scale of the subject site and will ensure the proposal is in alignment with the surrounding context.

Again closer views of the proposal from St Mary's Place North, Dorset St and Dominick St Upper are likely to be mitigated by the scale of the subject site and surrounding urban context. The drawings demonstrate that the proposed development will have a significant visual impact on the surrounding area, therefore the inclusion of high-quality design and materials are essential.

It is considered that in terms of height the proposal responds to the existing context and provides for a new urban environment. The proposed development provides new public and usable open space and there is a variety of heights utilized throughout the site in response to the context. Given the scale of the subject site, the tiering, mass and scale of the buildings appear to respond to the patterns of the existing site and are likely to add visual interest to wider views of the scheme.

The proposed scheme incorporates provision for public open space, which is likely to positively contribute to the natural and built environment of the wider area. In addition, the proposal stitches in with the Masterplanning Concept referred to in the Design Statement which includes reinforcing Dorset St Upper as an urban street, creating a marker building on the corner of Dorset St and St Mary's St Upper, the introduction of gateways into the scheme, the inclusion of usable courtyard gardens, the promotion of surveillance and overlooking features and the establishment and reinforcement of active frontages.

The scheme is tiered across the site and the massing and horizontal plane of the various buildings have been broken down through the use of varying materials and finishes and it is considered that the proposed development through incorporating a variety of building forms, heights and façade treatments will not be considered visually obtrusive, despite its scale.

It is considered that the proposed scheme will enhance the presentation of the site to St Mary's Place North, Dorset St Upper and Dominick St Upper by redefining the entrances to the subject site and therefore enhancing and encouraging the use of the new public realm within the site. On balance, the scale and massing of the blocks are not considered negative and is unlikely to have a detrimental visual impact on the subject site or the surrounding context.

Materials and Finish

In terms of materials, brick is the primary material for the elevations throughout the site. There are 3 primary brick colours - red, grey & light. The proposed metalwork, including balconies, windows and railings, and curtain walling/screens for rooftop plant are 2 primary colours – Dark Grey and Light Grey.

In regard to their implementation, the grey brick is the primary material to the pedestrian street elevations and the light brick is paired with light grey metalwork. Along St Marys Terrace, grey brick is the primary material and the light brick is paired with light grey metalwork. In regard to the courtyards, grey brick and light brick are the primary material to these elevations. Both are paired with light grey metalwork. For the peripheries to the scheme, red brick is the primary material for the framing external face. Light and dark mortar are to be used to differentiate

between bays. Light brick is to be used for internal walkways/ balconies. The red brick is paired with dark grey metalwork and the light brick is paired with light grey metalwork.

The use of brick and metal, which are durable and high quality materials, is welcomed and is likely to provide the scheme with a richness and value, which is will have a positive visual impact on the subject site and the surrounding context.

Residential Amenity of Surrounding Area and the Proposed Apartment Scheme

Daylight & Sunlight

The Applicant has submitted a Daylight, External Sunlight and Shadow Analysis for the proposed residential apartment development. The report outlines:

- Daylight received to interior spaces
- External sunlight to amenity spaces
- Overshadowing impacts to existing buildings

Daylight received to interior spaces

The Report sets out that the residential units are sustainably designed energy efficient apartments and houses that have followed guidance from BRE Report "Site Layout and Planning for Daylight and Sunlight: Guide to Good Practice 2nd Edition 2011 and Lighting for Buildings – Part 2: Code of Practice for Daylighting

The Average Daylight Factor (ADF) is used as the measure of general illumination from skylight. The acceptable recommendations for ADF value for dwellings based on room functions are as follows

- Bedrooms: 1.0%
- Living Rooms 1.5%
- Kitchens: 2.0%

In the case of multi-functional spaces (ie. combined kitchen and living room) a relaxation from the upper value of 2.0% to a lower value of 1.5% may be appropriate, and this can also be assessed based on the provision of a balcony to this space.

The report concludes that 90% of all spaces meeting the recommendation of 2.0% and 95% of all space meet the standard of 1.5%.

External sunlight to amenity spaces

The BRE Guidelines recommend that for external amenity spaces to appear adequately sunlit throughout the year, at least half of the garden or amenity space should receive at least 2 hours of sunlight on March 21st. The Applicant carried out a sunlight analysis for amenity spaces using a 3D model.

The results indicate that half of the amenity space receives 2 hours or more of sunlight on March 21st, therefore the proposed development is in compliance with BRE Guidelines. More specifically the designated amenity areas at ground level achieve 64% sunlight access for more than 2 hours on the 21st March, thereby meeting BRE recommendations.

Overshadowing impacts to existing buildings

The report set out to determine whether the proposed scheme would result in any significant overshadowing to existing buildings, particularly where residents would be affected. The shadow analysis was carried out on the following dates

- 21st June (Summer Solstice)
- 21st March (Spring Equinox)

- 21st December (Winter Solstice)

The results indicate that on 21st June there is an increase in overshadowing to the garden area of the existing Mountjoy St houses and this impact mainly occurs during early morning hours (06.00 – 09.00), which would be characterised as a minor impact. There is a slightly larger shadow cast onto Dorset St from the hours of 15.00 until sunset and there is also a slight increase in shadow cast to St Mary's Place and the surrounding buildings at the junction of Dorset St Upper and St Mary's Place. There is no overshadowing impact to St Mary's Chapel and there is a very minor shadowing impact to Dominic St during the early morning hours.

On 21st March, there is an increase in overshadowing to the garden area of the existing Mountjoy St houses and this impact mainly occurs during early morning hours (08.00 – 11.00), which would be characterised as a minor impact. There is a slight increase in shadow cast to St Mary's Place and the surrounding buildings at the junction of Dorset St Upper and St Mary's Place from noon until sunset. There is no overshadowing impact to St Mary's Chapel and there is very little shadowing impact to Dominic St during the day.

On 21st December, there is a minor increase in overshadowing to the garden area of the existing Mountjoy St houses early in the day (09.00 to 10.00) and St Marys Chapel will have slightly more shadow from 10.00 to 14.00.

On balance, the results indicate that 90% of all rooms exceed the BR209 recommendations with rooms on all floors considered, that designed amenity areas at ground level achieve 64% sunlight access for more than 2 hours on the 21st March, thereby meeting BRE recommendations and the increase in shadow from the proposed scheme is not considered significant given the surrounding urban context.

Overlooking Impacts

In terms of overlooking, the Development Plan stipulates that *'there should be adequate separation between opposing first floor windows. Traditionally, a separation of about 22 m was sought between the rear of 2-storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers'*.

In the case of the distance between the Block A and the Mountjoy Street Houses to the west, the Part 8 application indicates a separation distance of approx. 23.7 metres however it would appear that the rear private open space to the houses within Block A accounts for only 5m of the overall 23m separation distance. In this instance, taking into account the relatively narrow nature of the rear private open space provision to the dwellings within Block A, there are some reservations regarding the potential for overlooking into the rear private gardens of the Mountjoy Street Houses to the west and the resultant impacts on existing residential amenity. This potential overlooking of the rear gardens could possibly be alleviated with a design alteration which would result in the 3 storey houses within Block A moving eastward, the green space to the front façade being replaced with a narrow green strip (defensible space) and either the removal of the proposed car parking along St Mary's Terrace or a narrowing of the road along St Mary's Terrace. These amendments would create a larger area of rear private open space for the houses within Block A and increase the separation distance between the opposing 1st floor windows of Block A and the Mountjoy Street Houses.

Following review of the layout, it is considered that the houses within Block A could be moved by a minimum of 1.6m away from the boundary to the rear lane at Mountjoy Street. It is further considered that Block A1 could be moved by a minimum of 1.4m away from the boundary to the rear lane at Mountjoy Street. The relocation of these sections of Block A will likely lessen any potential impacts on the existing houses to the west along St Marys Place and the rear

gardens of the Mountjoy Street Houses, whilst also allowing for the provision of larger areas of rear private open space (30sqm) to the houses within Block A.

It should be noted that, following consultation with the Transportation Planning Division, the proposed moving of these sections of Block A will not compromise the permeability, functionality and usability of the street along St Mary's Terrace.

There are also comments submitted regarding possible overlooking from the apartments within Block A into the rear gardens of the Mountjoy Street Houses. The concerns are noted however the west facing windows to the apartment buildings are not habitable rooms and are circulation spaces, such as stair wells, and bathrooms/storage spaces. In this instance, the inclusion of windows to the western façades of the apartment within Block A give a consistency and articulation which matches the overall design narrative.

On balance, the proposed alterations to the housing element to Block A may allow the scheme to overcome reservations and concerns expressed by existing residents regarding overlooking and privacy issues, particularly those occupants within the Mountjoy Street Houses.

Floor Areas and Development Standards

In total 163 no. apartments are to be provided, all of which are 1bed/2person units, 2 bed / 3 person, 2 bed/ 4 person, 3 bed/ 5 person and 3 bed/ 6 person dwelling houses. Minimum overall apartment standards are set out in Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHLGH, December 2020.

The Schedule of Accommodation submitted with the Part 8 application indicates that all units exceed the minimum requirements for apartment floor areas for one-bedroom units. In this regard, it is noted that all units provide floor areas that exceed the minimum floor area standard by 10% as required for apartment schemes outlined under Section 3.8 – 3.15 of the apartment guidelines.

The proposed apartment unit types comply with the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHLGH, December 2020.

Unit mix

Section 2.21 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHPLG, December 2020 indicates that the requirements of SPPR1 (which limits the quantity of 1-bedroom units within housing developments to 50%) do not apply to purpose-built student accommodation or to certain social housing schemes, such as sheltered housing. SPPR 2 of the guidelines further states all standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development. The proposed development would propose 40% 1-bed units and 60% 2 and 3 bedroom units. The development would therefore comply with unit mix requirements of SPPR 1.

Dual Aspect

DoHLGH guidelines require a minimum of 50% of the units to be dual aspect. Furthermore, the DoHLGH guidelines state that north-facing single aspect apartments may be considered where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. Just 6 of the proposed 163 units would be single

aspect, none of which would be north facing. It is considered that in terms of dual aspect, the development is acceptable.

Floor to Ceiling Height

The current Development Plan and the apartment guidelines require ground floor level apartments to have a minimum floor to ceiling height of 2.7m to reduce the potential for overshadowing. A minimum floor to ceiling height of 2.4m is required at all other levels. The Part 8 application has provided dimensioned sections that indicate that the proposed development will provide floor to ceiling heights of 2.7m at ground floor and between 2.5m and 2.7m at upper floors. This is considered to be in compliance with the apartment guideline standards and is therefore acceptable.

Lift and Stair Cores

Apartment guidelines require a maximum of 12 apartments per floor per individual stair/lift core. The proposal provides a maximum of 10 no. apartments per floor per the proposed lift/stair core, which is acceptable.

Storage

The floor plans submitted with the Part 8 application indicate that all units will provide storage in compliance with apartment guidelines.

Private Amenity Space

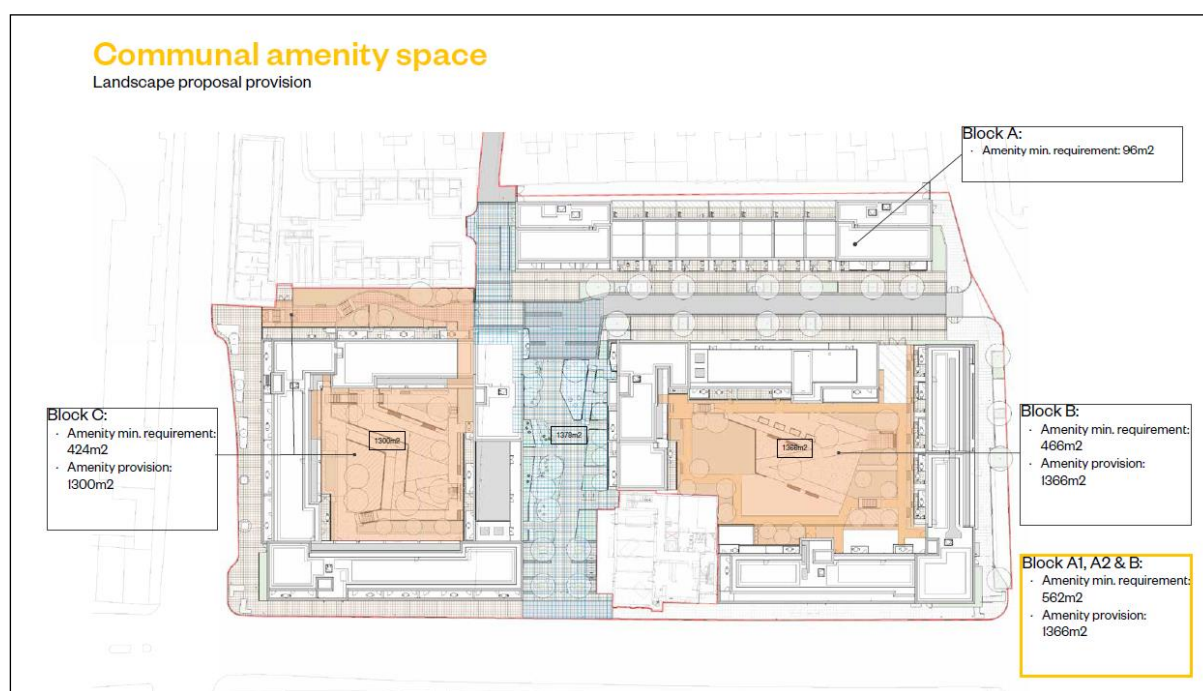
Apartments

The 2018 Apartment Guidelines require that private amenity space is provided at the standard of at least 5sqm for one bedroom apartments, 7 sqm for a two bedroom apartment and 9 sqm for a three-bedroom apartment. The proposed development has provided terrace spaces to ground floor units and balconies to upper floor level units. The schedule of accommodation indicates that the private amenity space to all apartment units either meets or substantially exceeds the required quantum.

Houses

Section 16.10.2 of the current Development Plan sets out private open space requirements for new houses. It states that private open space shall be provided in the form of gardens or patios/terraces. A minimum standard of 5 sq.m of private open space per bedspace will normally be applied in the inner city area. The 7 no. proposed 3 bed 6 person dwelling would be provided with 30 sqm of private open space, with approx. 20 sqm provided to the rear of the dwelling and approx. 10 sqm to the front of the dwelling, adjacent to St Mary's Terrace. This is considered to be in full compliance with the requirements of the City Development Plan 2016-2022.

Communal Open Space



	Block A	Block B	Block C	
1 beds (5 sqm per unit)	4	38	38	
2 beds (7 sqm per unit)	4	24	24	
3 beds (9 sqm per unit)	7	12	12	
COS Required	96	466	424	1,001 sqm
COS Provided	(Provided within Block 2)	1366	1300	2666

The current application would propose to significantly exceed the minimum required communal open space provision, which is strongly supported by the Planning Authority. It is noted however that communal open space provision for Block A would be located within Block B. Due to the linear configuration of the Block A it is accepted that the provision of a communal open space area directly adjacent to the Block A cannot be provided. In this regard, it is considered that the communal open space area for Block B would provide a very high level of amenity for the future occupiers. Furthermore, considering the development will be operated and maintained by the Housing Department, it is considered that access can be guaranteed for the residents of Block A. Accordingly, no objections are raised to this element of the development.

Public Open Space:

Section 16.10.3 of the City Development Plan 2016-2022 sets out that there is a 10% requirement specifically for all residential schemes. The development requires that Public open space be genuinely accessible to the general public. Public open space is open space which makes a contribution to the public domain and is accessible to the public for the purposes of active and passive recreation. The applicant has submitted a Landscape Architect Report, which outlines the proposed landscaping strategy for the application site, as well as communal external terraces, situated at upper floor levels. In relation to public open space,

the current application would proposed approx. 3326 sqm, which is significantly in excess of the required standard. This is considered to be acceptable.

Landscaping

The scheme proposes a number of landscaping principles throughout and these principles have been integrated into the overall scheme. The principles include:

Landscape Character – to create a space where people are the priority and car access is limited. Characteristics such as sustainability, community, creation, safety, wellbeing, social cohesion and biodiversity enhancement are incorporated.

Public Realm – all streets are pedestrian priority either by shared services or meandering routes through, which reduce car speed and create a safe space for pedestrians. Tree lined streets, narrow paths, play areas, seating areas and entrances at ground level, activate the spaces and ensure safety.

Play and Amenity – various play experiences throughout the scheme, which are offered within formal play areas and landscaping features

Ecology Enhancement – New trees and creation of new habitats, including a new planting strategy

Sustainable Drainage – landscape features such as rain gardens and also permeable paving provision in almost the full extent of the hard surface will reduce water run off and add of the sustainable design of the landscape design

Throughout the scheme the above landscaping principles have been incorporated, such as Museum St, St Marys Terrace, the courtyard to Block B and Block C and Dominick Walk. Each of these landscaped areas within the proposal are considered significant landscaping enhancements and the usable and playful nature of these spaces are well considered and will likely enhance the amenity for future residents.

Car Parking and Transportation

The proposed development consists of the redevelopment of an existing housing development of 113 units and provision of 163 no. units with additional community uses for a crèche, museum café, boxing club and commercial space. Parking across the site is currently informal and designated for residents only and accommodates approximately 25 no. cars at present. The site is located c. 400-500 metres from the Broadstone Luas stop to the southwest and the Dominick Luas stop to the south east. Vehicular access is currently from St Marys Place North to the north along St Marys Terrace into a central courtyard within the development. It is propose to maintain this access point as the main vehicular access for residents, with pedestrian access off Dorset Street Upper and Dominick Street Upper.

While the main vehicular access to the site will remain from St Marys Place, St Marys Terrace will be repositioned and will be for local access only, a 4.8m wide road with parallel car parking bays along each side and a 2metre footpath. Smaller vehicles will be able to manoeuvre at the end of St Marys Terrace in the shared surface area in order to exit back up St Marys Terrace with emergency vehicles and refuse vehicles exiting onto Dorset Street Upper through the shared public realm area. Vehicular access will also be provided onto Long Lane where existing access to Dominick Court is currently provided.

It is proposed to widen the existing footpaths on the western side of Dorset Street Upper and on the southern side of St Marys Place.

15 no. car parking spaces are proposed to be provided for residents. No car parking is proposed to be provided for the community uses within the site. It is proposed to make changes along St Marys Place including the realignment of 3 no. existing parking space and a new loading bay along the southern side of the carriageway which will be subject to the same parking restrictions currently in place. It is noted however that the landscaping plan appears to indicate the provision of 17 no. spaces. This can be clarified by way of condition. Cycle parking of 1 no. space per unit is provided in addition to 16 no. visitor parking spaces will be located on both St Marys Place and within the central pedestrianised street.

It is proposed for all internal roads i.e. St Marys Terrace and the pedestrian street) will be maintained and taken in charge by DCC's Housing Department with the external footpaths remaining in the charge of DCC's Road Maintenance Division.

Having regard to the central location of the subject site, this division has no objections to the proposed quantum of car parking to be provided. An Interim Mobility Management Plan has been submitted which sets out measures to encourage the use of sustainable modes of transport by future residents.

Updated Note:

Further to the above report, internal discussions took place with the Architects Division (on the 8th and 10th November 2021) in relation to proposed amendments to Block A to provide additional private open space for a number of the dwellings. This amendment results in changes to the width of St Marys Terrace due to a shift in the location of Block A. This division has no objections to the proposed amendments which results in a 2metre footpath being retained both sides of St Marys Terrace, 2.2m width standard parking bays and a 4.4.metre carriageway. Autotrack drawings were provided which demonstrated that cars and service vehicles can safely access and egress St Marys Terrace and manoeuvre within the site as a result of the abovementioned changes.

Connections to Public Water/Waste Water Infrastructure

The Drainage Division's report dated 15/04/2021 within DCC had no objection to the development and recommended a number of conditions to be attached.

Phasing

The submitted design report sets out that the development as proposed would be delivered in two phases with Phase 1 delivering Blocks A and B, while Phase 2 would deliver Block C. There are no objections to the proposed phasing plan but limited information has been provided on the timing of the phases and it is currently unclear if the existing block in Phase 2 would be used for decanting residents of the existing development. It is recommended that details of timelines for the delivery of proposed development. Furthermore, should the existing block within Phase 2 continue to be occupied while Phase 1 is being developed, details of the protection of residential amenity for these units should also be submitted.

Connections to Public Water/Waste Water Infrastructure

The Drainage Division's report dated 05/10/2021 within DCC had no objection to the development and recommended a number of conditions to be attached.

Other Matters

It is noted that the submission of Transport Infrastructure Ireland (TII) has raised concerns in relation to the potential impact of the proposed development in the operation of the adjoining Luas line. TII has set out that the proposed waste water infrastructure designs are not acceptable in the current format and therefore it is recommended that prior to the commencement of development, the proposing department should engage with TII and agree the details of the proposed waste water infrastructure designs.

Environmental Impact Assessment

An EIA Screening Report has been submitted as part of this application prepared by CAAS Ltd. It concludes that the proposed residential does not need to be subject to Environmental Impact Assessment and no EIAR is required for it. It is stated that the screening report conclusion 'is based on an objective review of the proposed development, including its characteristics, location and the likelihood of it causing significant environmental impacts. The Planning Department has considered the report and carried out its own screening and having regard to the nature, size and location of the proposed development and the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2019, it is concluded that there is no real likelihood of significant effects on the environment and as such an EIAR is not required.

Appropriate Assessment:

Under Article 6 (3) of the EU Habitats Directive and Regulation 30 of SI NO.94/1997 European Communities (Natural Habitats) Regulations (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177 (U) of the Planning and Development Act 2000 (as amended).

A screening report for Appropriate Assessment has been submitted. The report identifies that there is no hydrological, physical or ecological links between the subject site and any European/Natura 2000 sites and therefore concludes that the potential effects from the project on surrounding European Sites are negligible and not likely to occur.

The Planning Department, as the competent authority, has considered the screening report, has undertaken the Appropriate Assessment screening of the development and has determined that progression to Stage 2 of the Appropriate Assessment process (i.e. preparation of a Natura Impact Statement) is not considered necessary. 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.

Conclusion:

Overall, the proposed development is considered to provide a high quality residential development, which will enhance the streetscape. That being said it is noted that concerns have been raised with regard to the relationship of Block A and the properties which front onto Mountjoy Street and St Mary' Place North. In response, it is recommended that Block A1 is moved by a minimum of 1.4m away from the boundary to the rear lane at Mountjoy St. In addition, it is recommended that the houses within Block A are moved by a minimum of 1.6m away from the boundary to the rear lane at Mountjoy St. The proposed relocation of these sections of Block A will likely lessen any potential impacts on the existing houses to the west along St Marys Place and the rear gardens of the Mountjoy Street Houses, will allow for the provision of larger areas of rear private open space (30sqm) to the houses within Block A.

Subject to compliance with the requirements of Planning and Property Development Department, Drainage Division and the Transportation Planning Division, the development is considered to be in accordance with the proper planning and sustainable development of the area. It is therefore considered that the proposal would be acceptable.

Recommendation

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development, subject to compliance with the requirements of the Planning and Property Development Department, Drainage Division and the Transportation Planning Division.

Planning

- a) Block A1 shall be moved by a minimum of 1.4m away from the boundary to the rear lane at Mountjoy St.
- b) The houses within Block A shall be moved by a minimum of 1.6m away from the boundary to the rear lane at Mountjoy St

Reason: In the interest of existing residential amenity

Transportation Planning Division:

The Developer shall comply with the following requirements of the Transportation Planning Division:

- a) Prior to commencement of the development full details of all potential works to the public road and the public realm, shall be agreed in writing with the Planning Authority. Materials shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works to the public road and the public realm, in particular at the junction of St Mary's Place and St Mary's Terrace, the pedestrian street and Dorset Street Upper and along Dominick Street Upper, including road and footpath modifications, lighting, drainage, planting and materials considered acceptable to Dublin City Council shall be carried out at the applicant's expense. The applicant is advised to liaise with the Area Engineer and Road Maintenance Division of DCC to ascertain their requirements.
- b) The proposed development is located in close proximity to the Luas line; the developer shall ensure there is no adverse impact on Luas operation and safety. The development shall comply with the 'Code of engineering practice for works on, near or adjacent the Luas light rail system'
- c) On appointment of a contractor, the applicant/developer shall liaise with Transport Infrastructure Ireland (TII) to ascertain their requirements in relation to the impact of the proposed development on existing LUAS infrastructure along Dominick Street Upper and regarding any necessary permits required to carry out the demolition and construction of the proposed development.
- d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- e) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Drainage Division:

- a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
- b) The development shall incorporate Sustainable Drainage Systems in the management of surface water. Surface water shall be managed in accordance with the "Engineering Report, Revision V03" dated 4th August 2021 and accompanying Drainage Drawings, prepared by Curtins Consulting Limited. Full details of these and the phasing of construction shall be confirmed with Drainage Division and agreed in writing prior to commencement of construction.

- c) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Irish Water's combined sewer system.
- d) All surface water manholes, including the outfall surface water manhole and the outfall pipes from this development, shall be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- e) All surface water discharge from this development must be attenuated to two litres per second per hectare in accordance Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- f) Demolition: The Developer shall take care to protect all public sewers that may be affected by demolition works, in particular no debris should be allowed to enter the public sewerage system. Where possible the Developer must disconnect and cap all drainage links from the private site in order to prevent any demolition debris entering the public network.

Archaeology Division

- a) No construction or site preparation work may be carried out on the site until all archaeological requirements of the Planning Authority are complied with.
- b) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.
 - i. The archaeological and historical background of the site, to include industrial heritage.
 - ii. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc
 - iii. The nature, extent and location of archaeological material on site by way of archaeological testing and/or monitoring.
 - iv. The impact of the proposed development on such archaeological material.
- c) The archaeologist shall forward their Method Statement in advance of commencement to the Planning Authority.
- d) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy

shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

- e) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the Planning Authority in advance regarding the procedure to be adopted in the assessment
- f) Two copies of a written report and a digital report (on compact disc) containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.
- g) The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.
- h) The developer shall make provision for archaeological excavation in the project budget and timetable.
- i) Before any site works commence the developer shall agree the foundation layout with the Planning Authority.
- j) Following submission of the final report to the Planning Authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council), and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin 2.

Transport Infrastructure Ireland

- a) The Luas operator/TII will require 24hr access to Luas infrastructure. Prior to the commencement of development, the developer shall enter into an access and maintenance agreement with TII;
- b) Related to the above, the indicated Site Boundary is shown to follow the kerb edge. TII would have concerns about pedestrian movements in this location, and the impact it could potentially have on tram operations. The Site Boundary as shown will also remove access to a number of cabinets at the Dominick/Dorset St junction. Of specific concern to TII is the AVLS Cabinet, which the Luas Operator requires 24hr access to. Access to Overhead Conductor System (OCS) poles will also be affected. Prior to the commencement of development, proposals shall be agreed that provide for 24 hour access to Luas assets at this location.
- c) Proposed foul and surface water drainage shall not utilise, discharge, surcharge or share common outfalls with existing Luas infrastructure.
- d) The developer shall be responsible for any loss of Luas revenue or any other costs associated with a suspension of passenger services, or alterations to the Luas infrastructure which may arise out of, or as a consequence of, the design, construction or the operation of the development by the development contractors, sub-contractors, their employees or agents or any other related party. Appropriate agreements between TII, Luas Operator and the developer shall be undertaken and completed prior to the commencement of development.

- e) The proposed development is located in close proximity to a Luas Line; the applicant should ensure there is no adverse impact on Luas operation and safety. The development shall comply with TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".
- f) Works are proposed to be carried out in close proximity to Luas infrastructure. The applicant, developer or contractor will be required to apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) Bye-laws 2004 (S.I. number 101 of 2004) which regulates works occurring close to the Luas infrastructure in accordance with TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system". The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure. The permit application will require prior consultation, facilitated by the Luas operator, Transdev.
- g) Prior to commencement of development, a Demolition and/or Construction Method Statement shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The method statement shall resolve all Luas interface issues and shall
 - (i) identify all Luas alignment interfaces,
 - (ii) contain a risk assessment for works associated with the interfaces, and
 - (iii) contain mitigation measures for unacceptably high risks, including vibration and settlement monitoring regime if necessary. The method statement shall be in accordance with TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system."
- h) Overhead Conductor System (OCS) poles and / or fixings are located on / or adjacent to the proposed development. Prior to commencement of development, the following plans and details shall be submitted for the written agreement of the planning authority subject to the written agreement of TII: (a) OCS pole protection and safety distances, and / or (b) Existing, temporary and subsequent permanent fixings. The developer shall be liable for all costs associated with the removal and reinstatement of the Luas related infrastructure.
- i) The development shall ensure no risk of intrusion of people into the OCS danger zone via opening windows, maintenance, cleaning, balconies or terraces. The danger zone is described in TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' defined by a 2.75m offset in all directions from the nearest item of OCS infrastructure.
- j) The proposed development is located adjacent to landscape works completed as part of Luas public realm improvements works. Prior to commencement of development, revised plans to complement and reinforce the public realm works including hard and soft landscaping shall be submitted for the written agreement of the planning authority subject to the written agreement of TII.
- k) The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme - Luas Cross City (St. Stephen's Green to Broombridge Line) under S.49 Planning and Development Act 2000, as amended. If the above application is successful and is not exempt, please include a condition to apply the Section 49 Luas Line Levy.

The Central Area Committee were informed of the initiation of the Part 8 planning process for the proposed development at its meeting on the 13th July 2021 and the recommendation of the Planning Department at its meeting on the 26th November 2021.

The project is being funded by the Department of Housing, Local Government and Heritage.

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development.

This report is submitted to the City Council pursuant to Section 179 of the Planning and Development Act, 2000 (as amended).

Resolution:

“That Dublin City Council Notes the contents of Report No. 18/2022 and hereby approves the contents therein.”

Owen P. Keegan
Chief Executive

16th December 2021

Appendix 1

List of Consultees:

Consultees

Transport Infrastructure Ireland, Parkgate Business Centre, Parkgate Street, Dublin 8, DO8YFF1

Irish Water, Colvill House, 24 - 26, Talbot Street, Dublin 1

National Transport Authority (NTA) Head of Planning and Data Analysis, Harcourt Lane, Dublin, D02 WT20

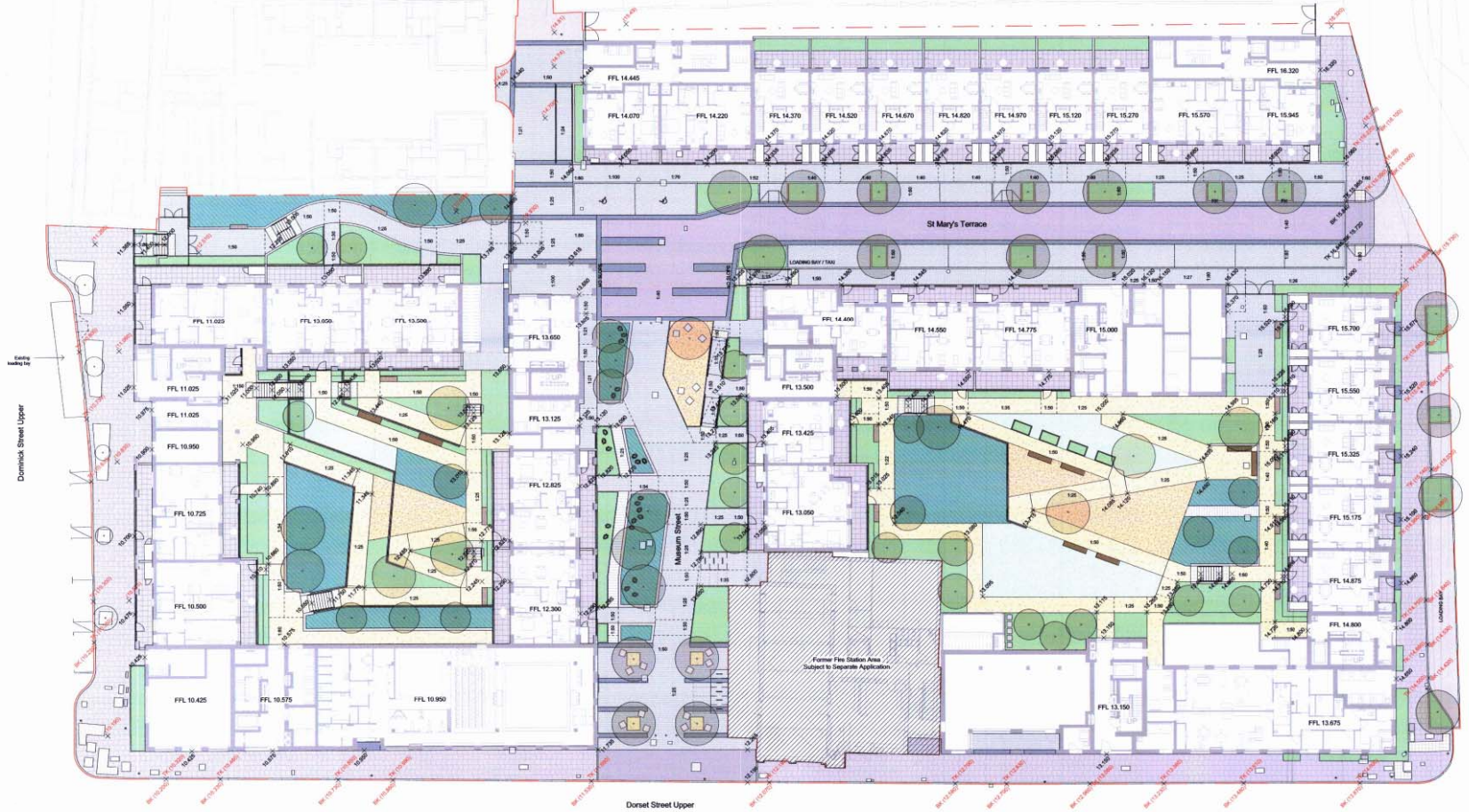
Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Development Applications Unit, Newtown Road, Wexford

Third Parties

1. Mr. Esmonde O'Briain on behalf of MOM Residents Association
2. Graham Hickey
3. Esmonde O'Briain on behalf of Thomas Gallagher

Mountjoy Street

Long Lane



Key

--- Redline Boundary	Planting	Permeable resin bound gravel
--- Existing Level	Lawns	Flag stone
--- Proposed Level	Grass Planting	Gravel with pebbles to be adopted
PROPOSED TREE PLANTING Refer to Planting Plan - 2100	Block Paving	Pre-cast concrete pathway
EXISTING TREES TO BE RETAINED Refer to Arboricultural Report, Tree Survey and Plan	Asphalt	Planting beds
	Paving to be adopted	Private amenity space

1 Landscape General Arrangement
1:250

- Notes**
1. Do not scale this drawing.
 2. All dimensions must be checked on site and any discrepancies verified with the architect.
 3. Unless shown otherwise, all dimensions are to structural surfaces.
 4. Drawing to be read with all other issued information. Any discrepancies to be brought to the attention of the architect.
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DCC PLAN NO 3449/21
RECEIVED: 06/09/2021

P1	01/08/21	Part 8 Submission	EM
P2	21/07/21	Draft issue for consultation	EM
P3	01/08/21	Draft Pre-Part 8 Issue	EM
P4	04/08/21	Draft issue for consultation	EM
Rev	Date	Description	Drawn / Checked

Project name

Dorset Street Redevelopment

Drawing number

CA1599-STWALBA-ZZ-00-DP-L-2000

Drawing

Landscape General Arrangement

Purpose of issue

Preliminary

Scale

As indicated @ A1

Date

24/05/2021

Client

Dublin City Council

Project team

STW

Levitt Bernstein

