



An  
Coimisiún  
Pleanála

## Commission Order ABP-320953-24

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**Planning and Development Act 2000, as amended**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4790/23**

**Appeal** by Robert Browne of 14 Palmerston Place, Broadstone, Dublin and by others against the decision made on the 5<sup>th</sup> day of September, 2024 by Dublin City Council to grant subject to conditions a permission to Phibsborough D7 Development Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of the existing vacant warehouse buildings, the boundary wall fronting Palmerston Place and the existing dwelling at number 36 Dominick Street Upper, with a combined gross floor area of circa 2,359.6 square metres. The construction of a mixed-use development of 93 number apartments in three number residential blocks (Blocks A to C), including a residential amenity area in Block B and a café/retail unit in Block A; extension of Block A includes adaptive re-use of and related works to the existing Hendrons Building for residential and café/restaurant development, and an extension fronting onto Palmerston Place and wrapping around the back of the existing Hendrons Building. Along Palmerston Place, Block A ranges in height from three to five storeys. Works to the protected structure include retention of the existing 'Hendrons' signage, the construction of an additional storey (resulting in a five-storey building), alterations and additions, including removal of original and non-original internal dividing walls, construction of new and alterations of existing openings

within the original walls on the front, rear and side elevations to accommodate new doors and windows; removal of two number external emergency exit stairs, re-fenestration of original window openings on the front elevation and retention and repair of the existing glass blocks to window openings on the side elevations, and retention and repair of the original railings, ladder and lift shaft; Block A will accommodate 36 number apartments (18 number one-bed, 13 number two-bed and five number three-bed) from ground to fourth floor level, a café/retail unit of 261.7 square metres at ground floor level and 48.1 square metres of plant/storage area at basement level. Block B is part six to part seven storeys and will accommodate a residential amenity area at ground floor level and 39 number apartments (six number one-bed, 21 number two-bed and 12 number three-bed) from ground to sixth floor level. Block C is part four to part five storeys and comprises 18 number apartments (four number one-bed and 14 number two-bed) from ground to fourth floor level; 86 of the apartments are provided with balconies/terraces on the south, western, eastern and northern elevations of the building. External amenity space (total area of circa 652 square metres) is provided in the form of one number roof terrace on Block B (sixth floor level with an area of circa 251 square metres) and within a central courtyard and secondary communal area, including outdoor seating and play areas (with an area of 401 square metres). The development includes bike stores containing 175 number spaces at ground floor level, 50 number surface level cycle parking spaces, a bin store and plant room. An ESB substation and switchroom is proposed in Block A. The proposal includes alterations to Dominick Street Upper, including adjustment of existing kerb alignments, removal of entrance/adjustment of loading bay, replacement of footpath, and provision of cycle parking, and consolidation and repair as necessary of the boundary wall to Western Way (a protected structure under RPS reference number 8483). The proposal includes the provision of a public plaza of 193 square metres on the corner of Dominick Street Upper and Western Way, hard and soft landscaping, site lighting, green blue roofs, PV panels, connections to foul and surface water drainage, signage zones, hard and soft landscaping, boundary treatments and associated and ancillary works, all at numbers 36-40 Dominick Street Upper,

Dublin (The Hendrons Building). The site includes protected structures under RPS reference numbers 8783 and 8483. The site has frontages to Palmerston Place, Dominick Street Upper and Western Way, as revised by further public notices received by the planning authority on the 14<sup>th</sup> day of May, 2024.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to:

- (a) the suitability of the site given its location within inner City Centre Dublin and the re-use of the existing protected structure on site and the adjoining residential development in the vicinity,
- (b) the neighbourhood centre zoning which applies to the site under the Dublin City Development Plan 2022-2028, under which residential development is stated to be a permissible use,
- (c) the policies of the planning authority as set out in the Dublin City Development Plan 2022-2028,
- (d) the National Planning Framework Plan First Revision,
- (e) the Regional Spatial and Economic Strategy 2020-2032,
- (f) Section 28 Ministerial and Other Guidance,
- (g) the distance to dwellings or other sensitive receptors,
- (h) the submissions made in connection with the planning application,
- (i) the likely consequences for the environment and the likely significant effects of the proposed development on European Sites,
- (j) the Screening for Appropriate Assessment submitted by the applicant, and



- (k) the report and recommendation of the Inspector

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate use and form of mixed use development comprising of neighbourhood and residential uses in terms of location, scale, form, and layout, would be an acceptable use for the existing buildings on site, the proposed density, design and form would not detract from the existing protected structure, would not adversely impact on the amenity of neighbouring properties by reason of overlooking or overbearing, would not negatively impact on the character or visual amenity of the area, and would be acceptable in terms of the proposed entrance, bicycle parking provision, bicycle/traffic movements and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment Screening:**

The Commission noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Commission accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the sites' Conservation Objectives, and concluded that a Stage 2 Appropriate Assessment is not required.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26<sup>th</sup> day of April, 2024 and on the 9<sup>th</sup> day of August, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Ecological Impact Assessment Report shall be implemented.

**Reason:** To protect biodiversity.

3. Prior to commencement of development, the developer shall submit revised plans and elevations for the written agreement of the planning authority detailing:
  - (a) The length of Block C from north to south shall be as shown in the drawings received by the planning authority on the 26<sup>th</sup> day of April, 2024. For clarity, the additional projection of Block C towards the northern boundary of the site as shown in the clarification of further information shall be omitted.

- (b) A final schedule of floor areas shall be included which includes details of the floor areas of all of the apartments, including those amended as required by (a) above and any other conditions which require amendments to units. For all amended units, compliance with current standards for overall floor area, room size, aggregate living and bedroom areas, internal storage and balcony/terrace size shall also be demonstrated.

**Reason:** In the interest of clarity and to protect residential amenities.

- 4. Prior to occupation of the retail/café unit, multi-use café and gallery space, community and cultural space and public co-working hub, the following details shall be submitted to the planning authority for written agreement:

- (a) Details of the hours of operation of the respective units.
- (b) In the case of any restaurant or café use, details of a scheme for the control of fumes and odours from the premises.
- (c) Details of all external signage to the units.
- (d) In the case of the co-working hub, full details of the shopfront design.

**Reason:** In the interest of visual and residential amenity.

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

**Reason:** In the interest of visual amenity.



6. Any security shutters shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. The roller shutters shall be of the open lattice type and shall not be painted on site or left unpainted or used for any form of advertising.

**Reason:** In the interest of visual amenity.

7. Prior to the commencement of development on site the developer shall submit revised plans and elevations for the written agreement of the planning authority (Conservation Officer) detailing:

(a) Hendrons Building – Protected Structure Windows

In advance of the ordering or fabrication of the window package, the developer shall submit the following: 1:20 plan and section record drawings of the existing glass block window arrangement on the principal elevation, in order to inform the proposed new window arrangement. Two options for the new windows on the principal façade of the protected structure, (where it is necessary to remove the existing glass block windows to facilitate clear and unobstructed views from the interior of the protected structure as follows). These two options shall be assessed by the Conservation Office for their written agreement:

- (i) Crittal style steel windows with a horizontal emphasis as indicated on the latest elevation drawings submitted.
- (ii) Alternative new steel multi-pane window arrangement to reflect the proportions of the glass block windows (panes are circa 200 millimetres x 200 millimetres), which are an intrinsic part of the architectural character of the Protected Structure. Opening lights shall not appear as wider sections in the composition – this applies to both the (i) horizontal window arrangement or (ii) multi-pane window arrangement. Revised

drawings showing the position of the new windows within the existing openings reflecting the present arrangement i.e. close to the plane of the front façade, rather than within a deep reveal. Wall Elevations – wall fabric/concrete and render repairs.

In advance of executing any fabric repairs to the Protected Structure, the developer shall submit 1:50 marked-up elevations indicating all proposed conservation repairs, accompanied by a detailed schedule of conservation repairs to the facades of the Protected Structure including glazed extension at roof level of the Hendrons Building. In advance of construction of the glazed extension at roof level, the developer shall submit:

Revised 1:50 plan, section and elevation drawings of the revised form and position of the new extension at roof level to reflect the symmetry of the principal elevation of the Hendrons Building below i.e. the top floor extension shall have a set-back of the same dimension (circa 1300 millimetres) from both of the side walls of the Protected Structure, rather than extending beyond the side wall (south) as indicated on the floor plans and on the elevation drawings.

**(b) Boundary Wall – Protected Structure**

Detailed conservation specification for all key aspects of repair and consolidation works to the historic boundary wall, including additional areas of repairs/reconstruction that come to light through removal of vegetation and further opening up/investigative works shall be submitted.

Detailed method statement and revised drawings for any proposed further opening up, consolidation, repair, underpinning and strengthening of the boundary wall (in addition to proposed details indicated on structural drawing M086-TCE-Z0-00-DR-S5-8 Rev. P02 Plan drawing indicating all locations where 'localised' underpinning of the wall is required, and where galvanised steel column, 2.2 metres x 0.75 metre



deep RC pile cap and 130 millimetres diameter mini piles are required to support the boundary wall).

Excessive destructive interventions shall be avoided. Revised temporary propping proposal to reduce the potential adverse impacts on the boundary wall shall be submitted. In the interest of clarity and the transparency of the record drawings submitted, the developer shall submit revised drawings that clearly indicate/identify all dimensional alterations that have been made to avoid the 0.5 metre pinch point (increased to 1.2 metres) between Block C and the rear face of the boundary wall - revised dimensions indicated by 'bubble' revisions and/or contrasting colour of text.

#### (c) Salvaged Materials and Circular Economy

Written confirmation that all salvageable materials noted in the Conservation Architect's Additional Information submission shall be carefully dismantled and passed on to a reputable salvage company for reuse in an appropriate location in the interests of sustainability written confirmation of the quantities of original glass blocks salvaged for re-use within the Protected Structure and wider development (using as much as possible of the original glass blocks), and photographs of the completed items in situ shall be submitted. The developer shall submit a salvage strategy for all remaining sound historic glass blocks that may be left over, after the new screens/partitions/furniture have been completed for reuse elsewhere.

#### (d) Samples

The developer shall invite the Conservation Officer to inspect samples of consolidation and repair of the historic boundary wall in lime mortar, and samples of wall repairs to the Hendrons Façade.

(e) Courtyard Wall Elevations

Prior to the construction of the Courtyard Elevations, the developer shall submit revised drawings and samples for the written agreement of the planning authority, showing the proposed light coloured render external wall finishes of the new residential blocks within the courtyard.

**Reason:** In order to protect the amenity, setting and curtilage of the Protected Structures at the Hendrons Building and Western Way Wall and to ensure that the proposed works are carried out in accordance with best conservation practice.

8. Prior to commencement of development on the protected structure, the developer shall submit for the written agreement of the planning authority confirmation that (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation, and (b) competent site supervision, project management and crafts personnel will be engaged that are suitably qualified and experienced in conservation works.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for planning authorities.

9. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development as appropriate, following consultation with the planning authority. Prior to the commencement of such works, the archaeologist shall consult with and forward to the planning authority archaeologist or the National Monuments Service, as appropriate, a method

statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

- (b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

10. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing:



- (i) The species, variety, number, size and locations of all proposed trees and shrubs to be planted.
- (ii) Details of screen planting and/or roadside/street planting.
- (iii) Hard landscaping works, specifying surfacing materials, furniture, play equipment, and finished levels.

(b) A timescale for implementation, including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

11. Prior to commencement of development, the developer shall submit revised plans and elevations to the planning authority to provide for the following:

- (a) A minimum of 175 long-term residents' cycle parking spaces shall be within the internal courtyard of the proposed development, including four cargo-bikes. A minimum of 46 short/visitor spaces shall be provided. Long-term cycle parking accommodation shall be secure, sheltered and well-lit with key/fob access where parking compounds are provided. Both residents and visitor cycle parking shall be in situ prior to the occupation of the development. Short-term/visitor cycle parking spaces shall be of Sheffield style design.

- (b) Prior to commencement of development, the developer shall submit revised plans for all residents' bicycle parking compounds to demonstrate that all proposed bicycle parking spaces comply with the minimum required layout dimensions for simple cycle stands as per Table 6.1 of the Cycle Design Manual, September 2023.
- (c) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

- 12. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport

- 13. The developer shall comply with all the requirements of Transport Infrastructure Ireland in relation to Luas with respect to the proposed development.

**Reason:** To protect existing transportation infrastructure, and in the interest of public safety.

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

**Reason:** To protect the visual amenities of the area.

15. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

16. All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

17. Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

**Reason:** In the interest of amenity and public safety.



18. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

20. The developer shall enter into water and wastewater connection agreements with Uisce Éireann prior to commencement of development.

**Reason:** In the interest of public health and orderly development.

21. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to commencement of development.

**Reason:** In the interest of public health.

22. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures, a dust management plan, and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

23. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

24. Prior to the commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

25. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of the development.



26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

28. The developer shall pay to the planning authority a financial contribution, to the satisfaction of the planning authority per unit as a contribution lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

**Reason:** It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

29. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



30. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this *15th* day of *September*, 2025.