



Development

Demolition of buildings on site & redevelopment of site for mixed use purposes. Development is arranged in 4 blocks enclosing a central courtyard above lower ground level & basement with 112 car parking spaces & 195 bicycle spaces. The proposed western block is a part 5, part 7 & part 8-storey building over lower ground & basement levels providing a hotel. The proposed southern block is a part 5- & part 6- storey building over basement with 34 residential units. North and south facing balconies are proposed with roof terraces at 5th floor level. The proposed northern block is a part 7- & part 8-storey building over lower ground & part double basement providing 58 residential units. The proposed eastern block is a part 4-, part 5- & part 6-storey building over lower ground & basement levels providing office floorspace. A single storey artist studio unit is proposed

within the southern part of the courtyard.

Location	IDA Ireland Small Business Centre, Newmarket Industrial Estate, Newmarket, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3323/17
Applicant(s)	Newmarket Partnership PM Ltd.
Type of Application	Click here to enter text.
Planning Authority Decision	Grant permission
Type of Appeal	Third Party V Grant
Appellant(s)	An Taisce
Observer(s)	James Madigan
Date of Site Inspection	27 th April 2018 & 1 st May 2018
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Newmarket Square and is bounded by St Luke's Avenue to the North, Newmarket Street to the East and Brabazon Place to the West. There is stepped pedestrian access only from St. Luke's Avenue to Newmarket Street. The site has a given area of 6,892 sq. m.
- 1.2. The site is occupied by one to three storey redbrick industrial and enterprise units within the IDA Business Centre. To the south-west, the site also includes No. 32 Newmarket Street, also known as Gray's/Red Lion Public House. This is now vacant.
- 1.3. Newmarket Square and Mill Street are characterised by long established and more recent, light industrial buildings and warehouses which accommodate a variety of uses including manufacturing, a whiskey distillery and a food market. Surrounding streets are predominantly residential in character with older two-storey semi-detached and terraced dwelling houses and newer three to four storey apartment buildings. The surrounding area, including to the south along Mill Street has been the subject of significant redevelopment, including student accommodation and a hotel use.
- 1.4. The application is one of three concurrent applications lodged on sites fronting onto Newmarket Square, and to St. Luke's Avenue, Brabazon Place, Newmarket Street, Mill Street and Mill Lane. Permission has been granted by DCC on the other 2 sites and these were not appealed.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of all existing buildings on site and the redevelopment of the site for a mixed-use development. The proposed development is arranged in 4 blocks enclosing a central courtyard above lower ground level and double basement. The proposed basement level is accessed via a vehicular access ramp off Brabazon Place to provide 112 car parking spaces together with 195 bicycle parking spaces with ancillary shower and changing facilities together with ancillary plant and storage facilities.
- 2.2. The proposed 4 no. blocks comprise as follows:

- The western block is a part 5, part 7 and part 8 storey building over lower ground and basement levels providing a hotel with a total floorspace of 7,797.72 sq. m. (GFA).
- The southern block fronting Newmarket Square is a part 5 and part 6 storey building over basement comprising 743.71 sq. m. (GFA) of retail floorspace at ground floor level with 34 residential units on the upper floors, comprising 8 X 1 bedroom, 20 X 2 bedroom and 6 X 3 bedroom units. North and South facing balconies are proposed at first to fourth floor levels with north and south facing roof terraces at first floor level serving the residential units.
- The northern block fronting St. Luke's Avenue is a part 7 and part 8 storey building over lower ground and part double basement providing 58 residential units, comprising 15 X 1 bed, 35 X 2 bed and 8 X 3 bedroom units. North and south facing balconies are proposed at first to fifth floor levels with north and south facing roof terraces at sixth floor level serving the residential units.
- The eastern block is a part 4, part 5 and part 6 storey building over lower ground and basement levels providing 7,346 sq. m. of office floorspace.
- A combination of hard and soft landscaping measures are proposed to the courtyard and areas of public realm. A single storey artist's studio unit of 44 sq. m (GFA) is proposed within the southern part of the courtyard to the rear of the proposed southern block. (3 additional artist's studios are provided as per the Further Information submission).

2.3. The application was accompanied by the following:

- Masterplanning report
- Architectural Design Statement including a Housing Quality Assessment and 3d Verified Views
- Sustainability/Energy Report
- Daylight and Sunlight Report
- Appropriate Assessment Screening Report
- Ecological Impact Statement
- Social Infrastructure Audit

- Operational Waste Management Plan
- Demolition Method Statement
- Waste Management Statement for Demolition and Construction
- Outline Construction and Construction Waste Management Plan
- Engineering Services Report including Flood Risk Assessment
- Traffic Impact Assessment
- Mobility Management Plan
- Conservation Report
- Desktop Archaeological Report
- Landscape and Visual Impact Assessment

2.3.1. Further Information was submitted on 20th October 2017 and included the following:

- Report on Former Gray's Public House, 32 Newmarket
- Masterplanning Report
- Report Titled Site 2 – Additional Information
- Revised floorplans showing amended layouts to some of the residential units, an enlarged entrance lobby and the provision of an additional 3 artist's studios.
- Letter dated 13th October 2017 – details of Residential Travel Plan

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission with conditions. Conditions of note include:

Condition 7: Refers to alterations to Apartment Block 4 – should be as per Option B – revised drawings reflecting external alterations to be submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Mix of units, floor areas, storage space and private open space in line with standards.
- The retail unit was considered to provide a viable retail offer which will increase footfall through Newmarket Square.
- Applicants have demonstrated that there is sufficient crèche facilities within 1km of the subject site.
- Plot ratio and site coverage considered acceptable in principle.
- Overall design is considered acceptable.
- Part 8 Public Realm proposals will directly benefit this scheme/this scheme will also encourage footfall.
- No significant daylight/shadow impacts/Any impact will be outweighed by the positive contribution of redevelopment.
- Further information requested in relation to:
 - Parapet Height – 16m was justified by the applicant and found to be acceptable.
 - Dual Aspect Units on the northern elevations – Applicants amended scheme – provide 2 options for Apartment Block 4 to St. Luke’s Avenue – Option B was considered preferable.
 - Materials – Applicants justified use of materials proposed – sample panel recommend for condition.
 - Finished floor levels for the own door units – Applicants clarified finished floor levels.
 - Entrance Lobby Areas – Applicants enlarged entrance lobby areas/provided enhance levels of glazing.
 - Provision of artistic work space – Applicants have provided an increased provision of 3 no. artist’s studios with a total floor space of 100 sq. m.

- Residential Travel Plan – Roads and Traffic raise no objections subject to conditions.
- Archaeological survey of Gray’s Public House – Report submitted. Concludes that the building is of no architectural or archaeological interest.
- Recommends a grant of permission.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

Roads and Traffic Planning: No objection subject to conditions.

Archaeology: Recommend conditions.

3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland: Potentially liable for Section 49 Levy Scheme – Luas Cross City

3.3.2. An Taisce: Seek retention of No. 32 Newmarket and to maintaining historic plan-form and enclosure of Brabazon Place.

3.4. Third Party Observations

3.4.1. A number of Third Party observations were received. The issues raised are summarised below.

Principle/Policy

- Ignores objective of LAP to create underground parking.
- Demolition of public house may be contrary to LAP.
- Proposal would result in the loss of the existing charity based within the IDA Business Centre (Casadh) which provides support for adults with substance misuse problems/No alternative venue offered/no consultation.

Mix of Uses/Retention of Existing Market

- Would like to see more residential units.
- Gated community/lack of social integration.

- Should include a community centre/green space in middle of Newmarket Square.
- Size of hotel is excessive/Area already has enough hotels.
- Should be an increase in 3 bed/family units/units for older people.
- Already a large number of hotels and student accommodation in the area.
- More permanent and affordable housing should be provided.
- Plans would create a daytime only use.
- Little provision for cultural, artistic and community uses beyond the provision of one artist studio.
- Lack of parking provision/will increase parking pressure in the area and surrounding areas.
- Office space at ground floor provides an inactive frontage.
- Lack of retail space.

Development Standards

- Residential aspect does not comply with all relevant standards.
- Does not meet waste management and cycle guidelines.

Design and Conservation

- Retention of former public house (Grays/32 Newmarket)/Building is an historic building/Comprehensive survey of building should be conducted.
- Plot ratio and site coverage is excessive.
- Looks like an office industrial park.
- Height/materials out of character/materials should be of higher quality.
- Bulk, mass and height is contrary to the LAP/overdevelopment of the site.
- Square should not be overshadowed.
- Lack of permeability within the proposed scheme.
- Stairway from St. Luke's Avenue prohibits access for all.
- The additional link across the site, as shown in the LAP, should be provided.

- Hotel/lack of entrance does not contribute to the square.

Impact on Amenities

- Noise/dust during construction.

Transport/Parking

- Need for an overall traffic management plan for the area/will result in increase in traffic.
- Not enough parking/impact on surrounding residential streets.
- Opportunity to reduce overall levels of car parking in favour of cycle parking.
- Parking by construction traffic in local area.

Other

- Petition included with submission from Dublin Flea Market with 2,177 signatures.
- Will development contributions be spent in the area?
- A bespoke local labour and entrepreneurial hub should be facilitated by the development.
- Crucial that the anchor tenant be a pre-existing market trader.
- Below rate market rents should be available to traders as per the LAP.
- Phased construction should be considered to minimise disruption.
- Impact on existing infrastructure including sewage.

4.0 **Planning History**

Appeal Site

No recent planning history.

Surrounding Sites

3322/17 – Grant - The proposed development comprises the demolition of all existing buildings on site and the construction of a new building that ranges in height between 2- to 6- storeys above ground level on Mill Street, and between 4- and 5- storeys above ground level onto Newmarket Square with a total Gross Floor Area

(GFA) of 3,995 sq.m to include 843 sq.m (GFA) of micro-brewery floorspace (including ancillary bar and cafe/restaurant use) and 2,857 sq.m (GFA) of office floorspace. An ESB sub-station and Electrical Switch Room is proposed at lower ground floor level at the south-western corner of the proposed building. Roof terraces are proposed at first, third and fourth floor levels to the rear (south) facing Mill Street and at fourth floor level to the front (north), facing Newmarket Square. A total of 37 No. bicycle parking spaces and ancillary shower and changing facilities are provided at lower ground floor level. Ancillary storage areas and plant are also provided at lower ground floor level with further plant located at 4th floor level.

3321/17 – Grant - The proposed development comprises the demolition of all existing buildings on site and the construction of a new part 4-, part 5- and part 6-storey building above basement level with a total Gross Floor Area (GFA) of 9,401.05 sq.m, to include 264.97 sq.m (GFA) of Indoor Market Hall / Retail floorspace and 1,251.07 sq.m (GFA) of office floorspace at ground floor level with a further 7,885.01 sq.m (GFA) of office floorspace on the upper levels (first to fifth floors). An ESB sub-station and Switch Room is proposed at ground floor level at the rear of the building fronting Mill Street. Access to the basement car park is provided via a ramp off Mill Street. A total of 17 car parking spaces are proposed at basement level together with ancillary storage areas and plant are also provided at basement level. A total of 96 bicycle parking spaces and shower and changing facilities are provided at ground floor level. A north facing roof terrace is proposed at 4th floor level.

2283/17 – PART 8 - Public realm improvement plan for Newmarket, Dublin 8 and its environs.

2812/17 – Grant - PROTECTED STRUCTURE: Permission for development at a 0.4274 Ha site known as a portion of Brewery Block, bounded by Newmarket, St Luke's Avenue, Brabazon Place/Brabazon Row and Ardee Street, Dublin 8. The site contains a Protected Structure (stone warehouse) at the corner of Newmarket and Brabazon Place/Brabazon Row. The development will consist of: the demolition of two existing industrial warehouses (1,236 sq m) and brick ruins (99 sq m); the retention of the stone warehouse (Protected Structure) at the south-eastern corner of the site; the brick tower located towards the north-western corner of the site; and the existing walls at ground floor level onto Newmarket and Ardee Street; and the

construction of a three to seven storey mixed-use development in two blocks (11,834 sq m) comprising a co-working shared space with associated cafe/bar; and 349 No. student accommodation bedspaces with associated facilities, which will be utilised for short-term lets during student holiday periods. The St. Luke's Avenue/Brabazon Row block (7,539 sq m) comprises a three to seven storey building providing a co-working shared space and associated cafe/bar with ancillary spaces including office and kitchen (383 sq m), community/study space and ancillary accommodation including a launderette, bin and bike store and plant room, all at ground floor level with 233 No. bedspaces provided in 37 No. units on the upper floors, comprising a mix of 4, 5, 6 and 7 No. bedroom clusters. The Newmarket/Ardee Street block (4,295 sq m) proposes a four to five storey building comprising ancillary student accommodation space including communal area/reception/cafe, a screening room and a gym at ground floor level, with 116 No. bedspaces provided in 28 No. units on the upper floors comprising a mix of 4, 5 and 6 No. bedroom clusters. The development also proposes the conservation of and works to the existing tower including the provision of opes; the retention of the brick and stone walls at ground floor level on Newmarket and Ardee Street with the insertion of opes; and maintenance works to the Protected Structure at the corner of Newmarket/Brabazon Place/Brabazon Row (415 sq m) including the restoration of windows at ground floor level and the cleaning of the stone facade. The development also includes signage; cycle parking; a service lay-by; hard and soft landscaping (1,660 sq m) including a courtyard (with the courtyard accessible from all sides of the development); landscape features and structures; plant; and all associated works above and below ground.

5.0 Policy Context

5.1. National Policy

5.1.1. Project Ireland 2040: National Planning Framework

5.1.2. From 16th February 2018, the National Planning Framework has replaced the National Spatial Strategy (NSS) and now represents the overarching national planning policy document. The National Planning Framework sets a new course for planning and development in Ireland, to achieve a shared set of goals for every

community across the country, focused on ten National Strategic Outcomes. Chapters of particular relevance to this appeal include chapters 1, 2, 4, 6, 9, 10 and 11.

5.1.3. The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development.

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011)

5.2. Development Plan

5.2.1. The relevant development plan is the Dublin City Development Plan 2016-2022. The following is relevant to the proposal:

- The subject site is zoned Z10 ‘Inner Suburban and Inner City Sustainable Mixed Uses’, which has the stated objective ‘to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant use in inner city areas’.
- Section 14.8.10 of the development plan states that the primary uses in this zone are residential, office and retail. An appropriate mix of uses for any given site will be influenced by site location and other planning policies applicable to the associated area. A range of smaller uses will also be facilitated. The concept of mixed-use is central to the development or re-development of these sites and mono uses, either all residential or all employment/office use shall not generally be permitted.
- Lands zoned Z10 will cater for a relatively intensive form of development, and the range of uses permitted will be similar to Z5 but not as intensive or wide-ranging, reflecting the location of the sites and interactions with surrounding established land-uses. Accessibility may be an issue in the development of Z10 lands, and

where significant numbers of employment and or residents are envisaged, a travel plan will be required.

- Permissible uses within the mixed use Z10 zone include Hotel, Office, Restaurant, Residential, Shop (neighbourhood) and Cultural/Recreational Uses (which includes artists studios).
- Development management standards for Z10 zones include an indicative plot ratio of 2.0-3.0 and indicative site coverage of 50%.
- Chapter 2 Vision and Core Strategy – s.2.2 Core
- Chapter 4 Shape and Structure of the City – SC13 (concerning promotion of sustainable densities); Policy SC16 (concerning building heights); Policy SC19 (concerning safe streets and encouraging walking); Policy SC29 (concerning promotion of development of vacant and brownfield lands).
- Chapter 5 Quality Housing – QH6 (mixed-use neighbourhoods), QH7 (concerning promotion of sustainable densities).
- Chapter 6 City Economy and Enterprise including S.6.5.3 (provision of office space) – CEE1 (economy/competitiveness), CEE2 (economic impact), CEE3 (sustainability), CEE4 (innovation/promote Dublin internationally), CEE5 (improve linkages to areas including Newmarket), CEE6 (equality/diversity), CEE7 (clean/green/safe), CEE10 (Local Economic and Community Plan), CEE11 (supply of office space).
- Section 6.5.3 of Chapter 6 refers to Tourism and relevant policies include CEE12 (promote and facilitate tourism including hotels), CEE14/15 (tourism and regeneration areas), CEE18 (new growth sectors).
- Chapter 7 Retailing.
- Chapter 8 Movement and Transport.
- Chapter 9 Sustainable Infrastructure.
- Chapter 11 Built Heritage and Culture – Policy CHC1 (concerning preservation of built heritage); Policy CHC4 and sections 11.1.5.4 to 11.1.5.6 refer to Conservation Areas. The southern portion of the site lies within a Conservation Area. Section 11.1.5.13 refers to Zones of Archaeological Interest.

- Chapter 12 – Sustainable Communities and Neighbourhoods – SN29 (promoting accessible spaces)
- Chapter 15 Strategic Development and Regeneration Areas: Guiding Principles for Development – 15.1.1.19 SDRA 16 Liberties and Newmarket Square.
- Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design - s.16.2.1 Design Principles; s.16.2.1.2 Sustainable Design; s.16.2.1.3 Inclusive Design; s.16.3 Landscaping; s.16.4 Density Standards; s.16.5/6 Plot Ratio/Site Coverage s.16.7.2 Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development; s.16.8 Access for All, s.16.10 Standards for Residential Accommodation; s.16.10.17 Retention and Re-Use of Older Buildings of Significance which are not Protected; Section 16.10.20 Development on Archaeological Sites and in Zones of Archaeological Interest
- Appendix 4 Transport Assessments, Mobility Management and Travel Plans
- Appendix 5 Road Standards for Various Classes of Development
- Appendix 10 Guidelines for Waste Storage Facilities
- Appendix 14 Safety and Security Design Guidelines
- Appendix 15 Access for all
- Appendix 18 Taking in Charge Residential Development

5.3. Liberties LAP

- 5.3.1. The subject site is within the Liberties Strategic Development and Regeneration Area (SDRA 16) and as such is subject to the provisions of the Liberties LAP. The LAP Vision for the Newmarket/Chamer-Weavers' is as follows:

This historic market square should be redeveloped as a new urban destination accommodating markets, events, performances and outdoor seating for café's and restaurants. The organic food market will be redeveloped to occupy new premises facing the square along with shops, artisans' workshops, bars, café's, restaurants, galleries, a micro brewery and community arts and leisure facilities. Apartments and offices on the upper floors of new buildings surrounding the square will provide 24 hour passive surveillance of the space. In addition, a landmark hotel building on Cork

Street signifies the importance of Newmarket as a civic destination far beyond the area.

5.3.2. Liberties Local Area Plan (LAP) was adopted on 11th May 2009. The life of the LAP was extended by a period of 5 years until 10th May 2020.

5.3.3. Newmarket is identified as a Key Development Site within the LAP. Key objectives for the area are as follows:

- Improve permeability throughout the area through new links across Cork Street to the north and Mill Street to the south.
- Deliver a high quality, multi-functional market square and city-wide well-known destination.
- Encourage day and night time activities around public open spaces, such as cafés, bars, restaurants and local shops.
- Provide active frontages along key walking routes and towards key local activity nodes.
- The public realm should be designed to encourage walking and cycling, providing shared surfaces and easy street crossing. Pedestrian priority should be particularly enhanced on the central market square.
- Open Oscar Square to the community and provide adequate management.

5.3.4. Section 7 of the LAP provides general and site specific development and design guidance for all Key Development Sites. Newmarket is identified as Site C.

5.4. Natural Heritage Designations

5.4.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Grounds of Appeal, as submitted by the Third Party Appellant (An Taisce) are as follows:

General

- Application site is within an historic quarter of the city/rich industrial history.
- Street pattern has been unaffected by modern traffic thoroughfare/remains as per Charles Brooking map of 1728.
- Designated Conservation Area.
- Regeneration welcome in principle/however proposal does not retain any structures on this site (or on the other two sites not forming part of this appeal).

Retention of No. 32 Newmarket

- Former Public House at No. 32 Newmarket is a building of interest.
- Despite its current appearance this is a characteristic Dublin pub with sash windows, pitched hipped roof and chimneys.
- Building may have origins earlier than 19th Century/John Rocque Map (1756)/Charles Brooking map shows area developed/shows a building of square plan on site/may be late medieval or contain fabric of this era.
- Features indicated it may belong to the city's gabled tradition – with which the Liberties had a particular association.
- Has a significant value and rarity as a piece of historic fabric in the centre of a 17th Century Market Square.
- Development Plan encourages the retention and re-use of older buildings of significance which are not protected.
- Built Heritage Strategy of the Liberties LAP places a strong emphasis on the area's surviving historic fabric.
- Submitted Archaeological Report is unsatisfactory/Only a very limited area of the buildings walling was investigated.
- Only 50% of the basement was investigated/no investigation of the upper external walls to the street.
- Fig 2 of the report (overlay map) appears to be incorrect.

- A comparison between a 1940's aerial view and the 1756 Rocque Map shows the plot of the building being very similar.
 - No investigation into the possible origins of the building as a 'Dutch Billy' house.
 - Not satisfied that the demolition of the building is justified/building exterior of value/both due to historic fabric and traditional plot sizing breaking down the effects of large scale new development.
 - Facades can be conserved.
 - With a Conservation Area/Predisposition towards retention of historic fabric
- Street Pattern and Loss of Historic Urban Space at Brabazon Place
- Reinstatement of Brabazon Place is desirable.
 - Lack of sufficient analysis or consideration of the historic evolution and footprint of the space.
 - Hotel proposed for this part of the site would all but eliminate the historic enclosure of Brabazon Place.
 - John Rocque map (1756) shows a small square off the main rectangular space of Newmarket/Skewed by the construction of the stone warehouse in the mid 19th Century/arrangements lasted 130 years until construction of the IDA scheme which set back the building line on the eastern side of Brabazon Row.
 - Relationship between this smaller square to the main Newmarket Square.
 - The need to repair and recover its historic streets and spaces has been increasingly been identified over the past couple of decades/Current CDP and LAP policies relates to same.
 - Opportunity to reinstate this historic urban space which is achievable without major effects on the proposed plans.
 - Facades should be of high quality contemporary design/Brabazon Row should be returned to its earlier narrower width perhaps as a pedestrian lane/reduction of buildings heights onto Brabazon Place.

6.2. Applicant Response

A First Party Response to the appeal has been submitted and this is summarised below. I note that the First Party has submitted revised plans showing the retention of No. 32 Newmarket for the Board's consideration.

General

- An Taisce appeal raises two issues which relate to a relatively small area of the overall appeal site (i) the retention and integration of the former public house at No. 32 Newmarket and (ii) the form of Brabazon Place.

Retention of No. 32 Newmarket

- No planning or conservation basis which support the retention of the structure.
- Is not a protected structure and is not included on the National Inventory of Architectural Heritage.
- An Taisce did not avail of the opportunity to have the structure considered for inclusion on the Record of Protected Structures.
- A submission was received from An Taisce at draft stage that related to conservation and heritage issues – a copy is included as an appendix to this appeal (Appendix A).
- Any presumption in favour of retaining non-protected structures must be grounded in a supportable evidence base.
- While the subject building is an historic building, it is submitted it is not of sufficient merit to warrant retention within the context of the comprehensive redevelopment of this site.
- The subject building is not identified as a building that contributes positively to the special character of the area with the Liberties LAP/LAP places emphasis on the retention of historic buildings and buildings of architectural merit that contribute towards the finer grain and streetscape of areas to the north of Cork Street/Less emphasis on providing a finer grain pattern within larger redevelopment sites that are suitable for wholesale redevelopment.

- Subject building is not identified for retention within LAP/LAP provides clear guidance for redevelopment/was subject of wide stakeholder consultation.
- Conservation merit of the building was considered by the City Archaeologist and Planning Officer during the determination of the application.
- City Archaeologist did not recommend retention of the structure nor further investigation prior to a decision on the application/recommended recording of building materials and techniques.
- Notwithstanding the above, further information was requested in relation to a full archaeological survey of the building including basement/report submitted concluded that the building is of no architectural interest.
- Further to the issues raised in the appeal, additional investigations were made to the building to determine its age, including removal of areas of render externally/support the position that the buildings dates from the late 19th Century or even later.
- The building has been altered materially from its earlier forms and character/does not contribute to the character and appearance of the area.
- Any finer grain that the area may once have had has been lost.
- However should the Board consider that there may be merit in retaining the structure, revised plans which retain and integrate this structure with the proposed development are submitted for consideration.

Street Pattern and Loss of Historic Urban Space at Brabazon Place

- This planning application was informed by and consistent with the approved Part 8 proposals for Brabazon Place.
- Approved Part 8 drawings show the layout and form of Brabazon Square (attached at Appendix E of appeal submission).
- No evidence of any submissions by the appellant during the determination of the Part 8 application.
- Appeal is attempting to secure a historic and original plan form of a street layout dating back from 1728, which the appeal recognises that it has been lost by the introduction of a chamfered building line created by the protected stone

warehouse building/has eroded the regular shape of the historical plan form/likely this altered form will remain.

- Narrow street width of the former Brabazon Row to the north has long been lost through road widening and to provide the primary vehicular access to the IDA centre.
- Benefits of the proposed redevelopment and Part 8 proposals significantly outweigh any perceived conservation benefits arising from the reinstatement of a historic road layout that has long being lost.
- Proposed hotel proposes a design that respects the historic form of this 'mini-square' and significantly improves on the existing configuration which currently presents a 'dead' and uninviting corner space.
- The suggested narrowing and pedestrianisation of Brabazon Place is not consistent with the approved Part 8/Liberties LAP.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

One observation has been received from James Madigan. This is summarised below:

- Adequate resources have not been spent on investigating the buildings antiquity.
- There are enough built remains to warrant its retention, restoration and reuse.
- Only two references to Grays/Red Lion in the planning application.
- Concur with An Taisce's sentiments that Alan Hayden's report is unsatisfactory/does not meet the requirements asked for in the Planner's report.
- Only half of the basement was examined/should be no problem gaining access.
- Grays/Red Lion may have significant 'pre-Georgian' remains.
- Possible 'Dutch Billy' origins should have been investigated more thoroughly.

- Karl Whitney's book hidden history describes the building as a seventeenth-century building.
- Significant variations in the two interpretations of Grays/Red Lion historic built remains.
- The street frontage of Grays/Red Lion, with the distinctive recess, dates from the 1670's when Newmarket was first laid out.
- Building should be retained, restored and re-used.
- Concern that development is in danger of making Newmarket a sterile space like Smithfield.
- Preserving Grays/Red Lion would go some way towards redressing the balance between new development and the conservation of historic structures.
- LAP states that 'anything that is built within the Liberties should be distinctly Dublin' – what could be more authentic than the retention of this well known corner pub.

6.5. Further Responses

6.5.1. An Taisce (Appellant)

- Welcomes the revised drawings/CGI's showing retention of the corner structure at 32 Newmarket.
- Whether the structure is on the RPS or not did not form part of An Taisce's appeal.
- CDP and LAP policies support the retention of the building.
- Current appearance of the building is likely to have led to the overlooking of the building by the NIAH/Historic Maps indicate a building that almost certainly would have been recorded/NIAH survey is not complete.
- This building and the stone warehouse at Brabazon Place are the last two full buildings on Newmarket/Of combined value insomuch as they represent a cross-section of the type of buildings that characterised the Newmarket area.

- No. 32 Newmarket is marked as ‘original house typology’ on maps included within the applicant’s response to appeal.
- The issue of reinstatement of the square was raised at application stage, as well as at appeal stage/would be preferable if both the planning authority and applicant were favourable towards reinstating the L-shaped eastern side of the square which is readily achievable with minor alterations.
- Mortared limestone calp seen in basement is possible original to the 1670s layout of Newmarket.
- Trust that ABP would be favourable to the applicant’s submitted option of retaining No. 32 Newmarket within the new development/Request condition to ensure the appropriate repair and protection of the building.

James Madigan (Observer)

- Still of the opinion that the Grays/Red Lion is worth retaining, restoring and re-using.
- Adequate measures should be put in place to ensure that no damage is done to Grays/Red Lion.
- Not opposed to the development if Grays/Red Lion is retained/Ask that ABP rule in favour of the retention.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions and also encapsulates my *de novo* consideration of the application. I have also had regard to the revised drawings submitted by the applicant, in the response to the Third Party Appeal, which show a revised scheme retaining the former public house at No. 32 Newmarket.

7.2. The main planning issues in the assessment of the proposed development are as follows:

- Principle / general policy
- Built heritage

- Visual impact/Impact on the setting of Protected Structures
- Residential Standards
- Impact on surrounding residential amenity
- Transport Issues
- Other Issues
- Appropriate Assessment

7.3. Principle of Development

- 7.3.1. The local policy framework for the subject site is found in the Dublin City Development Plan 2016-2022 and the Liberties LAP, which as noted above has been extended to 2020.
- 7.3.2. Within the City Development Plan the site is zoned Z10. The proposed uses of hotel, residential, office, retail and artist studios are all permitted in principle in Z10 zones.
- 7.3.3. The site is also identified as a Key Development Site (Site C) within the Liberties LAP. While the zoning of the site is set out in the City Development Plan, the LAP sets out general objectives for the Newmarket area, a 'Significant Redevelopment Site'. For this particular site, the LAP identifies an opportunity for major redevelopment and provision for increased permeability.
- 7.3.4. The proposal accords with the general principles of the LAP having regard to the form of development, the provision of a mixed-use development with active frontages, and the provision of increased permeability through the site from Newmarket to St. Luke's Avenue.
- 7.3.5. I am satisfied that subject to the assessment of other planning considerations below, the proposed development is acceptable in principle.

7.4. Built Heritage

- 7.4.1. The retention of the existing building at No. 32 Newmarket (Gray's Public House) and the retention/reinstatement of the historic urban form are the two key issues as relates to built heritage.
- 7.4.2. Policy CHC1 seeks to preserve the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the

sustainable development of the city. The southern portion of the site, which includes No. 32 Newmarket, lies within a Conservation Area. Policy CHC4 seeks to protect the special interest and character of all Dublin's Conservation Areas.

- 7.4.3. Specifically in relation to No. 32 Newmarket, within Section 6.5.5 'Heritage' of the Liberties LAP, it is stated that a conservation appraisal of a number of identified buildings, including Grays Public House, be undertaken to assess and identify the characteristics of special interest, which may determine that the individual structure merits inclusion within the Record of Protected Structures (RPS). There is no record in any of the documentation on file of this having been undertaken. There are however submissions and reports on the file that refer to the conservation merits of the building and I have had regard to same.

Retention of No. 32 Newmarket

- 7.4.4. I note the provisions of Section 16.10.17 'Retention and Re-Use of Older Buildings of Significance which are not Protected' of the current CDP. This states that the re-use of older buildings of significance is a central element in the conservation of the built heritage of the city and that the local authority will actively seek the retention and re-use of buildings which make a positive contribution to the character and identity of streetscapes.
- 7.4.5. A report entitled 'Overview of the Conservation Aspects of the Proposed Development at Newmarket, Dublin 8' has been submitted with the application. This states that there is little evidence above ground of medieval street patterns as a result of road interventions and other urban development. In relation to the existing two-storey industrial units on site, it is stated that these are of little interest from a conservation viewpoint. The former Gray's Pub is referred to as 'an earlier building of little interest'. In conclusion, the overall impact of the proposed development was considered to be long-term, significant and positive.
- 7.4.6. A Desktop Archaeological Report was also submitted with the application which makes reference to Gray's public house. It stated that this is likely to be the site of a former four storey gabled tavern which was demolished in the later 19th century. It is noted that Gray's maintains the south and west line of Brabazon Place. It is stated that the building is probably of 18th Century date. It is further noted that the interior of

the building has been stripped of any original features, although the basement was not accessed.

- 7.4.7. The appellant argues that despite its current appearance this is a characteristic Dublin pub with sash windows, pitched hipped roof and chimneys and may have origins earlier than 19th Century. It is noted that the Built Heritage Strategy of the Liberties LAP places a strong emphasis on the area's surviving historic fabric. Further, as the site is within a Conservation Area there should be a predisposition towards retention of historic fabric. Furthermore the appellant submits that the Archaeological Report submitted with the application is unsatisfactory as only a very limited area of the buildings walling was investigated with only 50% of the basement was investigated, with investigation of the upper external walls to the street. In addition there has been no investigation into the possible origins of the building as a 'Dutch Billy' house.
- 7.4.8. The observer to the appeal also argues for the retention of No. 32 Newmarket.
- 7.4.9. A response to matters raised in the Third Party Appeal has been submitted by the applicant and Appendix B of the applicant's response includes a further report on the merits of No. 32 Newmarket (Entitled 'Report on former Gray's Public House, 32 Newmarket (Newmarket Site 3). This reports on further investigations carried out in order to determine the age of the building. It is concluded that the present structure does not incorporate the remains of eighteenth-century building above ground floor level and the building on site dates from no earlier than the 1880s and has been considerably altered and added to in the late twentieth century.
- 7.4.10. In relation to the building's possible origins as a Dutch Billy house, the report includes a drawing of a former Dutch Billy house (Mat White's Tavern) which may have occupied the site in the 1800 and notes that it does not compare with the building now on the site. Furthermore, it is stated that sources indicate the Dutch Billy house was demolished in the later 19th century.
- 7.4.11. Included in the response to the Third Party appeal are amended drawings, which show the retention of No. 32 Newmarket, should the Board consider the retention of the building is warranted.

- 7.4.12. The appellant and the observer to the appeal welcome the submission of the revised plans and trust that the Board would be favourable to the applicant's submitted option of retaining No. 32 Newmarket within the new development.
- 7.4.13. My observations on site were that the existing building is of relatively poor appearance externally, and internally is of very limited merit. However I recognise that modern interventions to the building have been detrimental to its appearance, and that the structure on site has some merit as a building of historical and social interest. However the building is not a protected structure and neither is it included in the NIAH as a building of interest. Having regard to the conservation report submitted with the appeal submission, and having regard to the current form and appearance of the building, it is evident that original Dutch Billy structure which may have been on the site, no longer exists and has been replaced by the current structure, which, from the evidence on file, dates from the late 19th Century. While the Development Plan does contain provisions that support the retention of non-Protected Structures, where they make a positive contribution to the character and identify of streetscapes and to the sustainable development of the city, this particular building does not fall into this category and the merits of its retention are questionable, in my view. It does not make a positive contribution to the character of the Conservation Area. The planning authority were also of the opinion that the retention of this structure was not warranted and did not require its retention.
- 7.4.14. I recognise that the applicants have submitted amended plans as an option, showing retention of the building. However the retention of the building is not supported by the applicant, and they are put forward only as a fallback option, should the Board considered the retention of the public house is warranted. It is my view that the retention is not warranted and furthermore, the retention of the building does not contribute positively to the overall scheme.

Street Pattern and Loss of Historic Urban Space at Brabazon Place

- 7.4.15. The Third Party Appellant states that the reinstatement of Brabazon Place is desirable and there has been a lack of sufficient analysis or consideration of the historic evolution and footprint of the space. It is stated that current policy favours the repair and recovery of historic streets and spaces and that this development

represents an opportunity to reinstate the square and the narrow street of Brabazon Place, without a major impact on the development as a whole.

- 7.4.16. The applicant states that the planning application is consistent with the approved Part 8 proposals for Brabazon Place. Furthermore it is argued the appellant trying to restore a historic and original plan form of a street layout dating back from 1728, that is already lost by the introduction of the protected stone warehouse building opposite the site, and that the narrow street width of the former Brabazon Row to the north has long been lost through road widening and to provide the primary vehicular access to the IDA centre.
- 7.4.17. I have had regard to the submissions in the third party appeal, and the applicant's response to same, as well as the documentation on file, and my observations on site. While I recognise there has been an historic square in this location, off the main rectangular space of Newmarket, this has been eroded by the introduction of the stone warehouse opposite. This is a Protected Structure and as such the full reinstatement of the square is extremely unlikely.
- 7.4.18. The now established wider street of Brazabon Place, providing access to the existing IDA Business Centre, and providing access to the proposed development, is as per the approved Part 8 proposals for the area and as such the suggested narrowing of the street to its historic width is not feasible in my view.

7.5. Visual Impact/Impact on the setting of Protected Structures

- 7.5.1. The proposed development will replace existing factory buildings, as well as No. 32 Newmarket. These buildings do not contribute to the public realm in any beneficial way, the interface with street level is very poor and the condition of the buildings detracts from the visual amenities of the area. In my view, the demolition of the existing buildings will not be a loss to the physical appearance of the area.
- 7.5.2. The applicant has submitted a Landscape and Visual Appraisal with the application as well as photomontages of the proposed development, from a number of different viewpoints. I consider that these provide a good indication of the potential visual impact of the proposed scheme and the vantage points used are appropriate and sufficient in their extent.
- 7.5.3. In terms of building height, the proposed buildings present a 5-storey height onto Newmarket Square (approximately 16m parapet above ground level) with significant

setbacks upper levels to the north as part of the hotel, residential and office blocks. The proposed building height along St. Luke's Avenue is predominantly 8-storey (28m above ground level) at the western end and mid-section of the block. At the eastern end the building height steps down to a 5-storey height at approximately 22.45m above ground level. The office building along Newmarket Street has two steps in height along its length as the building height increases towards St. Luke's Avenue.

- 7.5.4. Section 16.7.2 of the Development Plan notes that planning applications will be assessed against the building heights and development principles established in a relevant LAP.
- 7.5.5. The Liberties LAP sets out building heights for this significant redevelopment site, with heights of 6-8 storeys along St. Luke's Avenue, and 4-6 storeys along Newmarket. It is further stated that buildings forming the edges of Newmarket Square must maintain a consistent parapet height around the space of approximately 15m above ground floor level. Beyond the parapet, buildings may extend in height provided they are adequately set back to avoid compromising the apparent height established by the parapet line.
- 7.5.6. I note the planning authority requested justification for the proposed 16m parapet height fronting onto Newmarket. The applicant justified the height, stating that it was necessary due to the required floor to ceiling buildings. I consider that the overall building heights are generally in line with the LAP and as such are appropriate.
- 7.5.7. Overall, while the proposal is a significant increase in scale, over and above the existing scale of development, the height and scale of the proposed development is appropriate for its context, and is in line with the parameters as set out in the LAP.
- 7.5.8. In terms of the design, the design approach taken is comfortably reconciled with the surrounding historic and modern developments. The predominant material within the development is brick, which varies in colour throughout the scheme. The elevation treatments make reference to the historical redbrick of the area, but selective use of same avoidances an overbearing appearance and the use of a variety of brick colour helps to reduce the perceived scale of development. Window projections and recess details on elevations also add visual interest and detailing. The use of contemporary

materials, such as glass and zinc for the central section of the hotel, adds further visual interest.

- 7.5.9. In relation to the impact on the setting of Protected Structures, I note that there are three Protected Structures in close proximity to the appeal site – the two-storey warehouse on Newmarket/Brabazon Place (record No. 5829 on the RPS), to the immediate west of the appeal site, and the Church of St. Nicholas and St. Luke (record No. 5827) and the stone entrance and gateway to the Church of St. Nicholas and St. Luke (record No. 5828), to the east of the appeal site, beyond the adjacent apartment block.
- 7.5.10. The proposal will be seen within the setting of all of the above Protected Structures. However, having regard to the design discussion above, I do not consider that the setting of same will be adversely impacted upon, given the improvements to the appearance of the immediate urban environment resulting from the development.
- 7.5.11. In terms of the public realm and permeability, the proposed building will introduce active street frontages, as a result of the hotel and retail use at ground floor level fronting onto Newmarket Square, the northern side of which is currently lacking such activity. Increased permeability through the site, an objective of the LAP, is provided for by the provision of a pedestrian link through the western end of the site, from Newmarket through to St. Luke's Avenue.
- 7.5.12. I have concern however with the level of accessibility through the site for pedestrians with limited mobility, and there is a lack of reference to same within the application. The current pedestrian access, east of the appeal site, from Newmarket Street to St. Luke's avenue is stepped and does not provide access for all, and is a current barrier to accessibility. This is outside the control of the applicant. However, the proposed pedestrian link through the site has also a stepped element which prevents universal accessibility through the site. There is opportunity to provide a fully accessible route through the appeal site, through the provision of ramped or sloped routes. This would be in line with the requirements of the Development Plan, including Policy SN 29, Section 16.2.1.3, Section 16.8 and Appendix 15 'Access for All' and with the principles set out in the 'Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets (2013) DMURS'. I do

not consider that this is a substantive issue, however, and can be dealt with by way of condition. I do not, therefore, consider it a **New Issue**.

7.6. Residential Standards

- 7.6.1. In relation to Residential Development Standards, I have had regard to the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018), as well as those in the development plan.
- 7.6.2. A total of 92 residential units are proposed comprising 23 x 1 bed (25%); 55 x 2 bed (59.8%) and 14 x 3 bed (15.2%). This complies with the above guidelines, in relation to mix.
- 7.6.3. The proposal complies with the standards relating to minimum floor areas, private open space standards and communal open space.

7.7. Impact on surrounding residential amenities

- 7.7.1. In terms of the impact on surrounding amenity, the closest residential properties include apartments to the east on Newmarket Street (Newmarket House), and houses on Weaver's Street houses to the north across St. Luke's Avenue. A Daylight and Sunlight Assessment has been submitted with the application. The main impacts identified relate to the Newmarket House building. The ground floor windows of this building do not appear to be residential. A number of projecting windows serving the Newmarket Apartment Block do not meet the relevant BRE standards in relation to Vertical Sky Component (Light from the Sky), and Annual Probable Sunlight Hours (APSH). However these windows are being overshadowing by adjacent projecting windows. The houses on Weaver's Street meet the BRE standards.
- 7.7.2. While there will be an impact on daylight and sunlight levels to some surrounding residential units, I do not think that this will be excessive and is expected given the inner urban context of the site.
- 7.7.3. Having regard to the details provided in the application I am satisfied that the level of overlooking of adjoining properties would not be significant.

7.8. Transport Issues

- 7.8.1. The site is located within Car Parking Zone 1 of Map J of the Development Plan. 112 no. car parking spaces are provided at basement level which includes 6 no.

wheelchair accessible spaces. The car parking area is access off Brabazon Place which is the primary road access point into Newmarket.

7.8.2. The table below gives the relevant allocation of car parking within the development:

Land Use	Floorspace (sq. m)	Max Standard	Max Required	Spaces Allocated (% of max standard)
Office	7,346	1 per 400 sq. m.	18	13 (72%)
Retail	744	1 per 350 sq. m.	2	0 (0%)
Hotel	239 bedrooms	1 per 4 bedrooms	60	20 (33%)
Residential	92 units	1 per dwelling	92	79 (86%)
Total			172	112

7.8.3. Having regard to the inner-urban nature of the appeal site, and the high level of public transport accessibility, I consider the above level of car parking is appropriate.

7.8.4. 195 cycle parking spaces are proposed. This is in line with Development Plan standards.

7.8.5. A Traffic Impact Assessment has been submitted with the application. This concludes that the proposed development will generate minimal traffic flows during peak hour periods and will have minimal impact on the surrounding street network.

7.9. Other Issues

7.9.1. Archaeology - A desktop Archaeological Report was submitted with the application. This identifies that Newmarket is located within the Zone of Archaeological Potential. Relevant conditions should be attached to any permission.

7.9.2. Flood Risk – A Flood Risk Assessment has been submitted. Mitigation measures are set out and should be enforced by way of condition.

7.9.3. Ecology – An Ecological Impact Assessment has been submitted. I concur with the conclusions therein that no negative effects to flora and fauna are predicted to arise from this development.

7.9.4. Social Infrastructure – A Social Infrastructure Audit was submitted with the application which demonstrates that there is sufficient healthcare, childcare and educational capacity in the area to accommodate the proposed development.

7.10. **Appropriate Assessment**

7.10.1. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated May 2017, which concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any SPA or SAC.

7.10.2. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 **Recommendation**

8.1. I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the site's location close to city centre with a zoning objective Z10 'to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant use in inner city areas' in the Dublin City Development Plan 2016-2022; to the Liberties Local Area Plan 2009; to the nature, scale and design of the proposed development; to the pattern of existing and permitted development in the area and to the submissions and observations received, it is considered that, subject to compliance with the conditions set out below, the proposed development would respect the existing historical character of the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in all other respects. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted on the 20th day of October 2017, 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 use of the entire area indicated as Artist's studios on revised plans, received on the 20th day of October 2017, shall be used for that purpose only. No change of use shall be permitted in the absence of a prior grant of planning permission for same.

Reason: In the interests of proper planning and sustainable development of the area.

3. Prior to the commencement of development, revised plans showing a fully accessible pedestrian route through the site from Newmarket to St. Luke's Avenue shall be submitted to, and agreed in writing with, the Planning Authority.

Reason: In the interest of providing access for all.

4. Prior to erection on site, all external finishes shall be agreed in writing with the Planning Authority and where appropriate sample panels shall be erected for inspection on site; finishes shall be strictly in accordance with documentation received with this application, as amended by documentation received on the 20th day of October 2017, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of proper planning and sustainable development of the area.

5. Notwithstanding the provisions of the Planning & 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 the prior grant of planning permission.

Reason: In the interests of visual amenity.

6. a) The alterations to Apartment Block 4 on St Luke's Avenue shall be in accordance with revised layouts identified as "Option B", received on the 20th day of October 2017.

b) Prior to commencement of development on site, the applicant shall submit a complete set of revised elevation drawings of the proposed development, to a scale of 1:200 which reflects external alterations to the development in response to Additional Information.

Reason: In the interests of proper planning and sustainable development of the area.

7. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (The landscape scheme shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division, Dublin City Council).

Reason: In the interests of amenity, ecology and sustainable development.

8. The site works and building works required to implement the development shall only be carried out between 07.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of the surrounding area.

9. In relation to individual houses the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwellings.

Reason: In the interest of orderly street numbering.

10. a) At the vehicular access/exit point to the development, the public footpath shall be continued at a raised level across the site entrance and exit, but shall be ramped and dropped as necessary (e.g. 32mm kerb over carriageway) to facilitate car-entry/exit. Measures shall be implemented, including contrasting materials, signing, and road marking, etc. to ensure that vehicles entering/leaving the development are aware that pedestrians/cyclists have priority across the site entrance and that vehicles must yield right-of-way. Details shall be agreed in writing with the Environment and Transportation Department prior to commencement of the development

- b) Prior to the commencement of development, the applicant shall liaise with the Environment and Transportation Section of Dublin City Council regarding the sequencing of works of the Newmarket Part VIII public realm upgrades and the interface and potential contribution of the development site to the delivery of the Part VIII.
- c) Prior to occupation of the development, a servicing strategy shall be agreed in writing with Environment and Transportation Department. This shall take cognisance of changing traffic management arrangements as they may arise.
- d) Prior to the occupation of the proposed development a car parking Management Plan for the development shall be submitted for written agreement with the Environment and Transportation division. No more than 13 spaces shall be assigned to the office use within the development.
- e) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.
- f) The applicant shall undertake to implement the measures outlined in the Mobility Management Framework Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
- g) Prior to the commencement of development, the applicant shall submit a revised Basement Plan which illustrates the allocation of 5 no. car parking spaces to car club use.
- h) The proposed footpaths and hard landscaping areas to be taken in charge including all materials shall be agreed in writing with the Roads Maintenance Division of Dublin City Council prior to commencement of development.

- i) Prior to commencement of development exact details of the proposed loading bay on St Luke's Avenue shall be agreed in writing with the DCC Traffic Management and Control section. The provision of the loading bay and any other proposed alterations to the road network shall be to DCC requirements and at the applicant's expense.
- j) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access should be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked. Sheffield type stands or similar are the preferred format of the Council. Shower and changing facilities shall also be provided as part of the development.
- k) 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.
- l) The developer shall be obliged to comply with the requirements set out in the Code of Practice. Reason: In the interests of traffic safety and proper planning and sustainable development of the area.
11. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.
- Reason: To protect the residential amenities of property in the vicinity
12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.
- Reason: In the interests of amenity and public safety.
13. 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.

14. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

15. All mitigation measures as set out in the 'Appropriate Flood Risk Assessment prepared by Cronin & Sutton' dated 21/06/2017 Revision shall be implemented.

Reason: To minimise flood risk.

16. A. No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.
B. The project site will be subject to pre-development archaeological testing to determine: a. The nature, extent and location of archaeological material, if any, on site. b. The impact of the proposed development on any such archaeological material.
C. The archaeologist shall forward their Method Statement in advance of commencement to the City Archaeologist.
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 City Archaeologist in advance regarding the procedure to be adopted in the assessment.

F. A written and digital report (on compact disc) containing the results of the archaeological assessment shall be forwarded on completion to the City Archaeologist. The City Archaeologist (in consultation with The National Monuments Service, Department Arts Heritage and Gaeltacht), 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 City Archaeologist.

J. Following submission of the final report to the City Archaeologist, 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. Reason: In the interest of preserving or preserving by

record archaeological material likely to be damaged or destroyed in the course of development.

17. 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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord 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 of the area.

18. Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority.

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

19. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank.

(a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains. or

(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces , street lighting, sewers and drains to the standard required by Dublin City Council. The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof. In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

20. 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. 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 Bord 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

21. 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 Bord 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.

Rónán O'Connor
Planning Inspector

24th May 2018