



An
Bord
Pleanála

Inspector's Report ABP-305475-19

Development	Demolition of structures and construction of 44 apartments including all site works.
Location	The former Donnybrook Laundry at The Crescent, Donnybrook, Dublin 4, D04 R856 and No. 17 The Crescent, Donnybrook Road, Dublin 4 D04 A6Y7.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2412/19
Applicant(s)	Pembroke Partnership Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Brendan Tangney and others
Observer(s)	None
Date of Site Inspection	3 rd January 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located at The Crescent, Donnybrook, Dublin 4 and No. 17 The Crescent, Donnybrook approximately 2km southwest of St. Stephen's Green. The site includes a Protected Structure (RPS Ref. 8713) comprising St. Mary's Convent Chimney. The site was most recently used as a commercial laundry and prior to that as the St. Mary Magdalen (later St. Margaret's) laundry.
- 1.2. The site has a controversial and sensitive history and the former laundry was run by the Religious Sisters of Charity for more than a century and was one of four Magdalene Facilities in Dublin. It was founded in 1796 and passed to the religious order in 1883. The facility accommodated between 100-120 women over much of the period of operation. The use as a Magdalen Laundry ceased in 1992, when it was sold to a private company and operated a commercial laundry until 2006. The site has been vacant for thirteen years.
- 1.3. The site is brownfield in nature and has an irregular shape and layout and measures approx. 0.26ha. The site is relatively flat and comprises a number of disused industrial buildings associated with the previous use.
- 1.4. The site is principally bounded by the residential development 'Donnybrook Manor' and other terrace dwellings to the north, 'The Crescent' laneway (formerly known as Church Lane) a graveyard and Donnybrook Garda Station to the east, and by the lands associated with St. Mary's Convent to the south and west.

2.0 Proposed Development

- 2.1. The development comprises:
 - The demolition of structures on site (1.166 sq.m gross floor area)
 - Other than:
 - the chimney stack (Protected Structure RPS 8713)
 - a two-storey building located at the south-eastern corner of the site identified as Building 03 on the Architects' drawings) (390 sq. m gross floor area)

- No. 17 The Crescent, Donnybrook Road, Dublin 4, D04 A6Y7 (an existing two-storey terraced dwelling) (115 sq.m gross floor area).
- The construction of a residential scheme arranged in 3 No. new three-four storey blocks with habitable attic accommodation (identified at Buildings 01, 02 and 04) and within the refurbished and adapted existing Building 03 (659 sq.m gross floor area) providing:
 - 44 no. apartments comprising
 - 11 no. one-bedroom apartments
 - 27 no. two-bedroom apartments
 - 5 no. two-bedroom duplex apartments
 - 1 no. three-bedroom duplex apartment
 - landscaping works, vehicular and pedestrian access / egress and associated circulation routes (including a ramp to basement level; 46 no. car parking spaces (including 3 no. accessible spaces) at basement level; 80 no. bicycle spaces; 2 no. motorbike spaces; electric vehicle changing points.
 - Revised car parking arrangement and landscape design to the front of No. 17 The Crescent; provision of artwork; lighting; all hard and soft landscaping
 - Provision of all ancillary development works.

2.1.1. In response to a request for additional information from Dublin City Council some amendments were made to the proposal resulting in minor modifications to the design and layout in relation to secondary basement storage and overlooking screens. Additional information was submitted in relation to sunlight/daylight and overshadowing, vehicular access/egress details and additional conservation details in relation Building 03.

2.1.2. The design reflects a modern design approach, the blocks are arranged on a north/south axis with Blocks 01, 02 & 03 positioned alongside the eastern site boundary and adjacent to The Crescent. Block 04 is positioned towards the centre of the site and has five levels of accommodation. Access to Blocks, 02, 03 & 04 is from the central atrium which is a fully glazed enclosure with a minimum width of 4.5m between blocks. Translucent walkways and bridges connect the blocks at the upper

levels. Blocks 1 and 2 will be three storeys. The height and volume of Block 03 will be retained as is, but two additional levels would be inserted into the building to accommodate apartments over four levels. The original cantilevered stone staircase in the southern corner of the building will be retained but the rest of the building will be heavily altered. The openings in the original wall on the internal elevation will be retained and the apartments will be constructed inside this wall and set back from it by 1.2m approx. The building would have a lime-render finish with steel vertical balustrades to the balconies, composite framed windows and doors in a timber/bronze finish. The original slate roof would be retained and repaired but would also have 3 no. dormer windows inserted to the front.

- 2.1.3. The amenity space for all units will address the rear of the site on the western elevation and is in the form of a terrace at ground floor level, recessed terraces above and balconies on the upper level. A communal amenity open space is proposed to the rear in addition to a roof terrace over building 02.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 17 conditions. The following conditions are of note:

Condition no. 2 relates to development contribution.

Condition no. 3 refers to the requirement to retain the expertise of an appropriately qualified Conservation expert.

Condition no. 8 refers to the requirement to retain the expertise of an appropriately qualified licensed archaeologist.

Condition no. 9 refers to finishes.

Condition no. 10 refers to landscaping.

Condition no. 11 refers to the naming of the scheme.

Condition no. 17 relates to identification of areas of the scheme to be taken in charge and details in relation to the management of those areas not proposed to be taken in charge.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary, it includes:

- The zoning and policy objectives applicable to the development site. The report details the pre-planning meetings held, recent planning history and notes the observations and submissions to the file.
- A description of the design and layout of the scheme and the proposed finishes.
- The cultural sensitivity of the site is noted. Given the historical and cultural sensitivity of the site, much consideration was given to how this could be sensitively addressed and/or retained. It is set out that with this in mind the developer has carried out a number of preliminary studies/reports to fully understand and reference the history of the site.
- The report details the impact on residential amenity and notes a number of shortcomings requiring further information.
- The report notes that the proposed development is located within a culturally sensitive site and that the developer has made significant efforts to acknowledge the sensitivity of the site and to record its history for posterity. It is noted that the former residents have been consulted and have engaged with the endeavours to record the history. These efforts are ongoing and include engagement with the National Museum of Ireland.
- It was concluded following receipt of further information and amendments to the design proposal that subject to certain conditions the development was acceptable and in accordance with the proper planning and sustainable development of the area and acceptable in terms of traffic and access arrangements.

3.2.2. Other Technical Reports

Internal Reports

Transportation Planning Division- Initial report of 15th April 2019 requested further information in relation to pedestrian connectivity and swept path analysis. Their final report dated 15th August 2019 raised no objection subject to conditions.

Engineering Department – Drainage Division (report dated 29th March 2019) - No objection subject to conditions

City Archaeologist (report dated 27th March 2019) – The report notes the archaeological assessment submitted and raised no objection subject to conditions

Conservation Officer (report dated 26th April 2019) – The report notes the pre-planning discussion relating to the site and notes the design of the development. The report sets out a number of matters requiring clarification. The final report dated 19th August 2019 raised no objection subject to conditions.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

A total of seven submissions were made to Dublin City Council. The following is a summary of the issues raised:

- The height, scale and proximity of the development to existing housing would result in overshadowing and would have an overbearing impact on existing dwellings.
- The existing laneway is very narrow and would come under undue pressure from traffic from the proposed development and also the permitted hotel at the corner of the Crescent and Donnybrook Road. The cumulative effect of both developments would have a negative impact on the character of Donnybrook Village and on the existing residential amenity.
- Traffic congestion on the Crescent is significant. Emergency vehicles from Donnybrook Garda Station require 24-hour access to the laneway.
- The site is of significant historical, cultural and social significance. It is incumbent upon Dublin City Council to ensure the integrity of the site in order to preserve its historical significance.
- The surrounding environment is historically sensitive, Donnybrook Graveyard has headstones that date back to the C1600's.
- The development would be visually obtrusive and out of character with the existing landscape.

- The proposed roof garden and extensive glazing would result in overlooking.
- The photomontages submitted are inadequate, a photomontage from the graveyard should be requested to determine the impact from the historic site.
- It will result in overshadowing of the gardens in Donnybrook Manor.
- The development would severely impact on the existing houses at No's 8, 10 & 12 The Crescent.

4.0 Planning History

Site

DCC Plan Reg. 3621/16 – Planning permission withdrawn for the demolition of all structures on the site and the construction of a residential scheme of 25 no. apartments in a 4 storey over basement block.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The majority of the site is zoned Z1, 'To protect, provide and improve residential amenities'.

A portion to the north of the site is zoned Z2, *'To protect and/or improve the amenities of residential conservation areas'*.

The site is also located within a Zone of Archaeological Interest and also within the Zone of Archaeological Constraint for the Recorded Monument DU018-060 (Donnybrook/Ballsbridge Settlement), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994.

Section 14.8.2 of the Development Plan includes the following:

Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.1.2. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Chapter 4: Shape and Structure of the City
- Section 4.5.9 Urban Form and Architecture
- Chapter 5: Quality Housing

QH18: To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

- QH23: To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land
- Section 14.1 Zoning Principles -development should be encouraged in established centres, and the re-development of under-utilised and brownfield land in these areas should be promoted
- 11.1.5.3 Protected Structures – Policy Application - In order to protect the city’s Protected Structures, the City Council will manage and control external and internal works that materially affect the character of the structure.
- CHC1 – Preservation of the built heritage of the city.
- CHC2 - To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage.
- Section 11.1.5.13: Preservation of Zones of Archaeological Interest and Industrial Heritage
- Chapter 16 sets out Design Principles and Standards
- 16.2 Design Principles and Standards.

“All development will be expected to incorporate exemplary standards of high quality sustainable and inclusive urban design and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods.

In the appropriate context, imaginative contemporary architecture is encouraged provided that it respects Dublin’s heritage and local distinctiveness and enriches its city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance. In particular, development will respond creatively to and respect and enhance its context.”

- Policy SC25 – To promote high standards of design
- Section 16.7.2 of the Development Plan includes height limits for development, including a 16m restriction for development in the Outer City and a 24m restriction for development within 500m of rail hubs.
- Section 16.10.1 Residential Quality Standards – Apartments – sets out standards to be achieved in new build apartments.
- Policy QH8 of the Dublin City Development Plan 2016-2022 seeks “To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area”.
- Parking: Area 3 applies to the appeal site. 1.5 car parking space is required per residential unit. Parking provision below the maximum may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety.

5.1.3. National Policy and Guidelines

National Planning Framework (2018)

The National Planning Framework 2040 seeks compact urban growth, with the associated objective that at least half of the future housing growth of the main cities will be delivered within their existing built-up areas through infill and brownfield development and 40% in other key towns. The National Planning Framework has a

number of policy objectives that articulate delivering on a compact urban growth programme. These include:

NPO 2(a) relating to growth in our cities;

NPO 3(a)/(b)/(c) relating to brownfield redevelopment targets;

NPO 4 relating to attractive, well-designed liveable neighbourhoods;

NPO 5 relating to sufficient scale and quality of urban development; and

NPO 6 relating to increased residential population and employment in urban areas;

NPO13 relating to a move away from blanket standards for building height and car parking etc. and instead basing it on performance criteria.

Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)

Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

Architectural Heritage Protection Guidelines for Planning Authorities (2004)

New development should - *“respect the physical, historic and aesthetic character and integrity of cultural property”*.

5.2. **Natural Heritage Designations**

There are two designated sites within 2.1km of the site.

- South Dublin Bay SAC (site code 00210) is located 2.1km east of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 2.1km east of the site.

5.3. **EIA Screening**

On the issue of Environmental Impact Assessment screening I note that the relevant classes for consideration are class 10(b)(i) *“Construction of more than 500 dwelling units”* and 10(b)(iv) *“Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a*

built-up area and 20 hectares elsewhere". Having regard to the size of the development site (.26ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that the development is not appropriate given the historical and social significance of the site.
- It is set out that development in Donnybrook is being permitted in an 'ad hoc/ piecemeal basis' with no regard for proper planning or no coherent plan for the development area.
- It is argued that the development by reason of design will have a negative impact on the existing houses at The Crescent by reason of design, overlooking, overshadowing and overbearing impact and will represent a completely incongruous feature in terms of scale and density.
- It is set out that The Crescent is a narrow laneway with limited parking and difficult access to the main road and the development taken in conjunction with the construction and operation of a new hotel at the Donnybrook end of the laneway will represent a traffic hazard and the laneway cannot sustain such a level of traffic congestion.

6.2. Applicant Response

- It is set out that careful consideration has been given to the social, cultural, historical and conservation significance of the site in the design of the proposed scheme. It is stated that the design approach is respectful of the site's history and the structures of significance on site and the new

development will successfully relate and integrate with those structures and the surrounding area.

- The proposed development is consistent to the Dublin City Development Plan 2016-2022.
- The proposed massing is proportionate to the existing volumes and is considerate of the context and streetscape. The grouping of the blocks is arranged to maintain a respectful relationship; with the chimney, the retained building and surrounding terraced houses.
- It is set out that the development would not seriously injure the amenities of the surrounding area and would be acceptable in terms of traffic safety, convenience and public health. The site is well served by public transport and is in accordance with the *Design Manual for Urban Roads and Streets* as set out in the Transport Impact Assessment submitted. It is set out that the Transportation Planning Division raised no objection.
- It is set out that the development will make a positive contribution to the established residential area, creating a vibrant, sustainable residential community.
- In conclusion, it is stated that it is clear from the documentation submitted with the planning application that careful consideration has been given to the social, cultural, historical and conservation significance of the site in the design of the scheme in accordance with the proper planning and sustainable development of the area.

6.3. **Planning Authority Response**

The planning authority did not respond to the grounds of appeal.

6.4. **Observations**

None

7.0 **Assessment**

- 7.1.1. The assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design
- Impact on Architectural Heritage -Partial Demolition and Adaptive Re-Use of the Former Laundry
- Archaeology
- Traffic and Car parking
- Impact on established amenity. Overshadowing and Overlooking
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The proposal provides for the partial demolition of structures on site and the construction of 44 apartments. The majority of the site is zoned Z1 '*To protect, provide and improve residential amenities*' with a portion to the north of the site zoned Z2, '*To protect and/or improve the amenities of residential conservation areas*'. The provision of residential development on lands zoned Z1 and Z2 in the Dublin City Development Plan 2016-2022 would be consistent with the policies of the Planning Authority as set out in Section 14.1 *Zoning Principles* of the Development Plan which seek to encourage the development of underutilised and brownfield sites, with a view to consolidating and adding vitality to existing centres, and ensuring the efficient use of urban lands. I consider the provision of an apartment complex consistent with the concept of urban sustainability and provides for increased residential density in an urban area in line with the objectives of the National Planning Framework.
- 7.2.2. The appellants argue that development in Donnybrook is being permitted in an 'ad hoc/ piecemeal basis' with no regard for proper planning or no coherent plan for the development of the area. In this regard, I note the planning application will be assessed on its own merits in accordance with the relevant national policies and guidelines and the development plan policies for the area.
- 7.2.3. It is considered that the proposed development in terms of floor areas, privacy, aspect, natural light and ventilation and private open space would be acceptable and

in accordance with Development Plan standards and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018. The Planning Authority have raised no issues in this regard

7.2.4. I consider that the principle of the proposed development acceptable within this zoning category, subject to the detailed considerations below.

7.3. Design

7.3.1. The appellants argue that the development would be visually obtrusive and out of character with the existing landscape and will represent a completely incongruous feature in terms of scale and density.

7.3.2. The design reflects a modern design approach, the blocks are arranged on a north/south axis with Blocks 01, 02 & 03 positioned alongside the eastern site boundary and adjacent to The Crescent. Block 04 is positioned towards the centre of the site and has five levels of accommodation. The **design** concept reflects a contemporary design approach retaining the original building height addressing the lane extending in height to the rear to create a tiered approach recessed behind the building line so as to reduce the visual impact. The materials vary between the blocks which serves to reduce the overall massing and the use of different brick finishes reflects the existing palette of the immediate surroundings. Building 01 is cantilever over the vehicular entrance/egress and building 02 stepped back behind the established building line clearing distinguishing these new insertions from the original building 03 in terms of building design, form and finish.

7.3.3. In terms of **height**, Policy SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities” seeks that as a minimum, the densities for such edge of city locations as set out in “Sustainable Residential Development in Urban Areas (2007)” be achieved and that a greater mix of building heights and typologies be secured in planning for the future development of suburban locations. A qualitative assessment is also required under Section 3.2 of the height guidelines to ensure that the highest standards of urban design, architectural quality and place making outcomes are also achieved. In particular, the guidelines seek that a proposed development should satisfy criteria at the scale of the relevant city, district/neighbourhood/street and site/building. The specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the

appropriateness of the development as proposed relative to its context. In assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design, open amenity space provision, and standards of public realm.

- 7.3.4. It is acknowledged that prevailing building heights in the immediate area are generally two storey residential dwellings with the four storey convent buildings located to the southeast of the site. In a wider context, I note residential and mixed-uses schemes ranging from two storeys to four storeys. Paragraph 16.7.2 of the Development Plan references low rise areas such as the appeal site where there is a pre-existing height, and this provides that a building of the same number of storeys may be permitted '...subject to assessment against the standards set out elsewhere in the plan (emphasis added) and the submission of an urban design statement'. Section 3.2 of the Guidelines sets out that increased building height in architecturally sensitive areas should successfully integrate into/ enhance the character and public realm of the area, having regard to its cultural context. I am satisfied that the scale and height of the development is respectful of the existing built form and does not represent a dominant feature in the streetscape
- 7.3.5. I have reviewed the photomontages submitted, and I am satisfied that at no viewpoint location were the effects of the proposal considered adverse in the context of the site setting and the wider streetscape setting. I am satisfied that the majority of viewpoints establish development as reflecting a positive impact.

7.4. Impact on Architectural Heritage - Partial Demolition and Adaptive Re-Use of the Former Laundry

- 7.4.1. The site has a controversial and sensitive history. The former laundry was run by the Religious Sisters of Charity for more than a century and was one of four Magdalene Facilities in Dublin. It was founded in 1796 and passed to the religious order in 1883. The facility accommodated between 100-120 women over much of the period of operation. The use as a Magdalen Laundry ceased in 1992, when it was sold to a private company and operated a commercial laundry until 2006. There is no identified residential element associated with the remaining buildings on site.
- 7.4.2. The building structures on site are not listed as protected structures. However, the site includes a Protected Structure (RPS Ref. 8713) comprising St. Mary's Convent

Chimney. The 1930's smokestack and its masonry base will be retained and restored.

7.4.3. Concerns expressed by the appellants that the development is not appropriate given the historical and social significance of the site.

7.4.4. The applicant argues that careful consideration has been given to the social, cultural, historical and conservation significance of the site in the design of the proposed scheme. It is stated that the design approach is respectful of the site's history and the structures of significance on site and the new development has been designed to relate and integrate with those structures and the surrounding area.

7.4.5. I note the applicant has carried out an extensive evaluation of the site including the historical, cultural, social and architectural evolution of the site, in addition to archaeological and heritage recording. A Justification and Outline Method Statement for the demolition of existing buildings accompanied that planning application. It is set out that the buildings are not fit for purpose and the poor quality of thermal performance and lack of compliance with statutory regulations and guidelines has made the buildings generally redundant.

7.4.6. An Architectural Heritage Impact Assessment also accompanied that planning application in addition to a survey of the historic windows and Trusses of building 03. The Architectural Heritage Impact Assessment notes that Building 03 will remain on site and that this is the earliest and possibly architecturally finest structure on site and while the structure will be heavily altered a large percentage of its mid-19th century fabric will be retained and will be visible within the development. The report notes that each of the various phases of development have been carefully documented through photographic and measured surveys and the remaining pieces of the laundry plant and equipment will be retained and made available for inclusion in public or private museums. I note the Conservation Officer raised no objection to the development.

7.4.7. The Architectural Heritage Protection Guidelines for Planning Authorities (2004) state that sympathetic adaptation and re-use can allow the architectural heritage to yield aesthetic, environmental and economic benefits even where the original use may no longer be viable. In this case of the existing buildings on site are not protected, have been modified and adapted over the years and have outgrown their

useful life expectancy. The site has been vacant for 13 years and can no longer function with its original use, proposing a new function is inevitable in order to develop the site. I acknowledge that in redeveloping the site the site will be significantly altered and whilst I am sensitive to the history of the site, I recognise that the existing buildings on site have limited development potential. In acknowledging the cultural, social and historical context of the site, I note the retention of the exoskeleton of building 03 in addition to the retention of internal features, where possible and its adaptation and re-use is an acceptable approach in acknowledging the evolution of the site and in conjunction with the retention and restoration of 1930's smokestack represents the preservation of the historical identity of the site for future generations. I consider this an acceptable approach in the context of the site.

7.4.8. The proposed development is located within a culturally sensitive site and to this end the applicant has made significant efforts to acknowledge the sensitivity of the site and to record its history for posterity. I note that former residents have been consulted and have engaged with the endeavours to record the history of the site. These efforts are ongoing and include engagement with the National Museum of Ireland.

7.4.9. Furthermore, the scheme allows for public access to a portion of the site allowing for those wishing to visit the site access. The applicant is also proposing an art work installation on the site in acknowledgement of the former use. No details have been submitted with the planning application. However, I consider this issue can be addressed by way of condition should the Board be minded to grant planning permission. In addition to the art work installation within the site, I consider it appropriate to erect a wall plaque on the front of building 03 acknowledging the history of the site and the building to be retained visible from The Crescent. Similarly, I consider this issue can be addressed by way of condition should the Board be minded to grant planning permission.

7.5. **Archaeology**

7.5.1. The proposed development is located within a Zone of Archaeological Interest and also within the Zone of Archaeological Constraint for the Recorded Monument

DU018-060 (Donnybrook/Ballsbridge Settlement), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994.

- 7.5.2. An **Archaeological Assessment** was submitted with the planning application. An onsite field inspection was carried out in addition to a desk top study. Nineteen archaeological test trenches were excavated in two areas of the site targeting anomalies identified during a geophysical survey conducted on site. The report states that no evidence of burial activity, or other archaeological features, was recorded during the course of testing. The report sets out that it is possible that the development may have an adverse impact on previously unrecorded archaeological features or deposits. It is recommended that all ground disturbances be monitored by a suitably qualified archaeologist. I note the report from the City Archaeologists dated 27th March 2019 raised no concerns subject to monitoring condition.

7.6. **Traffic and Car Parking**

- 7.6.1. The appellants have expressed concern with respect to the impact of the development on traffic in the areas. It is set out that The Crescent is a narrow laneway with limited parking and difficult access to the main road and the development taken in conjunction with the construction and operation of a new hotel at the Donnybrook end of the laneway will represent a traffic hazard and the laneway cannot sustain such a level of traffic congestion.
- 7.6.2. The applicant has submitted a **Traffic Impact Assessment** prepared by CS Consulting Group which concludes that there is adequate capacity at the existing junction of The Crescent with the R138 and the development traffic will have a negligible impact on junction performance with negligible vehicles queues and minor delays. The Council's Transportation Planning Division has reviewed the proposal and raised no objection to the traffic generation or proposed access arrangements.
- 7.6.3. Furthermore, I note the layout provides for the provision of 46 no. car parking spaces (including 3 no. accessible spaces) at basement level; 80 no. bicycle spaces; 2 no. motorbike spaces and electric vehicle changing points. The Development Plan establishes that **car parking** provision maybe reduced or eliminated in areas that are well served by public transport. The proposal is well served by public transport with high capacity, frequent bus services available in the immediate vicinity. The site is

also located approximately 1200m (average 15-minute walk) from the Beechwood LUAS Stop. There is no issue with car parking provision on the site.

7.7. **Impact on established amenity. Overshadowing and Overlooking**

- 7.7.1. The potential for negative impact on established amenity is assessed particularly with regard to impact of overshadowing, overlooking and overbearing of the adjacent properties. The appellants contend that the development by reason of design will have a negative impact on the existing houses at The Crescent by reason of design, overlooking, overshadowing and overbearing impact.
- 7.7.2. The grounds of appeal assert that the proposed development would have an **overbearing** impact. It is noted that the primary views of the development will be from the northern and south-eastern approach along The Crescent. Views of the proposed development from elsewhere will be largely screened by existing buildings. The building street frontage is consistent with the established built form on site and the increased building height of building 04 will be set back behind the primary building line and will be intermittently visible only. It is considered that the proposals will not have a significant visually overbearing impact given the urban context.
- 7.7.3. The third-party appellants assert that the development will negatively **overlook and overshadow** the existing houses at The Crescent by reason of design, overlooking and overshadowing impact to the immediate north of the site.
- 7.7.4. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum **separation distances** but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. In this regard I note, the layout provides for adequate separation distance between the apartments and all adjoining residential development. The development is set back from all adjoining residential site boundaries, at its closest point the development is 21m from the nearest dwellings. Potential overlooking at this point is further reduced through the use of privacy screening on the north facing balconies on building 04.
- 7.7.5. With respect to the provision of a roof level terrace over the three-storey building 02 overlooking The Crescent to the east. I am satisfied having regard to the height of building 02 at 9.7m and the separation distance of approx. 10m between the roof terrace and the front elevation of the two-storey dwellings opposite the site that there

will not be significant detrimental overlooking as a result of the development. A degree of over-looking is considered reasonable in an urban environment.

7.7.6. The **daylight, sunlight and overshadowing assessment** establishes that daylight and sunlight provision for the proposed development exceed the recommended guidance and where sunlight levels are not fully achieved this was due to site constraints such as the retention of building 03 and in this case dual aspect living rooms and rooflights are proposed as a compensatory measure, where possible. With regards the impact on existing neighbouring properties, the report states that the guidelines for maintaining sunlight received by existing buildings with the proposed development in place have been achieved. I am satisfied that the development will not result in any undue adverse impacts on sunlight and daylight access to neighbouring lands having regard to the site configuration. Daylight and Sunlight provision for the proposed development is consistent with average requirements. This is acceptable.

7.7.7. Having regard to the location and zoning designation of the site, it is reasonable to conclude that the proposed development will not have significant adverse impact on established amenity as a result of overlooking, overshadowing or overbearing impact.

7.7.8. **Other Matters**

7.7.9. The site-specific **Flood Risk** Assessment was carried out. A review of the Dublin City Council flood maps determined the site to be located in Flood Zone C – Low Probability of Flooding. As such a justification test is not required.

7.7.10. The report concludes that the site is not at risk of pluvial, tidal and fluvial flooding. The report sets out that the development will have a storm water attenuation system to address a 1 in 100-year extreme storm, increased by 20% for predicated climate change effects. The risk of onsite flooding from hydrological ground conditions is deemed to be minor and within acceptable levels. The Engineering Department – Drainage Division of Dublin City Council raised no objection to the development subject to appropriate conditions.

7.7.11. A **Landscaping** plan accompanied the planning application and includes the provision of a communal garden to the rear of the site and a roof terrace on level 3 of building 02. The landscape plan includes the creation of distinct spaces incorporating

the integration of functional landscape and external works such as basement ventilation, 'green wall' boundary and defensible space. This is acceptable.

7.8. Appropriate Assessment

7.8.1. The site is not located within or directly adjacent to any Natura 2000 sites.

7.8.2. Stage 1 AA Screening Report

The applicants Stage 1 AA Screening report described the site, the location and the proposed development, it summarised the regulatory context, it carried out a desk top surveys and identified the European sites considered to fall within the zone of influence of the works. It confirmed that the proposed development would not be located within any European sites. Two European sites that could be affected were assessed; the South Dublin Bay SAC (site code 00210) located 2.1km east of the site, the South Dublin Bay and River Tolka Estuary SPA (site code 004024). The Poulaphouca Reservoir SPA (site code 4063), from which drinking water supply for the development will originate was also considered to fall within the zone of influence. The North Dublin Bay SAC (site code 0206) and the North Bull Island SPA (site code 406) are also included. It described these sites and their respective qualifying habitats and species, it listed their conservation objectives and targets and attributes.

7.8.3. Appropriate Assessment Screening Assessment

Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC and SPA'S have been selected.

<i>European Site</i>	<i>Site Code</i>	<i>Relevant QI's and CI's</i>	<i>Distance</i>
South Dublin Bay SAC	000210	Mudflats and sandflats not covered by seawater at low tide	2.1km
South Dublin Bay and River Tolka Estuary SPA	004024	Light-bellied Brent, Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit,	2.1km

		Redshank, Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern, Wetland and Water birds	
Poulaphouca Reservoir SPA	004063	The site is a Special Protection Area under the E.U. Birds Directive, of special conservation interest for the Greylag Goose and Lesser Black-backed Gull. Part of Poulaphouca Reservoir SPA is a Wildfowl Sanctuary.	c.23km

7.8.4. The Stage 1 AA screening report concluded that having regard to the brownfield nature and scale of the development and nature of the receiving environment, the proximity to the nearest European Site and the absence of a pathway, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European Site.

7.9. It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

8.0 Recommendation

Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the location of the development, the pattern of development in the area, to the provisions of the Dublin City Development Plan 2016-2022 and to the nature, scale, layout and design of the proposed development, it is considered that the proposed development would provide for a strong and architecturally appropriate building on this site. Subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of adjoining property and would be acceptable in terms of traffic safety and convenience. 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 26th July 2019, 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. (i) An appropriate memorial shall be provided in a location that is accessible by members of the public to honour the memory of the women who worked in the former Magdalen Laundry, and include information on the location of any salvaged items identified by Dr. Laura McAtackney.

(ii) An appropriate wall plaque shall be provided on the front façade of building 03 acknowledging the history of the site and the building to be retained.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of proper planning and sustainable development and in the interest of visual amenity.

3. Details, including samples, of the materials, colours and textures of all the external finishes to the building and boundary wall treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. (i) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(ii) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(iii) All existing original features, in the vicinity of the works (windows and associated joinery, staircase, trusses, cast iron columns and ironwork and chimney – protected structure) shall be protected during the course of the refurbishment works. Particular care shall be taken to avoid any damage to the medieval and other historic walls to the adjacent cemetery on Donnybrook Crescent during the construction process including restriction of construction traffic to the wider part of the laneway only.

(iv) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. Full repair and reinstatement schedules (condition surveys, specifications and methodologies) shall be submitted to the planning authority to avoid loss or damage to original fabric and ensure that the character of this protected structure in this is not altered.

(v) If there is a shortfall in the reinstatement of the existing natural slates on the building retained within the scheme, replacements shall be Bangor Blue slates to match the existing size and thickness. Rainwater disposal shall be by cast iron – this shall be indicated on drawings and submitted to the planning authority.

(vi) Investigative works shall be carried out to determine the foundation of the chimney in advance of demolition works commencing.

(viii) A full architectural drawn and photographic survey shall be provided of all buildings and structures to be demolished, colour-coded to indicate their chronology, so that a complete record of the former building is placed in the Irish Architectural Archive for posterity.

(ix) Where possible, salvaged and sound material from the 19th century building (timber trusses, natural slates, sound walling materials) shall be reused in the subject site if possible, in conservation repairs/landscaping etc.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric and to ensure a proper record is made of the building in light of its historic and social significance.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roof of the building; or any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

7. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

8. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

9. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- (a) all car parking spaces shall not be sold separately or let independently of the proposed development.

- (b) the roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense;

- (c) the roads layout at the vehicular entrance, parking areas, footpaths, kerbs, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Urban Roads and Streets and with any requirements of the planning authority for such road works;

(d) the materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works;

(e) each of the proposed parking spaces shall be provided with electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and in the interest of sustainable transportation

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. 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 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.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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

14. 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. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly street numbering

15. Proposals for a building name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all building and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name

Reason: In the proper planning and orderly development.

16. 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: To provide for the satisfactory future maintenance of this development in the interest of residential amenity and the provision of community facilities.

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 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 local 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 Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

19. 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.

Irené McCormack
Planning Inspector
6th January 2020

