



An  
Bord  
Pleanála

## **S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report ABP-308841-20**

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#### **Strategic Housing Development**

Demolition of existing warehouse, boundary wall and dwelling, retention of Hendron's Building and construction of 280 no. Build to Rent shared living accommodation apartments and all other associated site works.

#### **Location**

Hendron's Building and wider site, 36-40 Dominick Street Upper, Broadstone, Dublin 7.  
([www.westernwayshd.ie](http://www.westernwayshd.ie))

#### **Planning Authority**

Dublin City Council North

#### **Applicant**

Western Way Developments Limited

#### **Prescribed Bodies**

(1) An Taisce

- (2) Department of Culture, Heritage and the Gaeltacht
- (3) Irish Water
- (4) The Arts Council
- (5) Transport Infrastructure Ireland

**Observer(s)**

See Appendix 1

**Date of Site Inspection**

1<sup>st</sup> February 2021

**Inspector**

Elaine Power

## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

2.1. The subject site is located at the junction of Western Way, Dominick Street Upper and Palmerston Place in Dublin City Centre. To the rear the site is bound by a private laneway and the existing 2-storey over basement dwellings on Palmerston Place.

2.2. The site has a stated area of 0.33ha. It currently accommodates the Hendron's Building which is a protected structure RPS 8783 and is listed on the NIAH ref. 50070389. It fronts onto Dominick Street Upper and is a local landmark. The Hendron's Building is a 1949, 4-storey over basement industrial building with a large entrance foyer and glass block windows. To the rear of the Hendron's building, with frontage onto Palmerston Place is a workshop building. This building is a 1950's 2-storey, 10 bay workshops which was formerly used in connection with the Hendron's Building. The site also accommodates no. 36 Dominick Street which is a corner 2-bay 3-storey dwelling house building in c. 1850 and a large gravel car park which accommodates a large advertising structure fronting onto Western Way. The site boundary with Western Way comprises a c.2m high stone wall which is a protected structure, (RPS. 8483). All buildings on site are currently vacant.

2.3. There is an existing gated vehicular access to the site from Dominick Street Upper.

## 3.0 Proposed Strategic Housing Development

3.1. It is proposed to demolish no. 36 Dominick Street Upper, an existing vacant workshop building and the boundary wall fronting onto Palmerston Place and to construct a 281 no. bedspace, shared living accommodation development in 2 no. buildings (described as Blocks A, B, C, D and E, Blocks A and B over basement) incorporating the Hendron's Building (protected structure). The development has a stated gross floor area of 11,384sqm and would include 279 no. single rooms and 1 no. double room.

The single rooms range in size from 16.5sqm to 30.1sqm and the twin room has a stated area of 32.3sqm.

- 3.2. Block A fronts onto Palmerston Place and ranges in height from 4-5 storeys over a partial basement. The central block, Block B, fronts onto Dominick Street Upper and incorporates the existing Hendron's building (protected structure RPS 8783) and includes the provision of an additional storey to the protected structure, involving internal alterations and additions. Blocks C, D and E are located along the boundary with Western Way and follow the curve of the boundary wall (protected structure RPS 8483). These blocks range in height from 5 – 9 storeys
- 3.3. The ground floor of the Hendron's building would accommodate a café / shop and community space. An outdoor seating area is proposed on Dominick Street Upper. The residential amenities would also be provided in the Hendron's Building and include co-working spaces, a cinema room, games room, laundry space, a sky lounge, bicycle repair station, administration suite, reception and storage area.
- 3.4. The ground floor of Block C would accommodate a publicly accessible gym and yoga / Pilates studio. An additional outdoor seating area is proposed adjacent to the gym entrance on Dominick Street Upper.
- 3.5. The development includes 1,267.1sqm of external open space provided in a central courtyard and 2 no. roof terraces at Blocks A and D
- 3.6. No vehicle car parking is proposed as part of the scheme. It is proposed to retain the existing access onto Dominick Street for pedestrian and cycle access. The scheme includes the provision of 175 no bicycle parking spaces at lower ground floor level. The works include the removal of c. 2.63m of the stone wall (protected structure) on Western Way to accommodate access to a proposed ESB substation.
- 3.7. The application included the following:
  - Statement of Consistency and Planning Report
  - Statement of Material Contravention
  - Statement of Response to An Bord Pleanála Opinion
  - Architectural Design Statement

- Conservation Development Strategy – Hendron’s Building
- A letter of consent from the land owner
- Legal Covenant
- Shared Accommodation Demand Report
- Landscape Design and Access Statement
- Landscape and Visual Impacts Assessment
- Landscape Management and Maintenance Plan
- Architectural Heritage Impact Assessment
- Archaeological Desk Study
- Potential Daylight and Sunlight Impact
- Ecological Impact Statement
- Screening Report for Appropriate Assessment
- EIA Screening (Environmental) Report
- Bat Assessment of the Buildings of Hendron’s
- Hydrological and Hydrogeological Qualitative Risk Assessment
- Traffic and Transport Assessment
- Flood Risk Assessment
- Building Lifecycle Report
- Operational Waste Management Plan
- Construction and Demolition Waste Management Plan
- Construction Environmental Management Plan
- Management Plan
- Energy Statement
- Photomontages

## 4.0 Planning History

### ***Subject Site***

***PL29N.233677 (Reg. ref. 3938/08)***: Permission was refused in 2010 for the demolition of all structures on site and the construction of a mixed-use development

comprising a hotel, offices, retail and 48 no. residential units in 3 no. blocks ranging in height from 1 – 14 storeys over basement level car parking (68 no. spaces). The 3 no. reasons for refusal are outlined below: -

- 1. Having regard to the location of the site, in an elevated, prominent position near the top of Constitution Hill, in the vicinity of a number of significant protected structures, including Broadstone Railway Station and Kings Inns and adjacent to a residential conservation area, it is considered that the proposed development, notwithstanding the revisions proposed on appeal, would, by reason of its design, height, scale and mass, be visually obtrusive, would seriously injure the visual amenities of this sensitive area and would constitute overdevelopment of this site. Furthermore, the Board is not satisfied that the quality of the design of the proposed development would justify the demolition of the 'Hendron' building, a building of some architectural character. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the height, scale and mass of the proposed development, it is considered that the proposal would seriously injure the residential amenities of the area by reason of overshadowing, overlooking and would be visually overbearing. Furthermore, the proposed development would not provide adequate amenity for future residents, given the extent of overshadowing of the communal courtyard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and the amenities of property in the vicinity.*
- 3. Having regard to the restricted width of Palmerston Place and Middle Mountjoy Street and the right angle bend on Palmerston Place, the Board is not satisfied that the location of the proposed vehicular access is the optimal for this site, in the absence of an assessment of alternative locations. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

### **Surrounding Sites**

**Strategic Housing Development ABP-308875-20:** Current application for alterations to previously permitted Reg. Ref.: 2628/17 and ABP-300241-18 to provide 321 no.

Build to Rent shared accommodation bed spaces at Phibsborough Shopping Centre c. 800m north of the subject site. A decision is due in April 2021.

**ABP 307581-20 (Reg. Ref. 4691/20):** Current third-party appeal against decision to grant permission for 114 no. bedspace shared living scheme at St. Mary's Place North and between no. 13 and 16 Mountjoy Street, c. 200 m east of the subject site. A decision is due in March 2021.

**Reg. Ref. 4341/16:** Permission granted in 2017 for demolition of existing structures on site and the construction of student accommodation comprising 77 no. student bedspaces in 27 no. clusters in a development ranging in height from 3 – 5 storeys at Dominick Street Upper c. 100m south east of the subject site. This development is operating as part of Dominick Place student accommodation.

**ABP PL29N.247225, Reg. Ref. 2382/16:** Permission granted in 2017 for demolition of existing structures on site and the construction of student accommodation comprising 17 no. student accommodation units with 130 no. bedspaces in a 7 storey development at Dominick Street Upper c. 100m south east of the subject site. This development is operating as part of Dominick Place student accommodation.

**Reg. Ref. 2838/15:** Permission was granted in 2015 for the demolition of existing structures on site and the construction of 108 no. student accommodation units (463 no. bedspaces) and associated uses (c. 14,248sqm) including retail / retail services / café / restaurant / financial services / medical use in a development ranging in height from 2 – 6 storeys Dorset Street Upper and Wellington Street c. 340 m east of the subject site. This development is now operating as Dorset Point student accommodation.

## 5.0 Section 5 Pre-Application Consultation

- 5.1. A Section 5 pre-application virtual consultation took place on the 21<sup>st</sup> August 2020 in respect of a development of the demolition of existing warehouses and dwelling, retention of Hendron's Building and construction of 296 no. shared living residential units and associated works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Development Plan Policy – Zoning and Building Heights
- Design Strategy – Heights, elevation treatment and materials.
- Relationship with Protected Structures
- Relationship with Palmerston Place and right of way
- Internal residential amenity
- Bicycle and motorcycle parking

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 2<sup>nd</sup> October 2020 (ABP-307475-20) An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application for strategic housing development.

5.3. The opinion also stated that the following specific information should be submitted with any application for permission.

1. Statement of consistency, in particular demonstrate how the proposed development is in accordance with the Z3 Neighbourhood Centre zoning objective, including a breakdown of public uses and how public access is managed. The statement should also consider compliance with the height policy of the development plan.
2. A report addressing the materials and finishes.
3. A design rationale for the approach to the massing and height of the development.
4. A design rationale and Architectural Heritage Impact Assessment addressing the relationship of the proposed structures with the Hendron's Building.
5. A rationale for the location and means of access to the proposed ESB substation and details of the treatment of any interventions in the boundary wall to Western Way.
6. A detailed daylight and sunlight assessment.
7. A report demonstration satisfactory quantity and quality of open space for future residents.
8. A schedule of accommodation.



9. A rationale for the extent of bicycle and motorcycle parking proposed.

10. A site layout plan indicating which areas are to be taken in charge.

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- Minister of Culture, Heritage and the Gaeltacht
- An Taisce
- The Heritage Council
- The Arts Council
- Failte Ireland
- National Transport Authority
- Transport Infrastructure Ireland

5.5. ***Applicant's Statement***

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed items 1-10 of the specific information to be submitted with the application. Items of note are outlined below: -

***Item 1:*** The Statement of Consistency and Planning report submitted with the application notes that c. 432.3sqm of publicly accessible neighbourhood uses have been provided at ground floor level. In this regard a shop / café, community space (72.6 sqm) is proposed in the existing Hendron's Building and a gym (184.4 sqm) and a Yoga / Pilates Studio (75.3 sqm) is proposed in Block C. In addition, external seating is provided adjacent to Hendron's Building (9.4sqm) and adjacent to the gym building (33.6 sqm). All of which create an enlivened public interface. The re-use of the currently vacant Hendron's building is considered a significant benefit to the wider community. It is noted that residential use is permissible under the Z3 zoning objective.

A Management Plan has also been submitted which sets out operational requirements in relation to on-going management and use of the development.

With regard to the proposed height strategy the Material Contravention Statement outlines that rationale and justification for the minor departure from the building height requirements.

**Item 2:** The Architectural Design Statement addresses the materials and finishes.

**Item 3:** The Architectural Design Statement details the design rationale for the proposed massing and scale of the development.

**Item 4:** An Architectural Heritage Impact Assessment and a Conservation Development Strategy have been submitted.

**Item 5:** A rationale for the location and means of access to the proposed ESB substation and details of the treatment of any interventions in the boundary wall to Western Way is provided in Architectural Heritage Impact Assessment

**Item 6:** A Daylight and Sunlight Assessment has been submitted.

**Item 7:** A Landscape Design and Access Statement has been submitted and it is stated that high quality external amenity space is provided.

**Item 8:** A detailed schedule of accommodation has been submitted.

**Item 9:** A rationale for the extent of bicycle and motorcycle parking proposed has been provided in the Traffic and Transport Assessment submitted.

**Item 10:** It is stated that it is not proposed for any areas to be taken in charge.

## 6.0 **Relevant Planning Policy**

### 6.1. ***Dublin City Council Development Plan 2016 - 2022***

The subject site is located on a site zoned Z3 – Neighbourhood Centre with the associated land use objective to provide for an improve neighbourhood facilities. Section 14.8.3 of the Plan notes that *‘these are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres... Neighbourhood centres provide an essential and sustainable amenity for*

*residential areas and it is important that they should be maintained and strengthened, where necessary. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level. When opportunities arise, accessibility should be enhanced’.*

Chapter 4 - Shape and Structure of the City emphasises the importance of high quality developments and reaffirms Dublin as a predominantly low rise city. Relevant policies include **SC13**: sustainable densities; **SC14**: variety of housing types; and **SC16**, **SC17** and **SC18** relating to height;

Chapter 5 – Quality Housing supports the delivery of quality homes in a compact city. Relevant policies include **QH5**: active land management; **QH6**: variety of housing; **QH7**: sustainable urban densities; **QH8**: development of under-utilised sites; **QH13**: adaptable and flexible homes; **QH17**: private-rented accommodation; **QH18**: high-quality apartments.

Chapter 11: Built Heritage and Culture acknowledges that built heritage contributes significantly to the city’s identity and richness and diversity of its urban fabric. Relevant policy includes **CHC1**: preservation of built heritage; and **CHC2** protected structures and their curtilage.

Chapter 16 sets out indicative standards including density, plot ratio and site coverage standards. Section 16.2.2.2 - Infill Development note that it is particularly important that infill developments respect and enhance its context and is well integrated with its surroundings, ensuring a more coherent cityscape. Section 16.2.2.4 Boundary Walls and Railing notes that developments should not result in the loss or insensitive alteration of characteristic boundary walls or railings.

Section 16.7.2 sets out a 24m height restriction for residential developments in the inner-city. It also sets out assessment criteria for higher buildings.

## 6.2. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle

of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The following RPOs are of particular relevance:

**RPO 5.4:** Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

**RPO 5.5:** Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

### 6.3. **National Planning Framework (2018)**

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 6.4. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008
- Architectural Heritage Protection Guidelines, 2011

I also note Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018, which informed the design of the scheme and the standards that were applicable at the time of the lodging of the application. This matter is further considered in the assessment.

#### 6.5. **Material Contravention Statement**

The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dublin City Development Plan 2016 - 2022 in relation to height. The statement is summarised below: -

The development plan allows for height of up to 24m for residential developments in the inner city. Block C is c. 26.825m and, therefore, is above the permissible height. All other buildings on site are within the height limit. It is considered that the Board may grant permission for this material contravention having regard to Section 37(2)(b).

The proposed development should be considered for increased building heights due to the location of the subject site, the incorporation of a protected structure into the scheme, the overall context of the wider existing developments, proximity to high-frequency public transport corridors, and compliance with the policies and objectives set out within the Urban Development and Building Height Guidelines.

The development is justified by Section 37(2)(b)(i) as the proposed development falls within the definition of 'strategic housing development'. The Rebuilding Ireland Action Plan and 2016 Act recognise the strategic importance of larger residential developments in addressing the ongoing housing and homelessness crisis.

The development is justified under Section 37(2)(b)(iii) by reference to National Policy Objectives 3a, 4, 11, 13 and 35 of the National Planning Framework and SPPR3 of the Urban development and Building Height Guidelines.

## 7.0 Third Party Submissions

68 no. third party submissions were received. A brief history of the development of the site and the planning history of the site has been provided by a number of third parties. The submissions are generally supportive of the redevelopment of the site. The concerns raised are summarised below: -

### **Zoning**

- The proposed development is not in accordance with the Z3 zoning objective as it does not contribute to the neighbourhood or diversity of use. Less than 5% of the site is dedicated to uses compatible with the Z3 zoning objective. There is insufficient capacity on existing local facilities to accommodate demand generated by the proposed development.
- The proposed public open space represents just 3.7% of the gross floor area of the scheme (11,387.3sqm). The reception area, back of house and indoor

seating are not considered to be public spaces as they are clearly for the resident's use only.

- The gym is insufficient, 10 machines, some free weights and a lack of showers indicates that the facility is for residents only and not the wider community. The yoga / Pilates studio is an empty room, which is not a sufficient facility.
- The site was until very recently a hive of activity, with a variety of tenants which led to activity on the street and passive surveillance. The tenants vacated prior to the making of this application which gives the appearance of a disused building. The proposed scheme does not recognize the cultural uses of this building in the recent past, which included artist run studios.
- Residential uses are only permissible above ground floor level in areas zoned Z3.
- The provision of outdoor seating is welcomed. However, its proximity to an access door would impose on the seating area available. The additional outdoor seating is accessed by steps and, therefore, it is not accessible.
- This is a gated community and does not provide for any amenities for existing residents.
- The proposed development would significantly detract from and alter the character and fabric of the adjoining streets which are zoned Z2 – residential conservation area.
- It is noted that the previously refused development on the site (PL29N.233677) included a greater range of uses at this Z3 zoned site.

### ***Co-Living***

- Amended Apartment Guidelines do not allow for co-living developments. Co-living is an inappropriate housing typology that does nothing to address the issue of affordability and has no place in the Irish housing market. The Minister for Housing recognises that this type of housing is not a sustainable form of development.
- Co-Living is substandard as it avoids Part V housing, car parking and open space requirement. These are areas that contribute to the cost of traditional developments.
- Co-Living units can be extremely lonely and isolating places to live. The communal facilities are shared with strangers. The units are designed as

bedsits with limited communal spaces provided. No bathroom facilities have been provided for guests in the building.

- Co-living is not conducive to community living. Its transient category of resident would do nothing to enhance or develop a sense of community. It would also mean residents would not be part of any community and would promote isolation of different groups in the neighbourhood. Build to Rent developments do not support communities. There is a demand for family homes in the area.
- There is an overprovision of similar type accommodation within Dublin 7, including co-living, student accommodation, hotels, aparthotels, AirB&B's, hostels, drug treatment residence and homeless shelters. The latest census indicated that only 60% of dwellings were permanent residential housing and apartments.
- There are already 3,800 shared living bedspaces within 1km of the site both completed and at various stages of planning and construction. A mixed use development would be more in line with DCC policy.
- According to the CSO (2016) 51% of accommodation within 1km of the site is privately rented and 13.66% is social housing. In addition, 24% are single person households. There are 14 major hotels and hostels with 11 no additional hotels at planning stage and 17 no. student living developments with an additional 8 no at planning stage within 1km of the site. There are 5 no. residential hospitals, 15 no. hostels providing temporary and emergency accommodation and Mountjoy campus (secure accommodation) within 1km of the site. Combined these facilities have capacity for 17,026 no. persons. This is extraordinarily high proportion of the population. Omitting the tourist population, more than 30% of the population can be classified as transient.
- The Demand Study is unconvincing, no evidence or market study is provided to show that the proposed cluster model would have any appeal to people aged 25-39. It is cheaper to share a house / apartment than to rent a co-living unit. This is not an affordable housing solution.
- Co-living poses dangerous health environments during the Covid-19 pandemic.



### ***Protected Structures***

- Hendron's building, which is a 4-storey modernist building, is significant in scale, cultural impact and visibility that it defines the place it occupies. The proposed 9-storey would have an overbearing impact on the Hendon's Building which is a protected Structure and listed on the NIAH.
- The proposed development is a poor-quality design and would overwhelm the site. It completely surrounds and encloses the protected structure which makes it difficult to differentiate the old from the new.
- The provision of a roof extension to Hendron's building is inappropriate and there is little gain from this extension. It is an inappropriate architectural treatment, that would further devalue the building. There is a valid argument for new additions which are clearly expressed as such, this design fails to achieve a harmonious balance.
- It is inappropriate to try and blend the external materials with the existing protected structure rather than try to distinguish between old and new. Hendron's building is completely lost and overwhelmed. In addition the additional floor of the protected structure would be clad in the same zinc finish as the new structures, this further blurs the line between the old and new.
- The site is also in close proximity to a number of protected structures such as Broadstone Railway Station, King's Inn and the Black Church on Saint Mary's Place. The proposed development would be overbearing on these landmarks.
- There are no exceptional circumstances for the demolition of a section of the protected wall along Western Way. There should be an alternative solution to the location of the ESB substation.
- Paragraph 2.10 of the Building Height Guidelines notes that the Board does not have the legal authority to override the Architectural Heritage Protection Guidelines by permitting a development that contravenes them.
- The development is not in accordance with development plan policies CHC1 and CHC2 to preserve protected structures.
- Consideration should be given to retaining more of the existing buildings within the curtilage of the site.
- The previous reason for refusal (PL29N.233677) has not been addressed having regard to the elevated, prominent position of the site, in the vicinity of a

number of significant protected structures and adjacent to a residential conservation area, the proposed development by reason of its design, height, scale and mass be visually obtrusive, would seriously injure the visual amenities of this sensitive area and would constitute overdevelopment of the site.

### ***Design and Layout***

- The scheme is poorly proportioned and of a poor-quality design. In particular having regard to the site's strategic location on a designated civic spine and adjacent to a new university entrance plaza.
- The height is excessive and would have a negative impact on neighbouring residents and architectural quality of the area.
- The design along Western Way would diminish the architectural form and distinct character of the Hendron's building.
- The scale and density of the scheme would overwhelm the area. It is overdevelopment of the site and would have an adverse impact on the character of the area.
- It is an inappropriate design approach for this site. There has been little consideration to the urban design or to place making opportunities.
- Additional public space is required on Palmerston Place as the footpath is already too narrow for people to safely pass.
- The density is extremely high. There is an inappropriate cluster of high-density units in the vicinity and the cumulative impact would be detrimental to the local environments and resident's enjoyment of very limited recreational facilities.
- The scheme has a poorly configured communal open space area, with limited access to daylight.
- The design principles are not in accordance with the standards set out in the Development Plan.
- The poor-quality design would devalue properties in the area.
- The relationship between the proposed building and the wayleave to the rear (east) is unclear and has not been addressed in the application.
- The proposed development does not contribute to the mix of uses. It will serve the needs of temporary residents over the needs of people to already live in the community.

- The floor areas of the units have not been provided in the Schedule of Accommodation and Areas.
- The photomontages have been taken at strategic points c. 500m from the site. They do not provide an accurate account of the proposed development.
- The proposed scheme represents overdevelopment of this historic and strategically located site.

### ***Residential Amenity***

- The previous reason for refusal (PL29N.233677) has not been addressed. The proposed height, scale and mass would seriously injure the existing residential amenities by reason of overlooking, overshadowing and would be visually overbearing.
- The proposed development would unduly overshadow and overlook adjoining residential dwellings due to the close proximity and height of the proposed development.
- The drawings are misleading there are no trees in the rear gardens of houses on Palmerston Place to screen the development.
- Concerns regarding privacy for residents of ground floor units on Palmerston Place.
- The proposed development would overshadow a number of adjoining dwellings. There is conflicting information provided within the CGI images and the Potential Daylight and Sunlight Impact report regarding the impact of the development. When the angles are correctly measured the existing obstructing, angle is 22 degrees and not 47 degrees as claimed in the Potential Daylight and Sunlight Impact report. It is incorrect to state that the terrace of houses on Palmerton Place would see an improvement in sun light due to greater access to sky. This is physically impossible and should be dismissed.
- The side window of no. 1 Palmerston Place has been omitted from the documentation submitted. The proposed development would have a negative impact on existing views from this window.
- The rooftop terraces would create noise and nuisance for future and existing residents.
- Noise from roof plant and extractor fans would have a negative impact on future and existing residents.

- No private outdoor space is provided for the units.
- As the units incorporate kitchenettes, they are similar to studio apartments and the same standards should apply.
- With regard to the current pandemic these units are not appropriate for a person to live / work in and having to share a kitchen with 10 – 13 people is ill-advised.
- Concerns raised around ventilation if the windows do not open.
- There are concerns regarding the number of rooms that would share a communal kitchen. It is noted that 25 no. rooms would be sharing 2 no. communal kitchen / living areas. This would have a negative impact on the amenities of future residents.

### ***Visual Amenity***

- The proposed development would be overbearing and would have a negative impact on the visual amenities of the area.
- The proposed Blocks B, C and D would intrude into established views of such nearby historical landmarks as Broadstone Station, Kings Inns and Black Church on Mountjoy Street all of which are protected structures.
- Negative visual impact on the streetscape when viewed from Western Way.
- The proposed development would be incongruous and overbearing in nature.

### ***Transportation***

- No car parking is proposed. This is not appropriate and would result in overspill car parking on to the surrounding road network. This would have a negative impact on existing residents who rely on on-street car parking.
- The proposed development would result in congestion in the area due to deliveries and drop off and collections as no set down area has been provided.
- Insufficient attention has been given to the potential negative impact of construction traffic.
- There is an under provision of bicycle parking within the site.
- 3 no. apartments have recently been constructed on Stable Lane with no car parking. This has resulted in cars parked in a haphazard manner on the surrounding road network.

- There is only parking on one side of Mountjoy Street which serves houses on both sides of the road. There is no capacity to accommodate overspill from the proposed development.

### **Water Services**

- The water pressure is low in the area. The added demand would negatively impact on existing residents.
- The Victorian combined sewer has not been upgraded since it was installed. This additional pressure on the foul water sewer by the construction works could damage the sewer. It was not designed to cater for the proposed population.

### **Environmental Concerns**

- The development would have a very significant impact on the environment and should be considered under Schedule 7 of the Planning and Development Regulations. An Environmental Impact Study is essential.
- As a matter of EU law the Board cannot grant permission for a derogation from the development plan without a new or updated SEA.
- Ringsend Sewerage and Wastewater Plant is already overloaded.
- The bat surveys carried out as part of the Bat Assessment were carried out in August 2019, they are, therefore, outdated and cannot be relied upon.

### **Inland Fisheries Ireland**

- The proposed development is located within the catchment of The Liffey system.
- There can be no direct pumping of contaminated water from the site to a watercourse at any time. Any dewatering of groundwater during excavation must be pumped to an attenuation area before being discharged.
- Precautions must be taken to ensure there is no entry of solids during the connection or stripping of old pipework to the surface water system.
- Ringsend WWTP is currently working at or beyond capacity and will not be fully upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.

- All discharges must be in compliance with the European Communities Regulations 2010.

### **Other Issues**

- Concerns are raised over the SHD process and period of consultation.
- Concerns raised regarding the quality of the information provided with the application.
- Concerns raised that the pre-planning application opinion was not included on the file when viewed in the ABP offices.
- The wording of the statutory notices is inaccurate as they refer to retention of the Hendron's Building. Retention is reserved for situation where unauthorised development requires regularisation. This does not appear to be the case with the Hendron's Building.
- Concerns regarding the potential for overcrowding of units once the 15 year 'no-sell' period is over.
- The applicant has not engaged with the local community regarding the redevelopment of the site.

## **8.0 Planning Authority Submission**

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 9<sup>th</sup> February 2021. The report includes a summary of the site location and description, the proposed development, the sites planning history, details of pre-planning consultations, a summary of the third party submissions, policy context, A summary of the views of the elected members of the Central Area Committee, meeting held on the 13<sup>th</sup> January 2021. The main concerns, of the elected members related to the proposed height and density, the shared living housing model, existing and future residential amenities, compliance with Z3 zoning objective, built heritage and construction. Reports from the Conservation, Transportation Planning, Drainage, Parks and Landscaping, Archaeology, Environmental Health Officer and Waste Regulation Sections have also been provided.
- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

**Principle of Development:** The proposed development is permissible with the relevant Z3 Zoning objective. While the site is centrally located and neighbourhood uses are proposed it is considered that if permission is to be granted a condition be attached requiring an additional unit such as a small shop or hairdresser with a street frontage, be accommodated within the scheme.

**Design Standards for New Apartments 2020:** This application was lodged before the date of publication of the guidelines, therefore, the proposed development will be considered on its merits, having regard to the standards contained within the Design Standards for New Apartments 2018.

**Design Standards for New Apartments 2018:** This site is considered an appropriate location in principle for a shared living development having regard to its proximity to employment hubs, services, and public transport. This an underutilised site containing no existing residential use. It is considered that the proposal would not be to the detriment of the supply of quality urban apartment development and would add to the varied residential offering in the area.

**Plot Ratio and Site Coverage:** No objection in principle to the proposed plot ratio or site coverage.

**Building Height and Mass:** Block C is c. 26.8m in height which is above the 24m limit set out for residential developments in the inner city. The applicant's material contravention statement is noted in this regard. Having regard to SPPR1 of the Urban Development and Building Height Guidelines and the information submitted with the application there is no objection in principle to the proposed development.

It is considered that the redevelopment of this site and the conservation and reuse of the Hendrons' Building would enhance the character and public realm at this location.

It is considered that the development has the potential to make a positive contribution to the urban neighbourhood.

It is considered that additional design work is required to reduce the potential for Blocks C, D and E to appear monolithic or overly horizontal.

**Daylight, Sunlight and Overshadowing:** The submitted Potential Daylight and Sunlight Impact Study and its potential impacts are noted.

**Appearance, Architectural Design and Layout:** It is considered that the proposed finishes would complement the Hendron's Building and have regard to the surrounding context of the site and proximity to protected structures.

The design principle of a curved block with the protected stone wall along Western Way is acceptable further detailing and visual separation is required to reduce the potential for the block to appear monolithic.

Block A contains a 5-storey element that projects into the internal amenity open space. There are concerns that this element would have a detrimental effect on the amenity value of the open space as limited sunlight would enter this space. It is considered that this element should be omitted which will also reduce the apparent bulk of the proposed development when view from 1-5 Palmerston Place.

The additional floor to the Hendron's Building is considered acceptable subject to detail approval on finishes. A number of design options were discussed at pre planning meetings and it is considered the present proposal in the planning application of one additional storey to be the most respectful of the Protected Structure.

In general, the design approach taken is acceptable. The proposed development has the potential to enhance its context and to create new compositions and points of interest within this area of varied cityscape.

**Shared Accommodation:** The proposed cluster arrangements for the Shared accommodation is noted. It is considered that adequate resident support facilities, services and amenity have been proposed.

While it is recognised that indoor recreation and leisure amenities have been provided there are serious concerns relating to the out door amenity spaces provided due to limited access to sunlight. The courtyard is considered as an access way with limited recreational / amenity value. It is considered that the omission of the section of Block A that projects into the courtyard would improve the quality of the space and the impact of the development on the residents of Palmerston Place.

**Heritage and Conservation:** Dublin City Councils Conservation Report noted that refurbishment and reuse of Hendron's Building is acceptable in principle. Further details of the works to the protected structure are required. In particular, there are



concerns that none of the plain steep windows would be retained / refurbished. A clear justification should be provided as to why these windows can not be successfully refurbished. With regard to the protected boundary wall to Western Way and the railings detailed drawings of the proposed interventions are required.

There are concerns that the proportion / height of the top floor glass and metal clad extension above the Hendron's Building is overly dominant relative to the proportions of the principle Hendron's Building. It is recommended that this be reconsidered and either reduced in height or modified in another manner to reduce its impact.

There are also concerns that the proposed 5-storey block on Palmerston Place is approximately double the height of and would overwhelm the 19th century terraced 2-storey-over-basement brick houses on the east side of Palmerston Place (Nos. 23 – 27 inclusive). It is suggested that this impact is removed by omitting a storey from the northern 2-bay block on Palmerston Place and thus reducing the impact on the adjacent terraced houses commencing at No. 1 Palmerston Place.

The conservation officer set out a number of conditions to be attached to any grant of permission to address the concerns raised.

**Transportation:** Concerns were raised regarding the insufficient quantum and quality of cycle parking, details of construction traffic management details having regard to the proximity to luas and servicing and operations management of the scheme.

If permission is being contemplated the planning authority have provided 17 no. standard conditions. Of note are conditions 2 and 11, which are outlined below: -

*2. The development shall be revised as follows:*

- a. The section of Block A that projects into the amenity courtyard, which contains four bedrooms and a Kitchen/Living/Dining space on each floor shall be omitted in its entirety and replaced with a revised courtyard layout providing additional recreational facilities. Replacement Kitchen/Living/Dining facilities shall be provided for each floor serving the remaining bedrooms in Block A*
- b. An additional neighbourhood services such as a small shop or hairdressers shall be incorporated into the ground floor of block A.*

*c. The design of the elevation of combined blocks C, D and E shall be amended to allow for greater visual separation between the blocks to reduce the visual scale of the building.*

*d. The setback floor on the third floor of Block A containing the Kitchen/Living/Dining Room shall be omitted.*

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

*Reason: In the interests of orderly development, visual and residential amenity*

*11. (f) The following information shall be submitted for the written agreement of the Conservation Section of the Planning Authority in advance of the works commencing:*

*(i). Investigate how the height of the top floor extension to the Hendron's building can be reduced or what other adjustments/amendments can be made to reduce the visual impact of this element which appears to dominate the Protected Structure.*

## **9.0 Prescribed Bodies**

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

- Irish Water
- Minister of Culture, Heritage and the Gaeltacht
- An Taisce
- The Arts Council
- Transport Infrastructure Ireland

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 7<sup>th</sup> December 2020. A summary of the comments received are summarised below:

### ***Irish Water***

The applicant has engaged with Irish Water and has been issued a confirmation of feasibility for connections to the Irish Water networks. In respect of wastewater the receiving sewer is a combined sewer therefore the development must incorporate SuDS / attenuation in the management of stormwater to reduce surface water inflow.

### ***Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media***

#### *Archaeology*

- It is recommended that a condition be attached requiring archaeological monitoring of ground disturbance and topsoil removal at construction stage.

#### *Nature Conservation*

- It is recommended that a condition be attached to ensure the mitigation measures outlined in the Bat Assessment be implemented in full, including the re-surveying of the existing buildings for bat roosts.
- The demolition work on the site shall only be carried out in the period September – February, outside of the main bird nesting season.

### ***An Taisce***

#### *Co-Living Use*

- The site is zoned Z3 neighbourhood centre. A shared living scheme is in serious conflict with this zoning objective. Quality affordable apartments are required in the Dublin city not additional co-living units, without community facilities.
- The scheme fails to establish a mix of unit sizes in accordance with Dublin City Council Development Plan policy. The Dublin Housing Strategy and Living City Initiative tax incentive scheme are also noted which aim to repopulate the city in a balanced and sustainable manner.

#### *Impact on Protected Structure*

- The scale and density of the development would overwhelm the protected structure, the Hendron's building, which is an interesting 1940's industrial

building. The proposal is not in accordance with Dublin City council policy CHC2 to ensure the special interest of protected structures is protected.

- The removal of a portion of the protected structure 1880's stone wall on western way should be avoided. This wall is in a largely complete and original state as it curves through a 90 degree turn from Upper Dominick Street to Mountjoy Street. It is noted that permission was previously refused (5953/04) for the removal of sections of the wall.

#### *Palmerston Place and Middle Mountjoy Street*

- Palmerston Place and Middle Mountjoy Street adjoin the site to the east and is a designated residential conservation area. The proposed development would overshadow a number of adjoining dwellings. There is conflicting information provided within the CGI images and the Potential Daylight and Sunlight Impact report regarding the impact of the development.
- The architectural expression of the proposed new elevation onto Palmerston Place is repetitive, heavy and unsympathetic to the residential street, despite attempts to relieve it with vertical elements. A revised scale and treatment are needed to protect the amenities and character of this residential conservation area.
- Consideration should be given to retaining and adapting the existing part of the Hendron's building which extends along the street, which is the same mid-20<sup>th</sup> century architectural style as the main building.

#### *No. 36 Upper Dominick Street*

- The demolition of no. 36 Upper Dominick Street is not justified.

In conclusion, it is considered that the proposed development would require major revision and that in its current form it would be contrary to the proper planning and sustainable development of the area and thus be refused permission.

#### ***The Arts Council***

- It is the view of the Arts Council that the proposal does not take sufficient account of the historical and cultural status of the Hendon's Building.
- Concerns regarding the loss of the existing buildings on site.

- There is a lack of architectural ambition and clarity as to how new building will conceptually and physically engage with the existing building. Thus, it is the view of the Council that the distinct, detached, articulated form of the Hendron’s Building will be compromised.
- The proposed modifications to the building, including but not limited to, the additional floor, do not respect this specific and unique character of the building.
- To simply “match” the material finishes of the new buildings, undermines both the old and new.
- The scale of the proposed development would overwhelm the size, scale the Hendron’s Building. The amount of building proposed irreparably damages the setting and context of the existing building and for a protected structure the setting and curtilage of the building must be part of the assessment.

### ***Transport Infrastructure Ireland***

- Raises no objection in principle to the development and recommends a number of conditions be attached to any grant of permission including a Section 49 development contribution.

No comments were received from the Heritage Council, Failte Ireland and the National Transport Authority.

## **10.0 Oral Hearing Request**

10.1. A request was received for an oral hearing. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.2. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I note the observer submissions received and the contents thereof. Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral hearing in this instance.

## 11.0 **The Assessment**

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and local plan and has full regard to the chief executives report, 3<sup>rd</sup> party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Zoning
- Housing Tenure
- Design Approach
- Height
- Built Heritage
- Open Space
- Residential Amenity
- Transportation
- Water Services
- Archaeology
- Material Contravention

### 11.1. **Zoning**

11.1.1. The proposed development comprises the redevelopment of a brownfield site within Dublin city centre. The site currently accommodates the Hendron's Building (protected structure), associated 2-storey workshop building and no. 36 Upper Dominick Street.

All existing buildings on site are vacant. Third party submissions state that the existing buildings on site had been in continual use until recently and that they provided a wide range of services and facilities for the area. In support of this, it is noted that the NIAH which lists the Hendron's Building as in use as retail and workshop.

- 11.1.2. The subject site is located on a lands zoned Z3 – Neighbourhood Centre with the associated land use objective to provide for and improve neighbourhood facilities. The development plan envisions that these areas would provide local services and facilities for residents. Third party submissions raised concerns that the proposed development does not provide adequate services and facilities in accordance with the Z3 neighbourhood centre zoning objective and that due to the nature and layout the facilities provided would be for the use of future residents only and would not serve the wider community.
- 11.1.3. The applicant has stated in the Response to Opinion report submitted with the application that c. 432.3sqm of publicly accessible neighbourhood uses have been provided at ground floor level. All of which create an enlivened public interface and that re-use of the currently vacant Hendron's building is a significant benefit to the wider community.
- 11.1.4. It is proposed to provide a single café / retail / community unit (172.6 sqm) within the ground floor of the existing Hendron's Building and the adjoining lower ground floor level of Block A and a publicly accessible gym (184sqm) with an interconnected Pilates studio (75.3 sqm) at the lower ground floor of Block C. The ground floor layout plan indicates that the proposed café / retail / community unit would also accommodate the main entrance and reception area for the residential units.
- 11.1.5. While it is acknowledged that the redevelopment of the site, which includes an active frontage along Dominick Street Upper would support the Z3 zoning objective and the vitality of the street. I would agree with the concerns of the third parties that a section of the publicly accessible space at the ground floor of the Hendron's Building would not be utilised by neighbourhood uses as envisioned in the zoning objective, due to the location of the main entrance and reception area for the residential units.
- 11.1.6. The scheme also includes 2 no. outdoor seating areas. The outdoor seating area adjacent to the Hendron's Building has a stated area of 9.4sqm. I have no objection in

principle to the location of the seating area, however, due to the limited size and in particular the limited depth, c.1.8m I would have some concerns that this space may overspill onto the public footpath and may be subject to a street furniture licence from Dublin City Council. It is proposed to provide an additional seating area with a stated area of 33.6sqm at upper ground floor level adjacent to the proposed gym unit. It is noted that this seating area is accessible by steps only.

- 11.1.7. The planning authority noted the Z3 zoning objective and recommended that a condition be attached that an additional neighbourhood service such as a small shop or hairdressers should be incorporated into the ground floor of Block A. Having regard to the Z3 zoning objective and the inclusion of the reception area / main entrance to the residential units within the publicly accessible space, I agree with the recommendation of the planning authority to include an additional retail / commercial unit at ground floor level. It is my opinion that this concern regarding the provision of neighbourhood facilities at ground floor level could be addressed by way of condition to replace units 43, 44 and 45 located at the upper ground floor of Block A with a retail / commercial unit with direct access from Dominick Street and / or Palmerston Place.
- 11.1.8. It is also noted that access to the portion of the café / retail / community unit located at the lower ground floor of Block A, can only be accessed via steps from the ground floor of the Hendron's Building. It is my view that direct access to this unit should be provided to ensure it is publicly accessible.
- 11.1.9. Third party submissions also state that a Z3 zoning objective only allows for residential uses above ground floor level. The applicant has stated in the Response to Opinion report that residential use is permissible under the Z3 zoning objective. Section 14.8.3 of the development plan lists residential uses as permissible on Z3 lands. This section of the plan further states that neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level. Having regard to Section 14.8.3 of the plan, which allows for the provision of residential uses on lands zoned Z3, it is my view that that the provision of ground floor residential units should be assessed on its merits.
- 11.1.10. As noted above, the ground floor units of Blocks B and C, which front onto Dominick Street Upper are non-residential and would, therefore, be in accordance with the



neighbourhood centre zoning objective. My recommendation outlined above to provide an additional commercial / retail unit at the upper ground floor of Block A would further support the land use objective. Palmerston Place is a residential street. It is my view that ground floor level (lower and upper) residential uses proposed at Block A are appropriate at this location and would support and enhance the residential character of the Street. The sites boundary with Western Way is enclosed by a 2m high-level wall and there is a level difference of c. 2.5m between the site and the street, therefore, the ground floor uses of Blocks D and E are not visible from the street as there is no direct frontage to Western Way. It is, therefore, my view that ground floor residential units at Block D and E are also considered appropriate in this instance. In conclusion subject to the recommendation outlined above, I considered the mix of uses to be appropriate in this instance and in accordance with the Z3 land use objective for the site. It is also noted that the planning authority raised no objection to the ground floor residential units.

## 11.2. ***Housing Tenure***

- 11.2.1. The proposed development comprises 281 no. bed space shared living accommodation (279 no. single rooms and 1 no. double room). The unit's range in size from 16.5sqm to 32.3sqm and a total of 1,739.4sqm of shared living / kitchen / dining spaces is proposed. These spaces are provided on each floor and range in size.
- 11.2.2. Concerns were raised in submissions from third parties and An Taisce that the proposed shared living model is no longer permissible under the 2020 Apartment Guidelines and that there is an overprovision of similar housing tenures in the immediate vicinity of the site.
- 11.2.3. The Sustainable Urban Housing: Design Standards for New Apartments have been subject to various amendments in recent years. The 2018 version was the first to formally address the concept of shared accommodation / co-living, which comprises professionally managed rental accommodation, where individual rooms are rented within a commercial development that includes access to shared or communal facilities and amenities. The format was supported as a new way to meet the housing

needs of key sectors of society, including a young and increasingly international workforce, as well as older persons who want to live independently.

- 11.2.4. Following a Ministerial review of co-living housing model, the guidelines were amended on 23<sup>rd</sup> December 2020. The updated guidelines acknowledge that the format has a limited ‘niche’ role to play in the provision of new residential accommodation within Ireland’s cities and state that it was determined prior to issuing the guidelines ‘*that there is a sufficient quantum of shared accommodation/co-living units either permitted or subject to consideration within the planning system, that may be built out to demonstrate and prove this concept, without impacting the housing system*’.
- 11.2.5. The principal purpose of the update to the guidelines was to introduce a specific planning policy requirement (SPPR 9) for a presumption against the granting of permission for co-living development. This is subject to two exceptions as outlined below: -
- (i) required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process; or,
  - (ii) on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála, in which case the application or appeal may be determined on its merits.
- 11.2.6. With regard to exception (i) a Housing Need Demand Assessment has not been adopted by Dublin City Council and, therefore, the exception does not apply. This has also been noted by third parties. With regard to exception (ii) a valid Strategic Housing Development planning application was made to the Board, on the 7<sup>th</sup> December 2020, prior to the publication of the updated Guidelines, therefore, this application should be determined on its merits.
- 11.2.7. Therefore, notwithstanding the adoption and coming in to effect of the new Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government, as amended on 23<sup>rd</sup> December, 2020, and having regard to the provisions of the new Guidelines and the date of

application (7<sup>th</sup> December 2020), I am satisfied that there should be no presumption against the granting of permission and that it should be assessed on its merits.

- 11.2.8. It is noted that the applicable version of the Guidelines at the time of the submission of the application was 'The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government, issued March 2018'. As per the 2020 Guidelines, the assessment of this application, which comprises co-living, has been carried out on the basis of the merits of the proposal. However, while it is acknowledged that the 2018 Guidelines have been updated, they provide a previously approved/agreed standard (by way of Ministerial Guidance) by which this form of development was to be assessed and, therefore, the standards within the 2018 Guidelines remain a useful tool / aid to any assessment of this form of development, as the standards have not been amended, merely that *'that there is a sufficient quantum of shared accommodation / co-living units either permitted or subject to consideration within the planning system, that may be built out to demonstrate and prove this concept, without impacting the housing system'* and that (SPPR 9) introduces a presumption against the granting of permission for co-living development, which by reason of the exemptions does not apply to this application.
- 11.2.9. Section 5.18 of the 2018 Apartment Guidelines states that *'the obligation will be on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly'*. In this regard the applicant has submitted a Shared Accommodation Demand Report. The Report notes that the site is located within the inner-city centre, within 100m of the Broadstone Luas stop and 300m of high frequency Dublin Bus stops. The site is located in close proximity to significant concentrations of employment and education centres including Grangegorman TUD campus, the Mater Hospital, the Four Courts, Trinity College, Rotunda Hospital and the IFSC. It is further states that due to the changing demographic trends in Dublin and the rising cost of renting there is a demand for this type of accommodation and that this type of accommodation contributes to and addressed the housing crisis.
- 11.2.10. The submissions from third parties also raised concerns that there is an overprovision of similar type accommodation within Dublin 7, including co-living, student

accommodation, hotels, aparthotels, AirB&B's, hostels, drug treatment residence and homeless shelters. The latest census indicated that only 60% of dwellings were permanent residential housing and apartments.

11.2.11. The Shared Accommodation Demand Report states that the proposed shared accommodation positively contributes to the lack of supply for the residential market by providing 280 no. shared accommodation units in a suitable city centre location. Furthermore, shared accommodation can reduce the pressure on the rental market by unlocking existing shared rental properties of young working professionals for more available family housing.

11.2.12. The concerns of the third parties regarding an overprovision of similar type accommodation within the Dublin 7 area are noted. With regard to shared accommodation there are no existing proposed built developments within the vicinity of the site. Permission was granted in 2020 for the construction of a 132 no. bedspace shared accommodation development at Hill Street and North Great George's Street c. 800m east of the subject site. There is also a current planning appeal with the Board (ABP 307581-20) for a 114 no. bedspace shared living scheme at St. Mary's Place North and between no. 13 and 16 Mountjoy Street, c. 200 m east of the subject site.

11.2.13. In addition to the shared accommodation developments there is a current application *Strategic Housing Development ABP-308875-20* for alterations to previously permitted Reg. Ref.: 2628/17 and ABP-300241-18 to provide 321 no. Build to Rent shared accommodation bed spaces at Phibsborough Shopping Centre c. 800m north of the subject site. A decision is due in April 2021. There are also 2 no. purpose-built student accommodation developments in close proximity to the subject site. In this regard Dominick Street student accommodation is located approx. 100m south east of the subject site, which accommodates 207 no. student bedspaces and Dorset Point student accommodation is located approx. 340m east of the subject site which accommodates 463 no. student bedspaces. Both of these developments are operational.

11.2.14. The 2018 Apartment Guidelines acknowledge that 'Shared Accommodation' has characteristics similar to student accommodation. However, both types of accommodation appeal to specific renter cohorts. Student accommodation is

specifically aimed at students while shared accommodation has a particular niche role in the urban employment market of young professionals and for older persons who want to live independently. In my view, shared accommodation developments are more comparable to standard residential apartments and not student accommodation. In my opinion the proposed proposed built and professionally managed development would not result in an over-concentration of a particular type of development and would offer an additional professionally managed housing tenure within the inner city in proximity to centres of employment, education and a range of services and facility provided within the wider city area. In this regard I have no objection in principle to the proposed housing model.

11.2.15. SPPR9 of the Apartment Guidelines (2018) states that Shared Accommodation shall be subject to the requirements of SPPR7. SPPR7(a) requires the submission of a proposed covenant or legal agreement to ensure the scheme remains owned and operated by an institutional entity and that this status will continue to remain for at least 15 years. This has been prepared and an appropriate condition should be attached. SPPR 7 (b) requires provides that developments must be accompanied by detailed proposals for (i) resident support facilities and (ii) resident services and amenities. This information has been provided in the documentation submitted and a Management Plan accompanies this application outlining the management guidelines, strategy and initiatives that will be implemented during the completion and operation of the development. Notwithstanding that the 2018 SPPR9 has no statutory status, I am satisfied that the inclusion of such a covenant would be appropriate and necessary to ensure that the residential amenity for future residents is maintained and residential standards provided relate to co-living type accommodation unless otherwise agreed by way of a permission.

11.2.16. Concerns have also been raised by third parties that co-living poses a dangerous health environment during the Covid-19 pandemic. The applicants Management Plan outlines the proposed Pandemic Management and the procedures for a confirmed or suspected case of Covid-19. The document states that with proper management the development poses a relatively low level of operational risk. An Bord Pleanála is not a public health authority and that there are currently no health policy restrictions on the development or operation of shared accommodation. It is my view that the

proposed co-living accommodation is similar in its operation to student accommodation, which have remained in operation during the pandemic. It is also noted that the pandemic is considered to be temporary in nature. I consider that matters relating to health and safety risks that may or may not arise are ultimately matters that would be dealt with more appropriately outside of the planning process. Therefore, I have no objection to the development on grounds of public health.

### 11.3. ***Design Approach***

- 11.3.1. The site is located within the city centre and is bound by 3 no. roads, Western Way, Dominick Street Upper and Palmerston Place. It is elevated and highly visible from the surrounding road network and the existing Hendron's Building (protected structure) on the site is a local landmark. Western Way is a curved street c. 350m in length. There are stone walls along either side of the street. There is only 1 no. building (The Annunciation Romanian Parish building) with direct frontage onto Western Way. The street has a width of c.20m and accommodates 2 lanes of traffic, a bus lane, on-street car parking, a partial cycle lane and 2 no. footpaths. The site's boundary with Western Way comprises a stone wall which is a protected structure (RPS 8483) which would be retained as part of the development. Dominick Street Upper is primarily a residential street with a limited number of public houses and cafés. It is approx. 17m in width and accommodates 2-way Luas Green line tracks and one-way traffic (in a south western direction on a shared carriageway) and footpaths. Palmerston Place is c. 10m in width. It is one-way and includes on-street car parking on one side of the street. The footpaths on both sides of Palmerston Place are c. 1.5m in width. The dwellings on Palmerston Place comprise 2-storey over basement terrace houses and are zoned Z2 residential conservation. To the rear (north east) the site is bound by a c. 4.2m wide private laneway and the rear gardens of houses on Palmerston Place.
- 11.3.2. Concerns are raised by third parties that the design approach for the site is inappropriate and would result in overdevelopment. The proposed development comprises a 280no. bedspace, shared living accommodation development with associated communal facilities located at all levels and publicly accessible mixed uses at ground floor level. The development is contained within 5 no. Blocks (A, B, C, D and E) ranging in height from 4 – 9 storeys.

- 11.3.3. The development has a density of c.118 bedspaces per ha. The development plan does not set out density standards, however, it states that an urban design and quality-led approach to creating urban densities will be promoted. To control the scale and mass of a development and to prevent overdevelopment of a site the development plan does set out indicative plot ratio and site coverage standards. In this regard a plot ratio of 1.5 – 2.0 and site coverage of 66% are envisioned for Z3 lands. The proposed development equates to a plot ratio of 3.47 and site coverage of 55%. The Development Plan states that higher plot ratio and site coverage may be permitted in certain circumstances such as adjoining public transport; comprehensive re-development in areas in need of urban renewal; maintaining streetscapes; or where a site already benefits from a higher plot ratio. In my view the proposed scale of the development is appropriate having regard to the city centre location, however, as noted below I have some concerns regarding the potential negative impact from the scale of Block A, which are addressed below. It is noted that the planning authority raised no objection to the proposed quantum of development.
- 11.3.4. Blocks A and B are interconnected and are U-shaped. These blocks provide a frontage onto Palmerston Place and Dominick Street Upper and the shape of the buildings allows for an internal courtyard in the centre of the scheme. Blocks C, D and E are generally linear and located at the boundary with Western Way. Block C is angled away from Block B, at the corner of Western Way and Dominick Street with a separation distance of c. 2m - 13m provided between the blocks. The space between Blocks B and C provides the pedestrian access to the site. A canopy is proposed between the 2 no. blocks at upper ground floor level. Block A is generally parallel to Block C with the separation distances between these blocks varying from 8m to 20m.
- 11.3.5. A ground floor level landscaped courtyard with an area of 752sqm is proposed in the centre of the scheme. In my view this area comprises 2 no. distinct elements, (1) a generally square courtyard enclosed by Blocks A and B and (2) a linear walkway, which runs parallel to Blocks C, D and E. It is also proposed to provide rooftop areas of open space at Blocks A and D. There is no direct vehicular access to the site, however, access for emergency vehicles can be accommodated to the central courtyard area via the private laneway located to the rear of the site.

- 11.3.6. The proposed scheme has a contemporary design with a similar approach to all blocks. The predominant external material comprises white brick and glazing with elements of white render. The 4 and 5 storey elements of the development (part of Block A and part of Block E) would be primarily finished in a red brick. Zinc cladding is proposed at the top floors / set back levels and a vertical red metal frame is proposed as a feature element around windows of Block A, fronting onto Palmerston Place. This red metal would also be used at the entrance to the development on Dominick Street Upper, as the material for the canopy between Blocks B and C. The red colour would match the Hendron's signage to be retained on site.
- 11.3.7. Having regard to the differing context Western Way and Palmerston Place it is my view that it is appropriate to assess the design approach Blocks A and B separately to Blocks C, D and E.

***Block A and B:***

- 11.3.8. Block A fronts onto Palmerston Place and is located over a partial basement (c.277sqm). It is interconnected at all levels with Block B, which fronts onto Dominick Street and incorporates the existing Hendron's building (protected structure). In combination, Blocks A and B are U-shaped. They provide a 43m wide frontage onto Palmerston Place and an internal courtyard within the centre of the scheme.
- 11.3.9. Block A would be located on the existing site of 36 Dominick Street Upper and the vacant 2-storey warehouse building which currently provides a frontage onto Palmerston Place. Block A is predominantly 5-storeys in height with 4 storey elements located to the rear of the block, at the boundary with the private laneway and no. 1 Palmerston Place and at the front of the block at the boundary with Block B at Dominick Street Upper.
- 11.3.10. Having regard to the vacant warehousing building fronting onto Palmerston Place and the state of dis-repair of no. 36 Dominick Street Upper, which is discussed in further detail below in the Built Heritage section below, I have no objection in principle to the redevelopment of the site and in my view the proposed contemporary design approach would improve the visual amenity of the site. Notwithstanding this, I have some concerns regarding the scale and height of this block and its potential negative impact on the existing residential amenities of adjoining properties, which are located in a



residential conservation area and its potential to overshadow the proposed internal courtyard. It is my view that in the interest of clarity that these issues are addressed in detail in sections 11.5 Built Heritage, 11.6 Open Space and 11.7 Residential Amenity below.

- 11.3.11. Block B incorporates the existing Hendron's building, which is 4-storeys in height and fronts onto Dominick Street Upper. It is proposed to construct a roof extension which would increase the height of this building to 5-storeys. The impact of the proposed design approach to Block B, is addressed in the Built Heritage Section below.

***Blocks C, D and E:***

- 11.3.12. Blocks C, D and E are interconnected and follow the curved boundary of the stone wall (protected structure) along the site's boundary with Western Way. Block C is located adjacent to the Hendron's Building (protected structure) at the junction of Western Way and Dominick Street Upper. This element of the development is 9-storeys in height (26.8m). The development is stepped, with the height of the interconnected Blocks reducing by 1 storey as the development moves towards the rear (north east) of the site along Western Way. In this regard Block D is part 7 / part 8 storeys and Block E is part 5 / part 6 storeys in height. Although connected the blocks are angled from one another and follow the curve of the boundary wall along Western Way. Block C is c.23.8m in width, Block D is c. 22.7m in width and Block E is c.27 m in width. Therefore, the elevation onto Western Way is c. 73.5m in length.

- 11.3.13. The planning authority raised concerns over the design approach along Western Way and recommended that a condition be attached that the design of the elevation of combined Blocks C, D and E be amended to allow for greater visual separation between the blocks to reduce the visual scale of the building. Having regard to the variation in height, the curved nature of the elevation and the urban location of the site it is my view that Blocks C, D and E provide an appropriate urban edge to this site and would improve the streetscape. Notwithstanding this, it is my opinion that consideration of the use of materials for the development is required. In this regard it is my view that a change of brick colour and / or material at Block D, the central block, could improve the variety of the elevation along Western Way, all materials proposed should be of a high quality and be robust.

11.3.14. The concerns of the third parties and the planning authority with regard to the design approach and quantum of development are noted and it is acknowledged that the proposal would alter the character of the site and would introduce a new feature in the skyline. However, having regard to the vacant buildings on site and the highly visible location of this brownfield site within the city centre in my view the redevelopment of the site is welcomed and it is considered that any concerns raised could be addressed by way of condition which are discussed in detail below.

11.3.15. A booklet of photomontages was included with the application which provides a comparison of the existing site and the proposed development. It is noted that concerns were raised by third party that the location of the photomontages are too far away from the site and do not provide an accurate account of the development. It is my view that the submitted photomontages provide a reasonable representation of how proposed development would appear.

#### 11.4. **Height**

11.4.1. Concerns were raised by third parties that the proposed height of the development is excessive and would have a negative impact on the architectural quality of the area. As noted above the height of the buildings are stepped away from the residential dwellings on Palmerston Place, with the highest element (Block C) located at the corner of Western Way and Dominick Street which is the most elevated portion of the site, and in my view the most appropriate location for additional height. The proposed variation in height throughout the scheme forms an integral part of the design approach and in my opinion is appropriate at this urban location and is not considered to be excessive.

11.4.2. Section 16.7.2 of the Dublin City Development Plan sets out maximum building heights which restricts the height of a residential development in the inner-city to 24m. Block C has a maximum height of 26.8m, which is only marginally above that set out in the development plan. The remaining Blocks A, B, D and E are below the maximum standard and range in height from c. 14.7m - 23.7m. The applicant has submitted a Material Contravention Statement and this issue is addressed below in Section 11.11 Material Contravention.

11.4.3. A Landscape and Visual Impacts Assessment was submitted with the application. The report concluded that the proposed development would have no adverse impacts upon the local landscape character or visual amenity and it would make a positive contribution to the emerging contemporary character and identity of the local area, while respecting the established heritage. Having regard to the site location within the city centre on a currently vacant site, it is my view that the proposed development would consolidate the urban setting of the area and that the existing visual amenities would not be negatively impact by the proposed development. SPPR3 of the Urban Development and Building Heights Guidelines sets out criteria for assessing the scale of the development with regard to the city, street and site level including, proximity to high frequency public transport; integration / enhancement of the character and public realm of the area; response to overall natural and built environment; architectural response; urban design; improved legibility; mix of uses and building typologies. Additional specific assessment may also be required for issues including daylight and sunlight; microclimate; communication. I am satisfied that the proposed development represents a reasonable response to its context and is stepped down approach to the rear of the site, at the boundary with Palmerston Place, reduce any potential impacts on the adjacent properties.

11.4.4. It is noted that the planning authority raised no objection to the proposed height of the development.

#### 11.5. ***Built Heritage***

11.5.1. The site contains 2 no. protected structures, the Hendron's Building, 37 - 40 Dominick Street, (RPS 8783) and a curved stone wall along the boundary with western way (RPS 8784). The site also contains a 2-storey workshop building, no. 36 Dominick Street Upper and a gravel car parking area. All buildings on site are currently vacant. It is proposed to demolish no. 36 Dominick Street Upper and the warehouse building to accommodate the development. Concerns were raised by third parties and An Taisce that insufficient consideration has been given to retaining these structures within the development.

## ***Demolition***

11.5.2. No. 36 Dominick Street Upper adjoins the Hendron's Building to the south east (side) and is located at the corner of Dominick Street Upper and Palmerston Place. It is a 3-storey, 2-bay building. The current ground floor comprises a vacant shopfront. The applicants Architectural Heritage Impact Assessment notes that the interior of the building is in very poor condition and that there has been a significant amount of water penetration, and ceilings have collapsed in places. It is noted that, after consideration, Dublin City Council did not include no. 36 Dominick Street Upper on the Record of Protected Structures in 2020 when the Hendron's building was listed. A two-storey workshop is located to the rear of the main Hendron's Building and fronting onto Palmerston Place. It was constructed after the Hendron's Building, in the 1950's and was formerly used in connection with the main building. The applicants Architectural Heritage Impact Assessment notes that the warehouse building does not contain any features of architectural merit and is in a state of disrepair. It is noted that no concerns regarding the demolition of any structures on site were raised by the planning authority. The historical context of no. 36 and the workshop building and their relationship to the Hendron's Building is acknowledged, however, they are not protected structures, and in my view their demolition would not impact on the setting of the Hendron's building. Regard is also had to the significant damage to the no. 36 Dominick Street Upper and the structural and functional issues of potentially incorporating these structures into a modern residential development. It is my view that the proposed development would constitute an appropriate and sustainable use of the zoned lands within the city centre.

## ***Hendron's Building***

11.5.3. The Hendron's Building is a protected structure (RPS. 8783) and includes a section of original railings at the junction of Western Way. The building is a detached six-bay, four-storey former showroom and workshop, built 1946-59. It has a flat roof with a projecting lift shaft, projecting concrete eaves and steel parapet railing. The ground floor level projects onto Dominick Street Upper which provides a shop frontage to the street. The building is constructed of mass concrete and painted white with the word 'Hendrons' in red lettering on the front elevation. The building is located on an elevated site and is highly visible at the junction of Western Way and Broadstone.

- 11.5.4. The Hendron's building is listed on the NIAH (ref. 50070389) which notes that this building was designed by Vaclav Gunzl, a Czechoslovakian engineer who managed Hendron's machinery workshop. Bearing clear influences of International Modernism in its flat roof, white rendered walls and modern materials, it nonetheless has elements of the vernacular in its slightly asymmetrical window openings, its off-centre shopfront, simple form, and its design and construction, one floor at a time, by Hendron's staff who were not construction professionals. It is a rare example of twentieth-century vernacular modernism, and a visual reminder of the importance of Hendron's as an agent of change and industrialization in the early days of the State.
- 11.5.5. The report of the Conservation Section of Dublin City Council considers that the Hendron's Building makes a positive contribution to its setting and is considered to be a significant and long-established, albeit 20th century, landmark on a prominent, elevated site.
- 11.5.6. The importance of the Hendron's Building as a local landmark and a protected structure is acknowledged in the proposed development. Block B of the proposed development incorporates the existing Hendron's Building. The ground floor of the protected structure would accommodate a cafe / retail / community use. The upper levels of the building would accommodate shared amenity space for future residents. The applicants Architectural Heritage Impact Assessment notes that it is necessary to make some changes to the internal layout of the building to facilitate the change of use. These works include the removal of some of the internal concrete panels at ground floor level to allow for access and the café use. On the upper levels minor infill panels would be removed to facilitate circulation to comply with building regulations. These works are considered essential to convert the building for a new and viable use and it is considered that the alterations would not have a detrimental impact on the protected structure.
- 11.5.7. The Architectural Heritage Protection guidelines acknowledge that the best method of conserving a historic building is to keep it in active use and that a degree of compromise is required to accommodate modern living. It is noted that no objections have been raised regarding the reuse of the Hendron's building and some third parties welcome the redevelopment of the site. The Conservation Section of Dublin City Council raised no objection in principle to the reuse of the building and state that the

building is robust and flexible. Notwithstanding this, they have raised some concerns regarding the detail of the works, in particular there are concerns that none of the plain steel windows would be retained / refurbished and the potential for damage to the protected structure during the construction phase of the basement level. In my view having regard to the historical and cultural significance of the Hendron's Building and its status as a protected structure the refurbishment and reuse of this building is welcomed and that any concerns raised by the planning authority regarding the detailed works could be agreed by way of condition.

- 11.5.8. It is also proposed to add an additional floor to the Hendron's Building. The new roof extension would be set back at 5<sup>th</sup> floor level above the flat roof of the building. This would accommodate a communal area incorporating a sky lounge with views of the city and a kitchen / dining area for future residents. The extension provides for approx. 78sqm of internal space. It is c.3.1m in height with a flat roof and set back c. 1.6m from the edge of the flat roof. It is a contemporary roof extension and the external materials comprise zinc cladding with large vertical windows.
- 11.5.9. Concerns were raised by third parties, the planning authority and the Arts Council regarding the design and appropriateness of the roof top extension to the Hendron's Building. As stated above the report of the Conservation Section of Dublin City Councils noted that the refurbishment and reuse of Hendron's Building is acceptable in principle. However, some concerns were raised that the proportion / height of the top floor glass and metal clad extension above the Hendron's Building was overly dominant relative to the proportions of the principle building. The report recommended that this be reconsidered and either reduced in height or modified in another manner to reduce its impact. It is noted that this concern is addressed by the planning authority's recommended Condition no. 11, to investigate how the height of the top floor extension to the Hendron's building can be reduced or what other adjustments / amendments can be made to reduce the visual impact of this element which appears to dominate the Protected Structure.
- 11.5.10. The Architectural Heritage Protection Guidelines state that additions to structures contribute to the historical development of a building, and as such should be respected. In this regard I have no objection in principle to appropriately designed extensions to protected structures. However, I would agree with the planning

authority's assessment that the extension is overly dominant relative to the proportions of the main building and that it should be amended to reduce its impact.

11.5.11. It is acknowledged that the design of the roof extension is contemporary with metal cladding and large sections of glazing. In isolation the use of these materials provides for a clear distinction from the original structure. However, metal cladding and large sections of glazing are used throughout the overall scheme at roof top / set back level. Therefore, the use of these materials at the roof extension to the Hendron's Building makes it difficult to differentiate between the protected structure and the overall new development.

11.5.12. The applicants Architectural Design Statement (page 45) includes images of extensions over existing buildings, however, no context or commentary has been provided for these buildings. In my opinion, no design rationale or justification for the proposed intervention to the protected structure has been provided. Having regard to the highly visible location of the site which is a local landmark, it is my opinion that the extension would result in an inappropriate design feature that would damage the special interest of the protected structure. Therefore, further consideration of the roof top extension is required with regard to its scale, height, materiality and relationship with the protected structure. It is my recommendation that the roof extension be omitted by way of condition as it is considered that it would not be appropriate, in this instance, to redesign an extension to a protected structure by way of condition. It is noted that the omission of this extension would result in the loss of 78sqm of communal kitchen / dining / lounge area.

### ***Palmerston Place***

11.5.13. As noted above, Block A would be located on the existing site of 36 Dominick Street Upper and the vacant 2-storey warehouse building which currently provides a frontage onto Palmerston Place. Block A is predominantly 5-storeys in height with 4 storey elements located to the rear of the block, at the boundary with the private laneway and no. 1 Palmerston Place and at the front of the block at the boundary with Block B at Dominick Street Upper. Block A provides a 43m long frontage onto Palmerston Place. It is interconnected at all levels with Block B, which fronts onto Dominick Street and incorporates the existing Hendron's building (protected structure).

- 11.5.14. Block A has a similar design approach to Blocks C, D and E. While it is acknowledged that the site is not located in a conservation area it is noted that the site is adjacent to a Z2 residential conservation area (Palmerston Place and Mountjoy Street Middle). It is noted that this zoning objective excludes the building on the corner of Dominick Street and Palmerston Place, opposite to the subject site which is zoned Z1.
- 11.5.15. Concerns are raised by third parties, the Conservation Section of Dublin City Council and An Taisce regard the potential negative impact that the proposed scale, bulk and height of the development could have on Palmerston Place which is zoned Z2 - conservation area. The planning authority's conservation section stated that the proposed 5-storey block on Palmerston Place is approximately double the height of the existing dwellings and would overwhelm the 19th century terraced 2-storey-over-basement brick houses on the east (opposite) side of Palmerston Place (Nos. 23 – 27 inclusive). It is noted that the planning authority recommended a condition to omit the set back level from Block A, which would result in a 4-storey block. An Taisce considered that the architectural expression of the new elevation onto Palmerston Place is repetitive, heavy and unsympathetic to the residential street.
- 11.5.16. I would agree with the concerns raised that the design approach to Block A fails to address the specific characteristics of Palmerston Place. The existing houses on Palmerston Place have a maximum height of c.8.2m above street level. Block A ranges in height from 4 -5 storeys, the proposed 5-storey element of the development has a maximum height of 15m above street level (excluding the roof top open space area) and the 4-storey element is c. 12m above street level. The 4-storey element sits at the site boundary with the private laneway, c. 4.8m from the gable end of no. 1 Palmerston Place. The 5-storey element is located c. 6m from the gable end of no. 1 Palmerston Place. While I have no objection in principle to the 4-storey element, it is my view that the proximity of the 5-storey element to the 2-storey over basement houses does not allow for an appropriate transition in height, having particular regard to the residential conservation zoning objective of the street. It is noted that the 4-storey element of Block A at the junction with Dominick Street Upper sits below the eaves of the Hendron's Building. This is welcomed as in my view it protects the setting of the protected structure and is an appropriate design approach.



- 11.5.17. Palmerston Place is c 10m, including 1.5m wide footpaths on both sides of the street. The steps over basement level to the dwellings front directly onto the footpath. It is proposed to construct Block A at the sites boundary with Palmerston Place. Having regard to the limited separation distances between Block A and the houses on the opposite side of the street, I have concerns of a potential overbearing impact on no. 23 -27 Palmerston Place located opposite the proposed development.
- 11.5.18. To address this concerns regarding a potential overbearing impact of Block A on Palmerston Place, it is my view that Block A could be set back into the site to allow for a wider footpath or public realm improvements on Palmerston Place or that the height could be reduced by at least one level to provide for a maximum of 4-storeys, including set back level. Having regard to the limited size of the site is it my view that in this instance it is appropriate to reduce the height of the development by condition. I also have specific concerns regarding the potential for an overbearing impact on no. 1 Palmerston Place, due to the projecting feature of Block A which extends into the internal courtyard of the scheme. This issue is addressed in more detail below in Section 11.7 Residential Amenity.
- 11.5.19. As noted above in the Design Approach to Blocks C, D and E, it is my view that further consideration of the use of materials is required. In this regard a change of brick colour and / or material in the centre of Block A could improve the variety of the elevation along Palmerston Place.

### **Stone Wall**

- 11.5.20. The stone boundary wall on Western Way that encloses the subject site is a Protected Structure (Ref. No.8483). It is described in the record of protected structures as '*Stone walls enclosing Western Way from the Black Church to Broadstone, and also the railings, plinth walls and gate piers at the eastern end of Western Way*'. Western Way was laid out by the Midland Great Western Railway in the 1880's and included the construction of substantial boundary walls. The wall located within the site boundary comprises squared calp limestone rubble in irregular blocks. It is capped with sand and cement on a rounded profile.
- 11.5.21. It is proposed to remove a section c.2m of the stone wall on Western Way to accommodate an ESB substation and switch-station. Concerns were raised by third

parties that there are no exceptional circumstances to allow for the demolition of a section of the protected wall on Western Way and that an alternative location should be provided. The submission from An Taisce states that the removal of a portion of the protected structure 1880's stone wall on western way should be avoided.

11.5.22. It is noted that the planning authority raised no objection to the proposed works subject to detailed drawings being submitted by way of condition which indicate all proposed repairs / new interventions to the boundary wall on Western Way.

11.5.23. As noted above the Architectural Heritage Protection guidelines acknowledges that the best method of conserving a historic building is to keep it in active use and that a degree of compromise is required to accommodate modern living. Having regard to the overall redevelopment of the site and the re-use and refurbishment of the Hendron's Building on site. It is my view that the provision of an ESB substation and switch-station to accommodate the proposed development is acceptable in this instance.

### ***Materials***

11.5.24. With regard to the proposed materials it is noted that concerns were raised by third parties that the proposed pallet of materials is very similar to the Hendron's Building and that it is difficult to differentiate between the new and the existing. While the contemporary design approach is noted, I would agree with these concerns and recommended that a more varied pallet of colours and materials be provided within the site to ensure there is a clear contrast in colour and material between the protected structure, which has a white render finish, and the new contemporary buildings.

11.5.25. In addition to concerns regarding the materiality I have serious concerns regarding the proposed vertical red metal cladding around the windows on Palmerston Place which in my view this is not an appropriate design feature in this sensitive location and does not reflect the signage of the protected structure. It is, therefore, recommended that a condition be attached to omit the red metal cladding and that all materials be agreed in writing with the planning authority.

### ***Surrounding Protected Structures***

- 11.5.26. Third parties have raised concerns that the proposed development has not overcome the previous reason for refusal on this site. Permission was refused under PL29N.233677 (Reg. ref. 3938/08) in 2010 for the demolition of all structures on site and the construction of a mixed-use development comprising a hotel, offices, retail and 48 no. residential units in 3 no. blocks ranging in height from 1 – 14 storeys over basement level car parking (68 no. spaces). The first reason for refusal considered that the design, height, scale and mass of the proposed development would be visually obtrusive and would seriously injure the visual amenities of this sensitive area.
- 11.5.27. In addition to the protected structures on site there are a number of prominent protected structures in the vicinity of the subject site, including Broadstone Station (ref. No. 2029) located c. 110m west of the subject site, The King's Inns, railings, piers and lodge (ref. 3658, 22030 and 2031) located c. 140m south of the subject site, and The Black Church (former St. Mary's Chapel of Ease) (ref. 5456) located c 200m east of the subject site. 41 and 42 Dominick Street Upper, located opposite the subject site are also Protected Structures (ref. 2318 and 2319) and are listed in the NIAH (500703387 and 500703388).
- 11.5.28. The height of the proposed development has been significantly reduced from the previous proposal of 14-storeys to 9-storeys. The proposed development also incorporates the Hendron's Building which is now a protected structure. It is acknowledged that the proposal would alter the character of the site and would introduce a new feature in the skyline. However, it is my view that the contemporary design approach is appropriate for this city centre location and that it would not seriously injure the visual amenities of this sensitive site or have any negative impact on the setting of protected structures within the vicinity of the site. It is also noted that the Conservation Section of Dublin City Council did not raise any concerns regarding the impact on the development on any protected structures in the surrounding area.

### ***Conclusion***

- 11.5.29. In conclusion, it is noted that third parties have raised a number of concerns regarding the potential negative impact that the proposed development would have on the protected structures within the site, in particular the height, design and materiality of

the proposed development and it is considered that the development is not in accordance with CHC1 and CHC2 of the development plan to preserve protected structures and that the previous refusal on site. The submission from the Arts Council also raised concerns that the development does not take sufficient account of the historical and cultural status of the Hendon's Building and the submission from An Taisce considers that the scale and density of the development would overwhelm the protected structure and is not in accordance with Dublin City council policy to ensure the special interest of protected structures is protected.

11.5.30. As noted above, it is my view that Blocks C, D and E respond well to their context, are of an appropriate scale and height for this inner city location would not negatively impact on the setting of the protected structure or its social or cultural importance. I have outlined my concerns regarding the potential negative impact of Block A on Palmerston Place and the potential negative impact of the roof extension to Block B / Hendron's Building (protected structure) above. Notwithstanding these concerns it is my opinion, that subject to the recommended conditions outlined above, the proposed development would be in accordance with Policies CHC1 and CHC2 of the development plan to protect and enhance protected structures and the proposed design approach is appropriate in this instance.

## 11.6. ***Open Space***

11.6.1. It is proposed to provide a courtyard within the centre of the scheme, this area of open space has a stated area of 752sqm. As noted above, it is my view that this area comprises 2 no. distinct elements, a generally square courtyard enclosed by Blocks A and B and a linear walkway, which runs parallel to Blocks C, D and E. It is also proposed to provide rooftop areas of open space at Blocks A and D.

11.6.2. Concerns were raised by third parties regarding the design of Block A and the impact that the projecting feature of this block has on the internal courtyard. The concerns also stated that the proposed development has not overcome the previous reason for refusal on this site under PL29N.233677 (Reg. ref. 3938/08), which considered that the proposed development would not provide adequate amenity for future residents, given the extent of overshadowing of the communal courtyard.

- 11.6.3. The applicants Landscape Design and Access Statement states that the courtyard is the largest area of open amenity space within the scheme. The statement indicates that the central courtyard area is enclosed by Blocks A, B and C, therefore, this area includes a section of the main pedestrian route through the site. It is noted that the walkway portion of this area, which is located adjacent to Block C is gently sloping (1:21). It is my view that the walkway area is incidental to the courtyard area and would not provide any amenity space for future residents. Therefore, the area of usable open space is located between Blocks A and B. This space is generally square and has an area of c. 204sqm. It is provided over 2 levels. The lower level of the courtyard is enclosed by trees and is c. 9m in width by 10m in length. The higher level is accessed by both stairs and a platform lift is c.13m in width by 4m in length and provides direct access to Block A. Figure 20 of the Potential Daylight and Sunlight Impact report indicates that the majority of the internal courtyard would not receive any sunlight on the 31<sup>st</sup> March and Table 4 states that this area would receive 23% of the recommended access to sunlight.
- 11.6.4. The applicants Landscape Design and Access Statement states that additional amenity space is provided along the pedestrian route. Small 'pocket spaces' provide areas for seating and gathering along the corridor. In my view this area comprises the pedestrian route through the site and is not considered as usable open space. It is also noted in Section 11.8 Transportation below that a portion of this area may be required to accommodate bicycle parking within the scheme, which would future reduce the usability of the space.
- 11.6.5. Having regard to the nature of the use (co-living accommodation), which does not require the provision for any private open space, I have serious concerns regarding the quantity and quality of the proposed communal courtyard area of open space. It is my view that high quality communal open space should be provided to ensure an overall standard of amenity. Although it has no statutory basis, having been updated in 2020, it is noted that SPPR9 of the Apartment Guidelines (2018) allows for flexibility in relation to amenity on the basis that alternative, compensatory communal support facilities and amenities are provided . I consider there is merit and justification in such flexibility and I am therefore assessing the scheme on its merits in terms of adequacy of the communal open space and overall amenity. The scheme provides for basic

communal facilities, including a 63sqm co-working space, 63sqm games room, 56sqm sport / cinema room and access to the public gym, Pilates studio and café / shop / community space. In my view the proposed residential amenities do not provide adequate compensation for the poor quality and quantity of communal open space proposed within the scheme.

11.6.6. The planning authority also raised serious concerns regarding the impact of Block A on the area of open space and recommended that a condition be attached to omit the element of Block A that projects into the amenity courtyard, and that this area be replaced with a revised courtyard layout. I agree with the recommendation of the planning authority and recommend that a condition be attached to omit the projecting feature of Block A. As noted above, this element of the development contains 21 no. residential units / bedspaces and 4 no. areas (357.6 sqm) of communal kitchen / living / diningrooms space. In my view the omission of this element of Block A would increase the size and usability of the internal courtyard and improve the overall level of amenity for future residents.

11.6.7. It is also proposed to provide roof terraces at Block A and D. The Landscape Design and Access Statement indicates that an additional 303sqm of communal space would be provide at Block A and 93sqm of additional space at Block D. I have no objection in principle to the provision of rooftop terraces subject to appropriate screening from adjoining residents.

## 11.7. ***Residential Amenity***

11.7.1. Third parties raised concerns that the proposed development has not overcome the previous reason for refusal on this site under PL29N.233677 (Reg. ref. 3938/08), which considered that the proposed development would seriously injure the residential amenities of the area by reason of overshadowing, overlooking and would be visually overbearing.

11.7.2. Block A incorporates a part 4, part 5 storey element which projects into the centre of the site, adjacent to no. 1 Palmerston Place. This projecting feature of Block A is located in the centre of the development. It is 4-storeys with a set back at 5<sup>th</sup> floor level. The 4 storey element projects c. 15m into the courtyard / from the rear building line of Block A and is c. 13.8m in width. The set back level projects c. 12m from the

rear building line of Block A and is c. 11m in width. It is located c. 14m from the rear building line of the Hendron's Building and 10m from the boundary with no. 1 Palmerston Place. This element of the development contains 21 no. residential units / bedspaces and 4 no. areas (357.6 sqm) of communal kitchen / living / dining rooms space. The layout provides for 2 no. residential units and 1 no. communal area over 4 no. levels (levels ground floor – second floor level) which oppose no. 1 Palmerston Place and, therefore, have potential to overlook. The windows which serve these 8 no. residential units and communal spaces are angled away from the boundary with the dwelling. Having regard to the angle of these windows I have no concern regarding undue overlooking. At set back level (5<sup>th</sup> floor) there are 2 no. residential units with opposing windows to the rear garden of no. 1 Palmerston Place. These windows are located c. 11.6m from the boundary with no. 1 Palmerston Place and have not been angled. Having regard to the limited separation distance it is my view that these windows would result in undue overlooking of the adjoining residential dwelling. While it is recommended above that this projecting feature be omitted, due to the potential negative impact on open space provision within the scheme, which is addressed above in Section 11.6 Open Space, if the Board are considering a grant of permission a condition should be attached that these windows be angled.

11.7.3. With regard to undue overlooking from Block E there is 1 no. residential unit and 1 no. communal area over 4 no. levels (upper ground floor – third floor level) with windows opposing the rear gardens of no. 1 – 3 Palmerston Place, with additional communal areas at lower ground floor level and fourth floor level. It is noted that the windows that serve these units and communal spaces at upper ground floor to fourth floor level are high level windows and, therefore, would not result in any undue overlooking. It is noted that the residential units are dual aspect with small windows on the side (northern) elevation of the units. It is my view that these high-level windows would not result in any undue overlooking. If permission is being granted it is recommended that a condition be attached that the high-level windows be located a minimum of 1.8m from finished floor level.

11.7.4. A roof terrace is proposed at 9<sup>th</sup> floor level of Block D. This terrace is located a minimum of c. 15m from the rear boundary with no. 1 Palmerston Place. I have no objection in principle to the provision of a roof terrace at this location, however, it is

recommended that if permission is being granted a condition be attached that high level (c. 2m) opaque screening be provided along the eastern boundary of the roof terrace to prevent any undue overlooking of adjoining properties.

- 11.7.5. With regard to the height, design and layout and separation distances provided it is my view that Blocks B, C or D would not result in any undue overlooking of existing residential properties or of residential units within the scheme.
- 11.7.6. The issue of a potential overbearing impact from Block A on no. 1 and 23 - 27 Palmerston Place has been addressed in Section 11.5 Built Heritage above and it is my view that this concern could be addressed by reducing the height of Block A to a maximum of 4 storeys, including any set back.
- 11.7.7. The 5-storey element of Block E is located to the rear of no. 1, 2 and 3 Palmerston Place. Block E is provided at an angle to existing residential units, with a minimum separation distance of c. 5m from the boundary with the rear gardens of 1 – 3 Palmerston Place and a minimum of 20m from the rear building line of these dwellings. While it is acknowledged that the proposed building would introduce a new feature in the skyline it is my view that having regard to the separation distances and the limited height of Block E that it would not result in an overbearing impact on the existing residents.
- 11.7.8. The Potential Daylight and Sunlight Impact assessment submitted with the application. It considers *inter alia* potential daylight provision within the proposed scheme and overshadowing within the scheme. This assessment notes the use the BS 8206-2: 2008 Code of Practice for Daylighting and the BRE guidance document: - site layout planning for daylight and sunlight (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines.
- 11.7.9. With regard to the impact on adjoining properties concerns were raised by third parties that there is conflicting information provided within the CGI images and the Potential Daylight and Sunlight Impact report regarding the impact of the development and that



it is incorrect to state that the terrace of houses on Palmerston Place would see an improvement in sun light due to greater access to sky. It is also noted by third parties that the assessment did not address the potential impact to the window of the side elevation of no. 1 Palmerston Plan. It is acknowledged that there are some discrepancies in the documentation and that due to the proposed increase in height on the site that it is unlikely that the proposed development would improve access to daylight and sunlight. While the concerns of the third parties are noted having regard to Figures 17 and 18 of the assessment which provide an illustration of the existing and proposed available sunlight to the rear gardens of no. 1 – 5 Palmerston Place. It is noted that the proposed development would not unduly overshadow the rear gardens and that all gardens would receive at least 2 hours of sunlight on the 21<sup>st</sup> March in accordance with the BRE guidelines. It is also noted that the recommendations outlined above, including the omission of the projecting feature of Block A and the overall height of Block A would improve access to daylight and sunlight for the adjoining properties.

11.7.10. With regard to access to adequate daylight / sunlight for the proposed development the guidelines set minimum values for Average Daylight Factor (ADF) of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. All ground and lower ground floor level rooms within the scheme were assessed for the ADF. At lower ground floor all bedrooms received an ADF of between 1.06% and 4.5% and the communal Living / Kitchen / Dining rooms an ADF of between 2.17% and 4.2%. At upper ground floor all bedrooms received an ADF of between 1.24% and 7.42% and the communal Living / Kitchen / Dining rooms an ADF of between 2.07% and 7.87%. I have some concerns regarding the submitted document, in particular Figures 11 (Lower Ground Floor ADF) and Figure 13 (Upper Ground Floor ADF) which indicate that the rear of the site is north facing and, therefore, the angled windows on the projecting feature of Block A, which service units 0-31, 0-32, L13, L14, 1-33, 1-34, 2-33 and 2-34, are north-west facing. This would indicate that these 8 no. units receive sufficient access to sunlight. However, these angled windows, as shown on the layout plans submitted, are north facing. The shadow casting diagrams also show this elevation in shadow. Notwithstanding the discrepancy in the documentation, having regard to the overall size of the development and the urban nature of the site I have no objection in principle to the provision of a limited number of north facing units. However, I would agree with

the concerns raised by third parties that the information submitted regarding ADF does not provide an adequate representation of the access to daylight and sunlight for the development.

11.7.11. As outlined above the proposed development represents an appropriate design response to the site's context. It is my view that due to the height, design and layout and separation distances provided Blocks B, C, D and E would not result in an overbearing impact, overlooking or any undue overshadowing and concerns regarding the potential negative impact on residential amenities from Block A can be addressed by way of condition.

11.7.12. Third parties also raised concerns that the provision of roof terraces would result in noise disturbance to local residents. Having regard to the existing uses in close proximity to the subject site, including public houses, it is my view that the provision of an outdoor terrace would not result in a significant negative impact on existing residential amenities in terms of noise and disturbance. However, to safeguard the existing amenities of the area it is recommended that the hours of operation of the terrace be restricted and controlled by the management company. It is, therefore, my recommendation that a condition be attached to any grant of permission that the applicant agree the hours of operation of the terraces with the Planning Authority.

11.7.13. Concerns were raised by third parties regarding the size of the rooms, the number of units sharing communal facilities and the level of residential amenity space provided for future residents. Although it has no statutory basis, having been updated in 2020, it is noted that SPPR9 of the Apartment Guidelines (2018) allows for flexibility in relation to amenity on the basis that alternative, compensatory communal support facilities and amenities are provided. I consider there is merit and justification in such flexibility, and I am, therefore, assessing the scheme on its merits in terms of adequacy of the overall amenity. It is noted that the Schedule of Accommodation and Areas submitted does not provide a breakdown of the individual room sizes, however, this information is available on the Bedroom Type Drawings (P-0-7 to P-0-10) and layout plans submitted. Section 5.16 of the Apartment Guidelines (2018) sets out minimum standards for room sizes which range from 12sqm for a single room to 18sqm for a double room. The proposed layout reaches and exceeds these standards with rooms ranging in size from 16.5sqm – 32.3sqm. Section 5.16 also sets out minimum common

living and kitchen facilities based on a standard of 8sqm per person for 1-3 no. bedrooms with an additional 4sqm per person for additional bedspaces. It was envisioned that 8 no. units would share the communal space which equated to 5.5sqm per person. Section 5.22 states that other accommodation formats may be proposed. The proposed layout generally provides for 12 no. bedspaces per kitchen / living / dining room with c. 6.2sqm of space per person. The applicant has stated that this alternative model, with larger residential units, provides for an integrated approach to shared living with a range of shared amenity spaces. Having regard to the larger bedroom sizes which incorporate kitchenettes, I have no objection to the proposed number of units per shared kitchen / living / dining room space. It is noted that the planning authority raised no objection to the proposed number of residential units per communal area.

## 11.8. ***Transportation***

- 11.8.1. The subject site is located within the inner city and is, therefore, highly accessible by public transport, walking and cycling. The Luas Green Line route runs along Dominick Street Upper, to the front of the site, and the Broadstone Luas station is located 110m west of the site. The site is also located in close proximity to high frequency bus routes along Phibsborough Road, Western Way and Mountjoy Street. The site is situated in close proximity to the proposed Bus Connects route, located to the west of the site at Constitution Hill and Phibsborough Road. In addition, the preferred route for the proposed MetroLink station indicates that there would be a stop at the Mater Hospital c. 750m from the site. There is a Dublin Bikes Station (Broadstone Station No. 116) is located immediately west of the site at the Western Way/Dominick Street Upper junction which has a capacity of 30 bicycle stands. There is also a car club / car share vehicle, operated by GoCar located on Palmerston Place, immediately east of the site. There are proposals to upgrade cycling routes within the vicinity of the site under the Bus Connects scheme and the NTA's Cycle Network Plan for the GDA.
- 11.8.2. There is an existing vehicular access to the site from Dominick Street Upper. It is proposed to retain this access as the pedestrian access to the site. It is also proposed to retain an access to the rear of the development, via the private laneway, for emergency vehicles only.

- 11.8.3. The development plan does not set out a bicycle parking standard for shared living accommodation. It is stated that it is proposed to provide 175 no. spaces on site. The ratio of bicycle parking equates to 1 no. space per 1.6 no. bedspaces. The planning authority's transportation section recommend that 1 no. space be provide per residential unit and that all spaces should be provide internally and be weather protected.
- 11.8.4. The applicants Traffic and Transport Assessments states that 112 no. indoor bicycle spaces in double racks spaces with an additional 31 no. spaces for electric bicycles / scooters or similar are proposed in the bicycle store room at the lower ground floor of Block E with access from the central courtyard. No detailed drawings of the bicycle storeroom are provided, and the lower ground floor plan submitted indicates the provision of 82 no. bicycle parking spaces. These spaces are shown with a distance of c. 0.2m between the spaces. It is also noted that the height of the room is indicated as c 2.6m. I have concerns that that insufficient space has been provided to accommodate 143 no. bicycle spaces.
- 11.8.5. An additional 32 no. spaces are proposed to the rear of the courtyard, at the boundary with the rear gardens of no. 1 - 5 Palmerston Place. These spaces would be located beneath a canopy. I would agree with the concerns of the planning authority's transportation section that these spaces are not suitable for long term use by residents as they would not be secure and are exposed to the weather. Concerns were also raised by the transportation section regarding the location of the external bicycle parking which conflicts with the landscaping plan for the open space area / internal courtyard. The planning authority recommended that a condition be attached (condition 12 c) that a revised site layout showing the location(s) of all bicycle parking within the site to be agreed with the Planning Authority.
- 11.8.6. I have no objection to the provision of less than 1 no. bicycle parking space per residential unit and consider that the bicycle parking could be expanded over time to meet any increased demand. However, in this instance having regard to the limited size of the site and internal courtyard it is unclear how the number of bicycle parking spaces could be increased without significantly impacting on the open space provision. No clear justification or rational has been provided for the proposed level of bicycle parking. While the city centre location, proximity to public transport and Dublinbikes

station are noted, it is my view that insufficient consideration has been given to the location and layout of bicycle parking. It is recommended that a condition that the final location and number of bicycle parking spaces be agreed with the planning authority.

- 11.8.7. The development plan does not set out car parking standards for shared living. It does provide a maximum standard for student accommodation of 1 no. space per 20 no. bedspaces. In this regard a maximum of 14 no. car parking spaces are permissible on the site. It is not proposed to provide any car parking within the scheme. The planning authority's transportation section raise no objection to the proposed development subject to a Mobility Management Plan for the facility being implemented.
- 11.8.8. Although it has no statutory basis, having been updated in 2020, it is noted that SPPR9 of the Apartment Guidelines (2018) applies a default policy of minimal car parking provision on the basis of shared accommodation development being more suitable for central locations and / or proximity to public transport services. The requirement for shared accommodation to have strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures. I consider there is merit and justification in such an approach, and I am, therefore, assessing the scheme on its merits.
- 11.8.9. Third parties have raised concerns that the lack of car parking provided within the site will result in overspill car parking on the surrounding road network, which is already at capacity. The subject site is located within the 'very high demand' (yellow) area for car parking as indicated on Dublin City Council's parking zone map. This parking is controlled by pay and display and resident permit parking schemes. The residents of Palmerston Place are reliant on on-street car parking and their concerns are noted. However, in my view having regard to the purpose built nature of the use, the site's location within the city centre and proximity to a variety of public transport modes and the restricted nature of on-street car parking on the surrounding streets, it is my view that the proposed development would not result in an unacceptable level of overspill car parking onto the surrounding road network.
- 11.8.10. The proposed development includes 3 no. motorbike parking spaces along the western boundary with Western Way. These spaces are located at lower ground floor level adjacent to the Pilates studio. While I have no objection in principle to the

provision of motorcycle parking space on site, I have concerns regarding access to these spaces and the potential for pedestrian and vehicular conflict. The spaces are located at lower ground floor level. The ground floor layout plan (P-0-2) indicates that there is a separation distance of 2.2m between Block C and the boundary wall (protected structure) at Western Way with a 1.8m wide ramp and a 0.4m wide space provided at the entrance to the site from Dominick Street Upper. While the Section drawing (P-2-1) indicates that access to the motorcycle area would be accessed via a 1.9m wide ramp. It is unclear how these spaces would be accessed and if there is potential for pedestrian and vehicular conflict. It is recommended that a condition be attached to omit these spaces or agree the final layout with the planning authority.

11.8.11. Concerns were also raised that service deliveries and collections would have a negative impact on traffic congestion in the area. It is noted that the existing loading bay, c. 14m in length, on Dominick Street Upper would be retained as part of the development and would ensure that haphazard parking does not occur along the site's boundaries. It is also noted that the development would be professionally managed and, therefore, all large-scale deliveries would be controlled. It is my view that the drop off's, deliveries and collections could be accommodated on the surrounding road network without disruption to the flow of traffic.

11.8.12. A Traffic and Transport Assessment has been submitted which concluded that the proposed development would not generate any new trips to the local road. Having regard to zero car parking on site, the restricted nature of the surrounding on-street car parking and to the nature of the proposed development, it is my opinion that this is an acceptable assumption. While it is my view that the number of visitors to the site arriving by private car would be very limited it is also considered that they would occur outside of peak traffic periods and could be accommodated on the surrounding road network. It is noted that the submission from Transport Infrastructure Ireland raised no objection to the proposed development.

11.8.13. A Travel Plan was submitted with the Traffic and Transport Assessment which outlines measures and incentives that would be put in place during the operational phase of the development. It noted that this includes the appointment of a Mobility Manager Co-ordinator to promote sustainable travel. It is recommended that a condition be attached to any grant of permission that the measures outlined in the Travel Plan be

fully implemented to compensate for the lack of car parking on site and to ensure sustainable travel to and from the proposed development is encouraged.

## 11.9. **Water Services**

- 11.9.1. The site is located c.1km from the River Liffey and c. 2.8km from Dublin Bay. The OPW maps indicate that the appeal site is located outside of a flood zone and that there is no record of historic flood on the site. Due to the level difference and separation distances the risk from tidal or fluvial flooding is extremely low.
- 11.9.2. The existing public drainage network in the vicinity of the site consists of combined sewers. There is a sewer on Western Way sewer, another on Dominick Street Upper and a sewer on Palmerston Place that connects to the sewer on Dominick Street. The existing building connects directly to the sewer on Dominick Street.
- 11.9.3. The existing site is almost 100% hardstanding with minimal planting areas. Currently during rainfall events surface water currently discharges, uncontrolled and unattenuated, to the combined sewer on Dominick Street. It is proposed to drain surface water to the combined sewer on Palmerston Place. Storm water would be discharged at a controlled rate and limited to greenfield equivalent run off. Excess storm water would be attenuated on site. The applicants Engineering Assessment Report provides details of the proposed SuDs strategy which includes green roofs, permeable paving and attenuation.
- 11.9.4. Foul drainage would discharge to the public combined sewer on Palmerston Place and connect with the combined sewer on Dominick Street Upper. It is noted that the existing building on site connects directly to the combined sewer on Dominick Street Upper. Although the public system is combined it is proposed that foul and surface water drainage within the site would be separate.
- 11.9.5. The submission from Irish Water notes a new connection to the existing network is feasible, however, as the receiving sewer is a combined the development must incorporate SuDS / attenuation in the management of stormwater to reduce surface water inflow.

- 11.9.6. Concerns were raised by third parties that the proposed connection to Palmerston Place would have a negative impact on the capacity of the combined sewer on Palmerston Place. The applicants Engineering Assessment Report notes that the existing 300mm clay sewer on Palmerston Place discharges to the 1,020mm brick sewer on Dominick Street Upper. The proposed connection to the network on Palmerston Place is located in close to the junction with Dominick Street Upper and, therefore, would not have an impact on the capacity of the sewer. It is also noted that the existing surface water run off to the sewer would be restricted and, therefore, improve the current run off rate to the sewer.
- 11.9.7. The submission from Inland Fisheries Ireland states that Ringsend Wastewater Treatment Plant is currently working at or beyond capacity and will not be fully upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.
- 11.9.8. The site is zoned for development through the land use policies of the Dublin City Development Plan 2016 - 2022. This statutory plan was adopted in 2016 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small residential development providing for 281 no. bedspaces on serviced lands in an urban area, which is currently in use a light industrial warehousing / retail. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP - PL.29N.YA0010 and the facility is subject to EPA licencing and associated Appropriate Assessment Screening. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.
- 11.9.9. The development would be connected to the existing public water main which is located on Dominick Street. It is noted that the site is currently connected to this water main. The submission from Irish Water notes a new connection to the existing network is feasible.



11.9.10. In conclusion, I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

#### 11.10. **Archaeology**

11.10.1. There are no registered monuments within the subject site. The site lies c.50m east of a 'Zone of Archaeological Interest' as indicated on the Dublin City Development Plan Zoning Maps. This zone of interest relates to Recorded Monument DU018-060/DU022 (Historic Settlement).

11.10.2. An Archaeological Desk Study was submitted with the application which notes that the site functioned as agricultural land until c. 1840, and while it is possible that agricultural features survive, it is likely that 19<sup>th</sup> and 20<sup>th</sup> century activity destroyed any such features. The archaeological potential of the site is considered negligible. The report recommends that archaeological monitoring be undertaken in order to identify and record any subsurface remains of the 19<sup>th</sup> Century Palmerston House and associated features. It is noted that the report of Dublin City Councils City Archaeologist raised no objection to the proposed development and recommended that a condition be attached to any grant of permission regarding archaeological monitoring of the site. The report also recommended that all features of industrial archaeological and heritage significance be subject to preservation by record prior to removal.

11.10.3. While the location of the site outside of a zone of archaeological interest is noted, I agree with the recommendation of the City Archaeologist and consider that archaeological monitoring conditions are appropriate in this instance and should be attached to any grant of permission.

#### 11.11. **Material Contravention**

11.11.1. As outlined above Block C has a maximum height of 26.8m. Section 16.7.2 of the Dublin City Development Plan sets a maximum building height of 'up to 24m' for residential developments in the city centre. The proposed development, therefore, contravenes the development plan. The applicants Material Contravention Statement addresses and provides a justification for the material contravention to the Development Plan.

11.11.2. Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that: -

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

11.11.3. Having regard to the characteristics of the proposed development, Section 37 (2) (b) (i) and (iii) are considered relevant in this instance.

11.11.4. **Section 37 (2) (b)(i)**

The proposed development falls within the definition of strategic housing as set out in the Planning and Development (Housing) and Residential Tenancies Act 2016 and by the government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the proposed material contravention is justified by reference to section 37(2)(b)(i) of the act.

11.11.5. **Section 37 (2) (b)(iii)**

The proposed material contravention to the Building Height Strategy is justified by reference to:-

- Objectives 13, and 35 of the National Planning Framework which support increased residential densities and building heights at appropriate locations .

- SPPR3 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights and densities.

#### 11.11.6. **Conclusion**

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to material contravene the Dun Laoghaire Rathdown Development Plan 2016-2022, would be justified in this instance under sub sections (i) and (iii) having regard to the Planning and Development (Housing) and Residential Tenancies Act 2016, by government's policy to provide more housing, as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the National Planning Framework, 2018, the Regional and Economic Strategy for the Eastern and Midland Region 2019-2031 and Urban Development and Building Heights Guidelines, 2018.

## 12.0 **Environmental Impact Assessment (EIA) Screening**

The application is accompanied by an EIA Screening report which has regard to Schedule 7A of the regulations. I have completed a screening determination as set out in Appendix A, and recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. The conclusion of this assessment is as follows:

Having regard to: -

- nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands zoned to provide for and improve neighbourhood facilities in the Dublin City Development Plan 2016-2022. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.

- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan, the Construction Environmental Management Plan and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

### 13.0 **Appropriate Assessment**

- 13.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.
- 13.2. The applicants AA Screening report notes that there is no direct hydrological connection to any designated sites. There is an indirect pathway through the combined foul sewer to the Ringsend Wastewater Treatment Plant.
- 13.3. The following 14 no. European sites are located within a 15km radius of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
South Dublin Bay and River Tolka Estuary SPA	004024	3.5 km
South Dublin Bay SAC	000210	4 km

North Bull Island SPA	004006	6.5km
North Dublin Bay SAC	000206	6.5km
Baldoyle Bay SAC	000199	10 km
Baldoyle Bay SPA	004016	10km
Howth Head SAC	000202	11km
Rockabill to Dalkey Island SAC	003000	12km
Malahide Estuary SAC	000205	13.5km
Malahide Estuary SPA	004025	13.5 km
Glenasmole Valley SAC	001209	14km
Dalkey Islands SPA	004172	15km
Irelands Eye SAC	002193	15km
Irelands Eye SPA	004117	15km

13.4. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are proximate to the outfall location of the Ringsend WWTP and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

13.5. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

13.6. **Screening Assessment**

The Conservation Objectives and Qualifying Interests of sites in inner Dublin Bay are as follows:

**South Dublin Bay and River Tolka Estuary SPA** (004024) - c.3.5 km from the subject site.

**Conservation Objective** – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

**Qualifying Interests/Species of Conservation Interest:** Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999]

**South Dublin Bay SAC** (000210) - c.4 km from the subject site.

**Conservation Objective** - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

**Qualifying Interests/Species of Conservation Interest:** Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / *Salicornia* and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

**North Dublin Bay SAC** (000206) – c. 6.5 km from the subject site

**Conservation Objective** - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

**Qualifying Interests/Species of Conservation Interest:** Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

**North Bull Island SPA (004006)** - c. 6.5 km from the subject site.

**Conservation Objective** – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

**Qualifying Interests/Species of Conservation Interest:** Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

13.7. **Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA**

It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

There are no alterations proposed to the area of hard surfacing, therefore, there can be no negative impact to the quantity or quality of surface water leaving the site. New attenuation measures would ensure that the net impact of the project would have a positive impact on surface water run-off. The habitats and species of Natura 2000 sites in Dublin Bay are between 3.5km and 6.5km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase, standard pollution control measures would be put in place. Pollution control measures during both construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

The foul discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway.

As noted above the submission from Inland Fisheries Ireland states that Ringsend WWTP is currently working at or beyond capacity and will not be fully upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.

The subject site is identified for development through the land use policies of the Dublin City Development Plan 2016-2022. This statutory plan was adopted in 2016 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any



Natura 2000 areas. I also note the development is for a relatively small residential development providing for 281 no. bedspaces, on serviced lands in an urban area, which was previously in use a mixed-use development. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

The applicants Hydrological and Hydrotechnical Assessment report notes that even without the upgrade of Ringsend WWTP, the peak effluent discharge calculated for the proposed development (1.68 litres/sec) would equate to 0.015% of the licensed discharge. While the concerns of Inland Fisheries Ireland are noted it is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

The Construction and Demolition Waste Management Plan and the Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.

It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

13.8. ***AA Screening Conclusion:***

It is reasonable to conclude that on the basis of the information on file, which I consider 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 South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA

(004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required

## 14.0 Recommendation

Having regard to the above assessment, I recommend that Section 9(4)(a) of the Act of 2016 be applied and that permission is granted for the reasons and considerations and subject to the conditions set out below.

## 15.0 Reasons and Considerations

Having regard to

- a. The sites planning history;
- b. The site's location on lands with a zoning objective for residential development;
- c. The policies and objectives in the Dublin City Development Plan 2016-2022;
- d. Nature, scale and design of the proposed development;
- e. Pattern of existing development in the area;
- f. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;
- i. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- j. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018, and updated Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- k. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;

- l. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009; and
- m. Architectural Heritage Protection Guidelines, 2011;
- n. Chief Executive's Report; and
- o. Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Recommended Order

**Application:** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 7<sup>th</sup> day of December 2020 by John Spain Associates, on behalf of Western Way Developments Limited.

**Proposed Development:** The demolition of existing vacant warehouses and boundary wall fronting onto Palmerston Place and the construction 281 no. bedspace, shared living accommodation in 2 no. buildings (described as Blocks A, B, C, D and E, Blocks A and B over basement) with associated residential amenity spaces. The works include the retention and reuse of the existing Hendron's Building (protected structure RPS 8783) and an additional storey to the protected structure involving internal alterations and additions. The development has a stated gross floor area of 11,384sqm including c.433sqm of other uses including a gym, café / shop and yoga studio. A total of 1,267sqm of external amenity space is proposed at 2 no. rooftop terraces and an internal courtyard.

The works include associated infrastructural site and drainage works, including foul and surface water drainage, attenuation tanks, lighting, landscaping, 3 no. motorbike

parking spaces, 175 no. bicycle spaces, a bin storage, an ESB substation and all other landscaping, servicing and associated works above and below ground

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

**Decision:**

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

**Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

- a) The sites planning history;
- b) The site's location on lands with a zoning objective for residential development;
- c) The policies and objectives in the Dublin City Development Plan 2016-2022;
- d) Nature, scale and design of the proposed development;
- e) Pattern of existing development in the area;
- f) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- g) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;

- h) Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;
- i) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- j) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018; and updated Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- k) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- l) The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009; and
- m) Architectural Heritage Protection Guidelines, 2011;
- n) Chief Executive’s Report.
- o) Submissions and observations received; and
- p) The Inspectors Report.

### ***Appropriate Assessment***

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an zoned and adequately serviced urban site, the information for the Screening Report for Appropriate Assessment and the Ecological Impact Statement submitted with the application, the Inspector’s Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands zoned to provide for and improve neighbourhood facilities in the Dublin City Development Plan 2016-2022. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan, the Construction Environmental Management Plan and the Operational Waste Management Plan.

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no

real likelihood of significant effects on the environment arising from the proposed development and that the preparation and submission of an environmental impact assessment report would not therefore be required.

***Conclusions on Proper Planning and Sustainable Development:***

The Board considered that the proposed development is, apart from the parameters of the Section 16.7.2 (Building Height) of the Dublin City Development Plan 2016-2022, broadly compliant with the provisions of the Dublin City Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene Section 16.7.2 of Dublin City Development Plan 2016-2022 as outlined below: -

- Section 16.7.2 of the Dublin City Development Plan sets a maximum building height of 'up to 24m' for residential developments in the city centre. Block C has a maximum height of 26.8m. The proposed development, therefore, contravenes the development plan.

The Board considers that, having regard to the provisions of section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Development Plan 2016-2022 would be justified for the following reasons and considerations:

- The proposed development falls within the definition of strategic housing set out in Planning and Development (Housing) and Residential Tenancies Act 2016.
- Government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material

contravention of the Dublin City Development Plan 2016-2022 would be justified for the following reasons and considerations:

- Objectives 13 and 35 of the National Planning Framework which support the creation of high-quality urban spaces and increase residential densities in appropriate locations, while improving quality of life and places.
- SPPR3 of the 2018 Urban Development and Building Heights Guidelines, which support increased building heights and densities.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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



2. The proposed development shall be amended as follows: -
- a. A central floor within Block A shall be omitted and the apartment block shall be a maximum of 4-storeys in height including set back level.
  - b. The section of Block A that projects into the centre of the scheme / courtyard and accommodates 21 no. bedspaces and 4 no. kitchen / living / dining room areas (357.6sqm) shall be omitted and replaced with a revised courtyard layout providing additional communal open space and associated residential amenities.
  - c. Units 43, 44 and 45 located in the upper ground floor of Block B shall be replaced with an additional unit accommodating uses permissible under class 1, 2 and 8 of Part 4, Schedule 1 the Planning and Development Regulations, 2001 (as amended).
  - d. The roof top extension to Block B, the Hendron's Building (protected structure) shall be omitted.
  - e. A maximum of 12 no. bedspaces shall be served by 1 no. kitchen / living / dining area. The location of any additional kitchen / living / dining facilities as a result of the amendments above, shall be agreed in writing with the Planning Authority.
  - f. The red metal cladding on the external elevation of Block A shall be omitted.
  - g. All high level windows shall be a minimum of 1.8m from the finished floor level.
  - h. A minimum 2m high opaque screen or similar shall be provided along the south-eastern and north-eastern boundaries of the roof terraces.

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 residential and visual amenity

3. A varied pallet of materials in neutral colours shall be provided to ensure a clear distinction between the existing white render finish of the Hendron's Building

(protected structure) and to differentiate the different blocks within the scheme. A schedule and an appropriate number of samples of all high quality and robust materials, to be used in the external treatment of the development including proposed brick, cladding, roofing materials and windows, shall be submitted to and agreed in writing with, the planning authority / An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure an appropriate high standard of development and conservation.

4. Prior to commencement of development the applicant shall agree in writing the location of the motorcycle parking spaces on site.

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

5. Prior to commencement of development the applicant shall agree the number and location of bicycle parking on site.

**Reason:** In the interest of residential amenity and sustainable development.

6. The hours of operation of the roof terraces shall be 07.00 to 22.00 Monday to Sunday, unless otherwise agreed in writing with the Planning Authority.

**Reason:** In the interest of amenities of property in the vicinity.

7. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

8. a. A conservation expert shall be employed to manage, monitor and implement the works on the site 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.

- b. All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- c. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- d. winches and gantries shall be retained to reflect the former industrial use of the building.

Prior to commencement of development the applicant shall submit details of the proposed repairs and modifications to the protected structures on site for the written agreement of the Conservation Section of the Planning Authority.

**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.

- 9. 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.

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

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. Proposals for an apartment naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

12. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

13. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the proposed development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first apartments within the scheme.

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

14. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a co-living accommodation scheme. Any proposed amendment or deviation from the co-living accommodation model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

15. The 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.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays 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

17. 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.

**Reason:** In the interest of sustainable waste management.

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

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

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. 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.

21. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City 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.

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Elaine Power  
Planning Inspector

15<sup>th</sup> March 2021



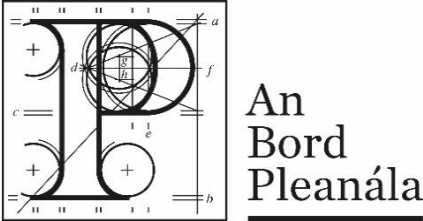
## ***Appendix A - Third Parties***

1. Afrika Mahmouti
2. Alessandra Fantini
3. Ann Gannon
4. Anne Bedos
5. Anne Kinsilla
6. Anne Louise Duggan
7. Anne and Stephen Cumiskey
8. Blend Residents Association
9. Brendan and Margie Lynch
10. Broadstone Basin Residents Association c/o Stephen Vencken
11. Brigid Fitzgerald & others
12. Cllr. Cieran Perry
13. Cillian O'Neill
14. Clare Daly MEP
15. Dan Mackessy
16. Dermot Nolan
17. District 7 Community Alliance
18. Eamon O'Flaherty
19. Eilis Ryan
20. Cllr. Eimer McCormack
21. Ellen Mackessy
22. Esmonde O'Briain and Eilis O'Donnell
23. Senator Fintan Warfield
24. Frank McDonald
25. Francis and Jean Henessy
26. Gerry Doherty
27. Gwen O'Dowd and Phelim Connolly
28. Helen Moore

29. Hugh Ivers
30. Hugh O'Flaherty
31. Ian Lumley
32. Inland Fisheries Ireland
33. Jack O'Kelly
34. Joan Flanagan
35. Cllr. Joe Costello
36. John Carty
37. Judith Hannigan
38. Kate Long
39. Kathleen Shields
40. Kevin Dodd
41. Kim Rice
42. Leonardo Arantes
43. Lorraine Rowland on behalf of Great Western Square and District Residents Association
44. Lorraine Martin
45. Malachi Fitzgerald Graham
46. Margaret Dunne
47. Michael McKeogh
48. Michael O'Leary
49. Milly Coghlan
50. MPM Residents Association (c/o Marston Planning Consultancy)
51. Murray Osborne
52. Neasa Hourigan
53. Cllr. Niall Ring
54. Nodlaig Coghlan
55. Noal Cocoman on behalf of Residents of Royal Canal Terrace
56. Odran Reid & others
57. Patrick Lansley

58. Patrick Redmond
59. Paul Byrne
60. Rathdown Road and District Residents Association
61. Robert Browne
62. Ruairi Samh and Jenny Dimond
63. Shane O'Toole
64. Stephen Curran on behalf of CATU Phibsboro – Glasnevin
65. Thomas Gallagher
66. Thomas Russell
67. Tom Conroy
68. Tommy Graham

**Appendix B: EIA Screening Form.**



**EIA - Screening Determination for Strategic Housing Development Applications**

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>		<b>ABP-308841-20</b>
<b>Development Summary</b>		Demolition of no. 36 Dominick Street Upper, warehouse building and boundary wall, retention and reuse of Hendron's Building (Protected Structure) and the construction of a 280 no. Build to Rent shared living accommodation apartments and all associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	
<b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	SEA undertaken in respect of the Dublin City Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan.

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>	<b>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</b>
		(having regard to the probability, magnitude (including population size affected), complexity, duration,	

		frequency, intensity, and reversibility of impact)	
Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units and mixed uses on zoned lands. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located on brownfield lands within Dublin City Centre. The proposed development is not considered to be out of character with the pattern of development in the surrounding area.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.	No

<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan, significant operational impacts are not anticipated.</p>	<p>No</p>

<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	<p><b>No</b></p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>



<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>
<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the inner urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>This is a stand-alone development, comprising renewal of a site and is not part of a wider large scale change. There are no permitted / proposed development on immediately adjoining lands. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p><b>No</b></p>
<p>2. Location of proposed development</p>			

<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <ol style="list-style-type: none"> <li><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></li> <li><b>2. NHA/ pNHA</b></li> <li><b>3. Designated Nature Reserve</b></li> <li><b>4. Designated refuge for flora or fauna</b></li> <li><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></li> </ol>	<p><b>No</b></p>	<p>No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.</p> <p>This brownfield site does not host any species of conservation interest.</p>	<p><b>No</b></p>
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p><b>No</b></p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>The design and layout of the scheme incorporates the Hendron's Building, which is a protected structure RPS 8783 and the stone wall along Western Way which is a protected structure RPS 8483. The scheme does not negatively impact on the historical, cultural or social importance of these structures.</p>	<p><b>No</b></p>

<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>No such features arise in this urban location.</p>	<p>No</p>
<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>The site is not traversed by any watercourses or drains and there are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>Site investigations identified no risks in this regard.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents. No car parking is proposed on the site and no significant contribution to such congestion is anticipated.</p>	<p>No</p>

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There are no such adjoining landuses. The development would not be likely to generate additional demands on educational facilities in the area.	No
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3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required
Real likelihood of significant effects on the environment.	No		

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands zoned to provide for and improve neighbourhood facilities in the Dublin City Development Plan 2016-2022. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction

and Demolition Waste Management Plan, the Construction Environmental Management Plan and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** Elaine Power

**Date:** 15<sup>th</sup> March 2021