



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316948-23

<b>Development</b>	Demolition of a derelict shed, front boundary wall & gates. Construction of a 4-storey apartment development comprising 12 units and associated site works
<b>Location</b>	5, 6 & 7 Halston Street, Dublin 7, D07 NX32
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	4856/22
<b>Applicant(s)</b>	Peter McVerry Trust
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Marion White & The people of North King Street
<b>Observer(s)</b>	Patrick Coyne
<b>Date of Site Inspection</b>	12 <sup>th</sup> March 2024

**Inspector**

Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site, which is irregular in shape and has a stated area of 0.063 hectares, is located a short distance north west of Dublin City Centre, on the western side of Halston Street close to its junction with North King Street.
- 1.2. The sites east boundary has frontage on to Halston Street, to the north and south borders existing dwellings on North King Street, Halston Street and Balls Lane, and to the west borders a yard serving residential properties on North Kind Street. The sites southern boundary contains an existing gated access onto Ball's Lane located between an existing two storey end of terrace dwelling and four storey apartment building. The site contains a shed and hard surfaced area and has a brick wall, railings and a vehicular entrance gate facing Halston Street.
- 1.3. On the opposite side of the road is the rear stone boundary of the former Debtor's prison and adjoining this is the former Green Street Courthouse, both of which are protected structures. Further south, beyond the junction with Ball's Lane is St. Michans Church and an adjoining three storey house (No. 12), also protected structures. St. Michan's Park is located opposite the church.

## **2.0 Proposed Development**

- 2.1. The applicant applied for permission for development comprising demolition of a shed, front boundary wall and metal gates, and construction of a new four-storey apartment development comprising 12 units (one studio, six no. one-bedroomed and five no. two-bedroomed apartments) with terraces at ground floor and balconies on upper floors; a landscaped communal yard to the rear including an enclosure for 24 bicycle parking spaces, shed for bin storage and gated access to Ball's Lane.
- 2.2. Following a request for additional information the applicant submitted revised proposals consisting of amendments to the design and internal layout to provide for 12 units consisting of two no. studios, five no. one bed units and five no. two bed units.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The planning authority issued notification of decision to grant permission on 06<sup>th</sup> April 2023 subject to 16 conditions typically of a standard nature.

Condition 2 requires that all north and south facing balcony screens shall be 1.7m above the floor level of the balcony. Reason: To protect the residential amenities and privacy of adjoining occupiers.

Condition 8 requires compliance with the archaeological requirements of the planning authority.

### **3.2. Planning Authority Reports**

- 3.2.1. Following an initial assessment of the application the Planning Officer's report recommended that Further Information be requested in relation to the following:

Item 1: Confirmation that the proposed development is intended as long term social housing and not as transitional housing and details in relation to management of the proposed development, support facilities for residents and proposals to minimise any adverse impacts on the surrounding residential area.

Item 2: Details of measures to reduce overlooking from balconies to units adjoining the boundaries of the site with No.'s 4 and 8 Halston Street.

Item 3: Noted shadow analysis shows proposal would result in some additional overshadowing of adjacent private amenity spaces to the rear of houses on North King Street and No. 4 Halston Street. Requests applicant to demonstrate whether the omission of unit 12 at third floor level or any other measures could improve the shadow impact.

Item 4: Address inconsistencies on drawings relating to set back of gated access and additional details in relation to bicycle stands and management of refuse collection.

- 3.2.2. The Planner's Report considered the concerns raised in the further information request were addressed in the revised proposal. In relation to overshadowing, the

report states that given the location of No. 4 immediately to the north of the site, it would be difficult to significantly improve the outcome for this unit at the time of the spring equinox without significantly reducing the number of apartments which could be permitted. While the revised proposal submitted in response to further information would not improve the figure for March 21st, it would significantly improve the figure for midsummer (June 21st) for the amenity space to the rear of No. 4 Halston Street. The report notes the existing rear gardens to the north of the site would not meet minimum recommendation in respect of sunlight at the time of the spring equinox, that the site is in a constrained urban location and that the proposed plot ratio and site coverage are already below the indicative standards for central locations.

- 3.2.3. The Planner's Report concludes that the proposed development is in keeping with the zoning objective for the site, the guiding principles of the SDRA for the Markets area, national standards in relation to residential development and the proper planning and sustainable development of the area. The planning officer considered that the proposed development could be accommodated on the site with no undue adverse impact on the residential amenities of adjoining occupiers.

3.2.4. Other Technical Reports

**Drainage:** No objection subject to conditions

**Transportation:** Following receipt of the additional information the transportation report states no objection subject to condition.

**Archaeology:** Report notes site is within the zone of archaeological constraint for recorded monument DU018-020 (Historic City), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994 and the site is also within a zone of archaeological interest in the Development Plan. Report states no objection subject to condition that archaeological testing to be undertaken.

### **3.3. Prescribed Bodies**

- 3.3.1. Irish Water: Submission states that records show an existing combined sewer running through the site and that the applicant must comply with Irish Water's requirements for building close to their infrastructure.
- 3.3.2. Transport Infrastructure Ireland: Submission notes that the site is within the area of the Supplementary Development Contribution Scheme for the Luas Cross City, under Section 49 of the Planning and Development Act (2000, as amended); unless exempt, requests that a levy condition be attached in accordance with this.

### **3.4. Third Party Observations**

A number of third party observations were received including a signed petition and a joint submission by a number of residents. Issues raised are similar to those raised in the third party appeal.

## **4.0 Planning History**

There is no recent planning history on the appeal site.

## **5.0 Policy Context**

### **5.1. National Policy**

The National Planning Framework - Project Ireland 2040 sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

### **5.2. Regional Policy**

The Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 provides a framework for development at regional level promoting the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

### 5.3. Section 28 Ministerial Guidelines

The following ministerial guidelines are considered relevant to the appeal site:

- Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024) (the 'Compact Settlements Guidelines').
  - o These guidelines outline that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in Dublin City.
  - o SPPR 1 requires a separation distance of at least 16 metres between opposing windows serving habitable rooms above ground floor level.
  - o SPPR 3 provides that in city centres car-parking provision should be minimised, substantially reduced or wholly eliminated.
  - o SPPR 4 relates to cycle parking and storage.
  - o Policy and Objective 5.1 in relation to Public Open Space make provision for the planning authority to set aside the public open space requirement arising under the development plan.
  - o Section 5.3.7 deals with Daylight and states 'The potential for poor daylight performance in a proposed development or for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions to daylight. Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard'. This section outlines the relevant guidelines to consider in cases where a technical assessment of daylight performance is required and states 'In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban

residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution’.

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) set out national policy and standards for apartment development including recommended standards in relation to housing mix, aspect, and minimum floor areas. The guidelines provide that for urban infill schemes on sites of up to 0.25ha, certain standards may be relaxed on a case-by-case basis, subject to overall design quality.
- Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011 provide guidance in relation to development and built heritage, in particular works affecting historical buildings or structures. Section 13.8 relates to applications for works outside the curtilage and attendant grounds of a protected structure which have the potential to impact upon its character stating that proposals should not have an adverse effect on the special interest of the protected structure.
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Housing for All – A New Housing Plan for Ireland to 2030 (2021);
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.

#### **5.4. Development Plan**

- 5.4.1. The Dublin City Development Plan 2022-2028 is the relevant statutory plan for the area. The site is zoned Z5 ‘to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’. Residential is considered a permissible use on this land use zoning. Section 14.7.5 of the development plan states that the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-



use development, providing a dynamic mix of uses which interact with each other, help create a sense of community and sustain the vitality of the inner city both by day and night. On Category 1 retail streets, retail should be the predominant ground floor use.

5.4.2. The development plan has regard to national and regional planning policies in respect of infill development within existing built-up areas. Chapter 4: Shape and Structure of the City emphasises the importance of high quality placemaking to ensure a compact city where people want to live and work. Chapter 5: Quality Housing and Sustainable Neighbourhoods aims to deliver quality homes and sustainable communities in a compact city. In Chapter 5 Policy QHSN28 relates to Temporary Homeless Accommodation and Support Services and states “To ensure that all proposals to provide or extend temporary homeless accommodation or support services shall be supported by information demonstrating that the proposal would not result in an undue concentration of such uses nor undermine the existing local economy, resident community or regeneration of an area. All such applications shall include: a map of all homeless services within a 750 metre radius of the application site, a statement on the catchment area identifying whether the proposal is to serve local or regional demand; and a statement regarding management of the service/facility.”

5.4.3. Chapter 13 relates to Strategic Development and Regeneration Areas (SDRA) and the appeal site is included in SDRA13 (Markets Area and Environs). This SDRA provides a framework of structured guidance to act as a catalyst to drive sustainable regeneration and help to realise the potential of the area, including guidance for specific opportunity sites. SDRA 13 Map in the development plan does not identify the appeal site as an opportunity site. Halston Street to the front of the site is identified as an area for public realm improvements. SDRA01 states that it is an Objective of Dublin City Council to support the ongoing redevelopment and regeneration of the SDRA's in accordance with the guiding principles and associated map; the qualitative and quantitative development management standards set out in Chapter 15; and with overarching principles the following which are relevant to the appeal site:

- Architectural Design and Urban Design: All development within the SDRAs must be of the highest architectural quality and adhere to the key architectural

and urban design principles set out in Chapter 15 in order to create long term, viable and sustainable communities aligned with the principles of the 15-minute city.

- Height: Guiding principles regarding height are set out for each SDRA. Where development adjoins lower scaled residential communities, development must be appropriately designed so that no significant adverse impacts on the residential amenities of adjacent residential properties arises. The performance criteria set out in Appendix 3 should be adhered to for developments of significant scale and/or density.

5.4.4. Chapter 15 provides guidance on the creation of high-quality urban environments that make the most efficient use of land, including relating to Apartment Standards. In relation to infill housing, Section 15.13.3 states that the planning authority will favourably consider the development of infill housing on appropriate sites, having regard to development plan policy on infill sites and to facilitate the most sustainable use of land and existing urban infrastructure. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land is developed.

5.4.5. Table 15-1 Thresholds for Planning Applications indicates that a Daylight and Sunlight Assessment is required for all apartment developments. Section 15.9.16 states that a daylight and sunlight assessment should be provided to assess the impact of the proposed development on the surrounding properties and amenity areas outside the site boundary and assess the daylight and sunlight received within each individual unit and communal areas of a proposed scheme. A best practice guide for the assessment and methodology of Daylight and Sunlight Assessments is set out in Appendix 16 within which it is stated that proposals will be assessed on a case-by-case basis depending on site specific circumstance and location.

5.4.6. The site is within a 'Red-Hatched Conservation Area'. Chapter 11 relates to Built Heritage and Archaeology with section 11.5.3 stating that conservation areas have been designated in recognition of their special interest or unique historic and

architectural character and important contribution to the heritage of the city. Policy BHA9 aims to ensure developments contribute positively to the character and distinctiveness of all Dublin's conservation areas and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Section 15.15.2.2 also refers to Red-Hatched Conservation Areas stating that these areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city and outlines requirements for development in Conservation Areas.

- 5.4.7. Appendix 1 contains the Housing Strategy and includes a Housing Need and Demand Assessment for the city. This identifies two areas where a different unit mix to that set out in the Guidelines is required, i.e. Liberties and North Inner City, the latter of which includes the subject site. In these areas a minimum of 15% of units are required to have three or more bedrooms, while a maximum of 25-30% of units may be one-bedroomed or studio units with this requirement applicable to proposals of 15 units or more and exemptions are provided for Part 8 or Part 10 residential developments and other social housing needs depending on the specific needs of the Housing and Community Services Department.
- 5.4.8. Appendix 3 sets out policy for density and building height in the City. Prevailing Height is defined as the most commonly occurring height in any given area. Within such areas, there may be amplified height. This is where existing buildings within the streetscape deviate from the prevailing height context, albeit not to a significant extent, such as local pop up features. Locally higher buildings are defined as buildings that are significantly higher than their surroundings. In relation to density, Appendix 3 states that the density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport accessibility and capacity will also determine the appropriate density permissible. A varied typology of units will be encouraged to ensure a diverse choice of housing options in terms of tenure, unit size and design in order to ensure demographic balance in residential communities. As a general rule, the net density range 100-250 units per ha will be supported in the City Centre and in SDRA. Where a scheme proposes buildings and density that are significantly higher

and denser than the prevailing context, the performance criteria set out in Table 3 shall apply. Appendix 3 provides indicative plot ratio and site coverage calculations for different area types. The calculations provided for the Central Area are an indicative Plot Ratio of 2.5-3.0 and site coverage of 60-90% and in Regeneration Areas an indicative Plot Ratio of 1.5-3.0 and site coverage of 50-60%.

- 5.4.9. There are a number of protected structures within the vicinity of the site, including the former Debtors' Prison (RPS No. 3507) and the former Green Street Courthouse (RPS No. 3327) opposite the appeal site and St. Michan's Church and adjoining presbytery (RPS No. 3505) to the south of the site.

## **5.5. Natural Heritage Designations**

At a distance of c. 3km to the east of the appeal site, the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and c. 4km to the south east, the South Dublin Bay SAC (site code 000210) are the nearest Natura 2000 sites. The North Dublin Bay Proposed Natural Heritage Area is located c. 3km to the east.

## **5.6. EIA Screening**

- 5.6.1. See Appendix 1 - Form 1 EIA Pre-Screening and Form 2 EIA Preliminary Examination attached to this report. Having regard to the nature and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, to the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

One no. third party appeal has been received from Marion White and the People of North King Street which includes letters from residents in the area and a petition signed by local residents objecting to the proposed development. The grounds of appeal can be summarised as follows:

#### **Design**

- The four storey scale of the proposed apartment block is out of keeping with existing three storey houses and historic buildings in the vicinity.
- Overlooking, including from balconies, resulting in loss of privacy.
- Loss of sunlight, natural light and views as a result of the proposed building and boundary planting and resulting physical and mental impact on existing residents.

#### **Transportation & Access**

- Concerns in relation to the proposed access off Balls Lane including security concerns relating to access to rear of adjoining properties.
- Balls lane cannot accommodate bin trucks.
- Inadequate parking available on surrounding streets.
- Impact use of electronic gates will have on adjoining property from noise and loss of privacy.

#### **Nature of Occupancy**

- Concerns relating to potential anti-social behaviour from future residents and that existing anti-social behaviour in the area will be exacerbated.
- Concentration of homeless accommodation in the area and impact on community.

#### **Construction Impacts**

- Concerns in relation to noise and traffic during construction.

## **Operational Concerns / Other**

- Concerns in relation to waste management associated with development when operational.

### **6.2. Applicant Response**

None received.

### **6.3. Planning Authority Response**

None received.

### **6.4. Observations**

One observation received from Patrick Coyne raises the following issues:

- Applicant fails to address requirements of Policy QH30 of the development plan and as such the proposed development does not comply with Policy QH30.
- Dublin City Council housing tenants are not routinely allocated a support worker or support plan. The applicant's further information response states that residents of the proposed development will be provided with various supports thereby indicating that supported accommodation is proposed.
- Grant of permission is contrary to Section 5.5.11 relating to Homeless Services and Section 16.12 relating to standards for Institutions/Hostels and Social Support Services of the 2016 Dublin City Development Plan.
- Permission should be refused as it will undermine the existing local economy, the residential community, and the regeneration of an area.

### **6.5. Further Responses**

None received.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design and Impact on Character of the Area
- Impact on Residential Amenities
- Transportation Issues
- Other

### **7.2. Principle of Development**

- 7.2.1. The site contains the zoning objective Z5 – ‘to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’. Having regard to the provisions of section 14.7.5 of the development plan the site is not on a Category 1 retail street nor is it in the city centre retail core where retail should be the predominant ground floor use. Residential use is a permissible use on Z5 zoned land.
- 7.2.2. Strategic Development and Regeneration Area (SDRA) 13 Markets Area and Environs, which includes the appeal site, is bounded by North King Street to the north, Capel Street to the east, Church Street to the west and Inns and Ormond Quays to the south, and interlinks the historic Smithfield area with the core retail area to the east. SDRA 13 Map in the development plan does not identify the appeal site as an opportunity site. Halston Street to the front of the site is identified as an area for public realm improvements.
- 7.2.3. Having regard to the pattern of development surrounding the site which is primarily residential, I am satisfied that a proposal for a wholly residential development on this site is acceptable in principle and will not undermine future development as provided for in SDRA 13. The site is currently under-utilised containing a hard surface area and shed and its redevelopment has the potential to contribute to the activation and

upgrade of this part of Halston Street and support the regeneration of the public realm and pedestrian environment as identified in the Guiding Principles Map for SDRA13. For this reason I also do not share the concerns raised in the observation on file that the proposed development will undermine the local area and economy.

- 7.2.4. An observer has raised concerns about the nature of occupancy of the proposed apartments and that the development would be contrary to Policy QH30 and Sections 5.5.11 and 16.12 of the Dublin City Development Plan 2016-2022. Policy QH30 of the 2016 Development Plan has been replaced by Policy QHSN28 of the 2022 Development Plan and relates to temporary homeless accommodation and support services. Sections 5.5.11 and 16.12 of the 2016 Development Plan related to homeless services and standards for institutions/hostels and social support services and I note this Development Plan is no longer in force. The nature of development applied for is residential in the form of 12 apartments which the applicant has confirmed in their further information response to the planning authority will provide long term social housing for people on the housing list of Dublin City Council. I am satisfied that the nature of the proposed use is not for the provision of temporary accommodation and as such it is not necessary to demonstrate compliance with the provisions of the development plan relating to temporary or short-term accommodation or homeless services. I therefore do not consider the proposed development is contrary to the Development Plan in this regard.

### **7.3. Design and Impact on Character of Area**

#### ***Height, Density and finishes***

- 7.3.1. The proposed development provides for a three and four-storey structure, comprising a three storey element facing Halston Street and a setback fourth storey. A stairwell situated at the centre of the Halston Street facade extends to four storeys, reaching a height of 12.95m above street level. Parapet heights are indicated as approximately 9.9m for the three-storey element facing Halston Street and 12.34m for the fourth floor parapet to the rear. Proposed external finishes include brickwork over three floors and textured brick with curtain wall glazing on the central core, with zinc cladding on the setback fourth floor.



- 7.3.2. The prevailing built character on the western side of Halston Street consists of three-storey residential buildings, including historic buildings and more recent infill developments with brick facades and with variation in parapet level. Immediately adjacent dwellings on Halston Street have ridge heights of approximately 9.9m to the south and 10.7m to the north. Beyond the site boundary to the rear, 4 storey residential buildings on North King Street with an indicated height of 15.3m as well as a four storey apartment building on North Anne Street and a recently constructed six storey commercial building at the junction of North King Street and North Anne Street are visible from the front of the site.
- 7.3.3. I consider the proposed height is in keeping with the surrounding three-storey streetscape. Whilst I note that the total height of the proposal is marginally higher than the existing dwellings on either side of the site on Halston Street, I consider the proposed height is not significantly higher than existing buildings, is consistent with the prevailing height as defined in Appendix 3 of the Development Plan and does not constitute a 'locally higher building' or a building that is significantly higher than the prevailing context. I do not consider it to be visually dominant or obtrusive and I consider the location to be suitable noting the presence of increased height in the vicinity, including further north at the junction of Halston Street and North King Street and to the south west on North Anne Street which is visible from the sites frontage on Halston Street. As such I do not consider it necessary to apply the performance criteria relating to building height set out in Table 3 of Appendix 3 of the Development Plan.
- 7.3.4. The proposed development of 12 dwellings on a site measuring 0.0626 results in a density of 191.6 units per hectare. This is in accordance with the Compact Settlements Guidelines recommended density of 100dph-300dph. The density is also in keeping with the density range for city centre sites and for SDRA of 100-250 units per hectare provided for in Appendix 3 of the Development Plan and is in keeping with the prevailing density in the area. As such I do not consider it necessary to apply the performance criteria relating to density set out in Table 3 of Appendix 3 of the development plan which applies to developments that are considered significantly denser than the prevailing context.

- 7.3.5. The proposed plot ratio is approximately 1.52 and site coverage is 47% which I consider acceptable at this location and in accordance with indicative standards in the Development Plan.
- 7.3.6. I consider the material finishes proposed including brick façade and lighter-coloured zinc cladding for the top storey are appropriate and will assist in mitigating the visual impact on the streetscape. I am satisfied that the proposal is appropriate having regard to the character and form of existing development and that the development will positively contribute to the urban fabric of Halston Street by filling an existing vacant plot.

***Impact on Conservation Area and Protected Structures***

- 7.3.7. The surrounding buildings include infill housing of late twentieth century construction fronting Halston Street, North King Street and Ball's Lane, an apartment building fronting Anne Street North and two older three-storey houses directly to the south of the site. Immediately opposite the appeal site is the rear stone boundary wall of the former Debtors' Prison which fronts onto Green Street and adjoining this to the south and fronting on to Halston Street is the former Green Street Courthouse. Both of these buildings are protected structures. Further south on Halston Street on the same side as the appeal site is St. Michan's Church and an adjoining three-storey house are also protected structures as are 16 Halston St (commercial property) and 17 Halston Street (archway). The site is also situated in a red hatched conservation area.
- 7.3.8. A Design and Conservation Impact Assessment was submitted with the planning application which considers the potential impact of the proposed development on protected structures in the vicinity of the site. The report finds that the proposed development will not negatively impact the setting of protected structures. The planning authority considered the proposed development integrates well with the surrounding streetscape and did not raise any concerns in relation to potential impacts on protected structures in the vicinity or on the conservation area within which the site is located.
- 7.3.9. Having reviewed the Design and Conservation Assessment submitted I am satisfied that the proposed development will not negatively impact on the character of the conservation area or of protected structures in the vicinity. I consider the design and

scale of the proposed development is in keeping with the existing pattern of development on the western side of Halston Street and will not result in any overbearing or other negative impact on the character or setting of nearby protected structures or detract from views of these structures from the public realm. I consider that the development of this currently vacant site as proposed will improve its appearance and is unlikely to detract from the character of this conservation area.

- 7.3.10. The planning authority attached a condition in relation to archaeology. Having regard to the site location within a zone of archaeological constraint for recorded monument DU018-020 (Historic City) and within a zone of archaeological interest in the Development Plan, I consider it appropriate to attach a condition that archaeological testing be undertaken if the Board decides to grant permission.

#### **7.4. Residential Amenity**

##### ***Overlooking and Overbearing***

- 7.4.1. The appeal site is surrounded by residential properties, many of which contain small rear gardens, to the north, north west and south. To the south west adjoining the site on Balls lane is an apartment building. The site is currently vacant and the development will introduce window/door openings and balconies which have the potential to give rise to overlooking on surrounding properties.
- 7.4.2. The proposed north elevation faces the rear of number 186 North King Street and No. 4 Halston Street. The south elevation faces into the rear of No. 8 Halston Street. These elevations will contain balconies at first and second floor directly adjoining the site boundaries and balconies at third floor set back a minimum distance of approximately 3.5m. The revised proposal submitted with the further information response to the planning authority incorporated angled metal louvered privacy screens to balconies on the north and south elevations at a height of 2m high dropping to 1.1m at the corner with the rear elevation. At third floor level the screens are 1.1m high. The planning authority attached a condition to the grant of permission requiring that the development be amended so that all north and south facing balcony screens shall be 1.7m above the floor level of the balcony to protect the privacy of adjoining occupiers. A number of windows and doors serving balconies facing north on the first, second and third floor and facing south on the second and

third floor serving habitable rooms are stepped back from the side elevations and screened with proposed balcony screens and as such will not give rise to unacceptable overlooking. I am satisfied that subject to condition relating to screen heights as included by the planning authority, the proposed development will not give rise to an unacceptable level of overlooking on adjoining properties to the north and south.

- 7.4.3. The rear (west facing) elevation contains windows serving habitable rooms and balconies on all upper floors. Balconies are provided with 1.1m high privacy screens. This elevation faces the projecting rear side elevation of No.'s 183 and 183(a) North King Street which has no upper floor windows. It also has angled views of the rear of properties along North King Street which back onto the appeal site. At its closest point the proposed rear elevation is approximately 7.7m from the rear site boundary with this distance increasing where the proposed building is stepped back. The rear elevations of properties on North King Street do not directly face the rear of the appeal site and as such there are no directly opposing rear windows. I consider the proposed separation distances from the rear elevation are acceptable and no issues of overlooking will arise and that the development is acceptable having regard to SPPR 1 contained in the Compact Settlements Guidelines relating to separation distances between opposing windows
- 7.4.4. In relation to overbearing impacts, I note the existing dwellings on North King Street which back on to the appeal site are three and four storeys. The separation distance between the third floor of the proposed development and No. 186 North King Street is approximately 10.5 metres with the height increasing to four storeys towards the centre of the site and increasing in distance to approximately 12m from the closest property at 183 North King Street. To the north, the four storey element extends approximately 2m beyond the rear balcony at no. 4 Halston Street. To the south adjoining no. 8 Halston Street the building extends 5 metres beyond the rear boundary of no. 8 over four storeys at a height of approximately 5 metres above the eaves level of no. 8. I consider that some overbearing impact on No. 8 will occur as a result of the proposed development, however in my opinion the degree of overbearing impact would fall within the bounds of acceptance for a city centre infill site.

- 7.4.1. Having regard to the above I am satisfied that there would be no loss of privacy or significant adverse overlooking on the rear of adjoining properties and that the development would not give rise to an unacceptable overbearing impact.

***Overshadowing and Loss of Daylight***

- 7.4.2. The appeal raises concerns in relation to loss of light and overshadowing on neighbouring properties. The Development Plan in Table 15-1 requires Daylight and Sunlight Assessments to be submitted for apartment developments and in Section 15.13.3 states that in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land is developed. Appendix 16 'Sunlight and Daylight' of the Development Plan provides direction on carrying out such assessments and states that a revised version of the BRE 209 second edition 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011) should be used if issued. A revised third edition of this BRE 209 Guide issued in 2022 and as such I consider this revised guide is relevant in considering daylight and sunlight assessment. Appendix 16 of the plan also states that appropriate and reasonable regard should be taken of government policies in the completion of sunlight and daylight assessments. I consider Section 5.3.7 of the Compact Settlements Guidelines relating to daylight relevant to the assessment of daylight.
- 7.4.3. An Amenity Shadow Study using BRE 'BR 209' (2<sup>nd</sup> Edition) methodology dated July 2022 submitted with the planning application demonstrates overshadowing for the existing scenario and the original proposed development. A revised Amenity Shadow Study dated February 2023 relates to the revised design submitted to the planning authority by way of further information and illustrates the extent of overshadowing that would arise following completion of the proposed development. For a development to be acceptable with respect to overshadowing impacts, the BRE 209 Guide (third edition) recommends that for it to appear adequately sunlit throughout the year greater than half of a garden or amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March, or a change in overshadowing that would be no less than a ratio of 0.8 when compared with the existing situation. I note this standard is the same in both the second and third editions of the BRE 'BR 209' guide.

- 7.4.4. The Amenity Shadow Study submitted by the applicant shows the percentage of the rear amenity areas to neighbouring properties which will receive at least 2 hours direct sunlight over the course of March 21<sup>st</sup> following construction of the proposed development for no.'s 183, 184, 185, 186, 187 and 188 North King Street and no.'s 1 and 4 Halston Street, all located to the north of the site. The results indicate that none of the private amenity spaces assessed will achieve the recommendation of greater than half the garden receiving at least two hours direct sunlight following completion of the proposed development and that properties at 188 North King Street and 1 and 4 Halston will have little or no areas receiving two hours of direct sunlight.
- 7.4.5. The Shadow Study dated July 2022 submitted with the original planning application shows the extent of area in shadow for the existing scenario but does not provide an assessment of the percentage of private amenity space that achieve two hours of sunlight for the existing scenario. Having reviewed these drawings it would appear that some of the properties assessed on North King Street and Halston Street may not currently meet the BRE standard of two hours sunlight on 21<sup>st</sup> March. No 4 Halston Street located to the north of the appeal site contains a narrow rear garden and first floor balcony and would appear to have the most noticeable impact in terms of overshadowing of private amenity space resulting from the proposed development when compared to the existing scenario with no private amenity area achieving two hours of sunlight on March 21<sup>st</sup>. I note that the current vacant nature of the appeal site results in existing levels of sunlight exceeding that which would normally be available and as a result impacts arising from the proposed development are likely to be more noticeable.
- 7.4.6. The BRE guidelines state in Section 1.6 that the advice given is not mandatory and the guide should not be seen as an instrument of planning policy. Having regard to the pattern of development surrounding the site, its existing vacant status and the infill nature, the site area of less than 0.25ha located within the city centre, as well as national, regional and local policy that seeks to appropriately intensify the use of serviced, brownfield urban sites, and having regard to the zoning objective of the site which seeks to consolidate and facilitate the development of the central area of the city, I consider a certain amount of diminution of sunlight to the amenity spaces to

the north is acceptable and I consider the limited impacts arising from the development to be acceptable on balance.

- 7.4.7. The first party has not provided an assessment of impact on daylight in existing properties. No concerns were raised by the planning authority in this regard. Section 5.3.7 of the Compact Settlements Guidelines notes that when considering new residential development it is important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. The guidelines outline that planning authorities do not need to undertake a detailed technical assessment in all cases and may apply a level of discretion in relation to daylight performance. The Development Plan, in Section 15.13.3, provides that in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land is developed.
- 7.4.8. The appeal site is currently vacant and levels of daylight available in surrounding properties would, as a result, be above that which would normally be available on such sites within the city centre. As a result the impact of the proposed development on neighbouring properties may appear more significant than would otherwise be the case. I note the scale of the proposed development is in keeping with the scale of immediately surrounding development which is generally three and four storeys in height and would not be considered significant in a city centre context, as well as separation distances of 11m between the proposed apartment building and existing dwellings to the rear. I consider the scale of the proposed development is acceptable and that while there may be some loss of daylight in properties to the north, the resulting daylight levels would not be out of character for a city centre location and are unlikely to result in adverse impacts on levels of daylight in surrounding properties.
- 7.4.9. I note that the BRE standards derive from a low density suburban housing model and that greater flexibility is warranted in city centre locations. In this regard, the Board has discretion in applying the daylight standards referred to in the Compact Settlements Guidelines taking into account site constraints and the need to achieve wider planning objectives such as securing comprehensive urban regeneration and an effective urban design and streetscape solution, which I consider relevant to the proposed development.

7.4.10. Having regard to the above, I am satisfied that the proposed development is acceptable in relation to impacts on sunlight and daylight on surrounding properties.

***Compliance with Apartment Standards***

7.4.11. The development proposes 12 apartments comprising of 2 no. studios, 5 x 1 bed units and 5 x 2 bed units (3 no. 3 person and 2 no. 4 person) on an urban infill site of less than 0.25ha in area. In relation to Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, the proposal complies with SPPR 2 relating to dwelling mix and SPPR 3 relating to minimum apartment floor areas with 8 of the units exceeding the minimum floor area standard by a minimum of 10%. The proposal also complies with SPPR 4 in relation to the number of dual aspect units, with one single aspect unit on the ground floor which is west facing, and SPPR 5 and 6 relating to ground floor to ceiling heights and number of apartments per floor core. According to the design statement submitted with the further information apartments no. 4 and no. 7 fall slightly below the storage space requirements and floor area for one of the bedrooms in each unit. Noting the overall compliance with apartment standards and that the floor area of these two apartments exceeds the minimum overall floor area, I consider the proposal is acceptable in terms of the design and layout of apartments.

7.4.12. All apartments are provided with private open space by way of either a terrace or balcony in compliance with requirements for private open space in Appendix 1 of the Apartment Guidelines. According to the design statement submitted communal amenity space of 312 sq.m. is proposed to serve the development which has a requirement of 65 sq.m. This space is provided in a rear court yard with planted terraces and benches and also accommodates bicycle parking and bin storage. I consider this acceptable to serve the proposed development.

7.4.13. A Housing Needs Demand Assessment has been carried out for the city and this identifies the North Inner City where the appeal site is located as an area where a different unit mix to that set out in Section 28 Guidelines is required. This requirement applies to proposals of 15 units or more and provides that a different mix may be permitted for social housing depending on the specific needs of the Housing and Community Services Department. As such I am satisfied that the housing mix proposed is acceptable.



- 7.4.14. Having regard to the above, I am satisfied that the design revisions submitted to the planning authority in response to the further information request address overlooking and overshadowing and that the proposed development will provide for an acceptable level of amenity for existing residents in the vicinity of the site and for future occupants of the development.

## **7.5. Transportation**

- 7.5.1. The appeal raises concerns in relation to the proposed access off Balls Lane including security and residential amenity concerns. At the frontage to Ball's Lane a gated access is proposed leading to the rear courtyard. There is an existing gate at this location and I consider its replacement with a new gate to serve residential development will result in increased surveillance and will improve the appearance of this section of Balls Lane. The access is to facilitate access for pedestrians and cyclists with no car parking proposed. I consider the use of this access to serve 12 residential units will not result in adverse impacts on the residential amenity of existing residents having regard to the nature and scale of the use proposed and the limited increase in activity arising and the associated increase in surveillance in this area.
- 7.5.2. In relation to concerns regarding bin truck movements on Balls Lane, the local authority transportation planning section report raised no concern and the applicant's further information response confirmed that facilities management will have responsibility for moving bins to an accessible location for collection. Having visited the site and reviewed the drawings relating to the proposed development, based on my observations I am satisfied that the proposed development is acceptable in this regard.
- 7.5.3. In relation to concerns regarding failure to provide car parking to serve the proposed development, I am satisfied that the proposal complies with SPPR 3 of the Compact Settlements Guidelines relating to car parking provision on city centre sites.

## **7.6. Other Issues**

- 7.6.1. The appeal and observation raise concerns in relation to the nature of occupancy, potential anti-social behaviour, concentration of homeless accommodation in the area and resulting impacts on the community. I note the response from the first party in relation to the future occupancy of the units which are proposed to provide long term independent housing and I do not consider matters relating to tenure and anti-social behaviour are relevant to the consideration of the appeal.
- 7.6.2. In relation to concerns regarding noise and traffic during construction I consider that these matters are temporary and not exceptional and that they, along with concerns in relation to waste management, can be addressed by condition in the event of a grant of permission.
- 7.6.3. A submission from Transport Infrastructure Ireland notes that the site is within the area of the Supplementary Development Contribution Scheme for the Luas Cross City, under Section 49 of the Planning and Development Act (2000, as amended). A Section 49 Development Contribution Scheme prepared by Dublin City Council for Luas Cross City states that Social housing units, including those which are provided by a voluntary or co-operative housing body, which is recognised as such by Dublin City Council are exempt from the requirement to pay development contributions under the scheme. A similar exemption is contained in Dublin City Council's Section 48 Development Contribution Scheme 2023-2026. A letter on file confirms that the applicant is a registered charity and that the proposed apartment building is intended for use as social housing with the application being made by an approved housing body. The planning authority did not include any conditions relating to financial contributions and I do not consider it appropriate to attach conditions to this effect.
- 7.6.4. In relation to the provision of Social and Affordable Housing, the applicant has stated in their planning application that the proposed development is intended for use as social housing, that the site is owned by Dublin City Council and the application is being made by an approved housing body. As such I consider Section 96 (13) (a) of the Planning and Development Act 2000 (as amended) which states that the requirements for the provision of social and affordable housing under Section 96 shall not apply to such applications is applicable and that no condition requiring social or affordable housing should be attached in the event of a grant of permission.

## **8.0 Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the development, the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

- 9.1. I recommend that planning permission should be GRANTED, subject to conditions, for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

Having regard to the policies and objectives of the Dublin City Development Plan 2022-2028, in particular the Z5 zoning objective which seeks to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity, to the brownfield nature of the site and its city centre location, to the nature and scale of the proposed development, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential development in this location and would not seriously injure the residential or visual amenities of the area or give rise to the creation of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 14<sup>th</sup> March 2023, 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 proposed 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 development shall be amended as follows:

The height of all north and south facing balcony screens shall be 1.7m above the floor level of the balcony.

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

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

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

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

5. (a) 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 open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

(b) Unless taken in charge, the applicant/developer shall be responsible for the management and maintenance of the setback area at Ball's Lane which is within the site boundary. Prior to commencement of development the applicant shall confirm whether this area is to be taken in charge and shall submit details in relation to the proposed paving for the written agreement of the planning authority.

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

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

**Reason:** In the interest of public health and surface water management.

7. (a) The applicant or developer shall enter into water and waste water connection agreement(s) with Uisce Eireann, prior to commencement of development.

(b) Uisce Eireann records show an existing combined sewer running through the site. In this regard the applicant must comply with Irish Water's requirements for building close to their infrastructure.

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

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

**Reason:** In the interest of urban legibility.

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

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

11. The demolition and construction of the development shall be managed in accordance with a Demolition and Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

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

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

13. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 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.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. 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.

15. No additional development shall take place above the apartment block's 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.

16. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.



**Reason:** In order to ensure a satisfactory standard of development, in the interests of residential amenity.

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

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Bernadette Quinn  
Planning Inspector

13<sup>th</sup> May 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-316948-23		
<b>Proposed Development Summary</b>	Demolition of a derelict shed, front boundary wall & metal gates. Construction of a 4-storey apartment development comprising 12 units and associated site works.		
<b>Development Address</b>	5, 6 & 7 Halston Street, Dublin 7, D07 NX32		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	X	Class 10(b)(i) and (iv) of Schedule 5 Part 2	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 1 - Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-316948-23	
Proposed Development Summary	Demolition of a derelict shed, front boundary wall & metal gates. Construction of a 4-storey apartment development comprising 12 units and associated site works.	
Development Address	5, 6 & 7 Halston Street, Dublin 7, D07 NX32	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>Proposal for small scale demolition works and construction of residential development on land zoned Z5 located in an urban area is not considered exceptional in the context of the existing urban environment.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>No, the proposal will be connected to the existing water supply and waste water drainage infrastructure. Construction and demolition waste can be managed through standard waste management conditions.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development seeks permission for 12 apartments on a site measuring 0.06 ha which is not considered exceptional in the context of the existing urban environment.</p>	No
<p>Are there significant cumulative considerations having regard to other existing and/or permitted</p>	No	No

projects?		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA located c. 3 km east of the appeal site and the South Dublin Bay SAC c. 4km to the south east. The North Dublin Bay Proposed Natural Heritage Area is located c. 3km to the east.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)