



An
Coimisiún
Pleanála

Inspector's Report

ABP-320953-24

Development

PROTECTED STRUCTURE: The construction of a mixed-use development of 93 apartments, a cafe/retail unit and all ancillary site works.

Location

Numbers 36-40 Dominick Street
Upper, Dublin 7 (The Hendrons
Building)

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

4790/23

Applicant(s)

Phibsborough D7 Development Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

First Party

Third Party

Appellant(s)

Phibsborough D7 Development Ltd –
(First Party)

Robert Browne (Third Party)

	Helen Moore (Third Party)
	MPM Residents Association (Third Party)
Observer(s)	Larissa Miller & Barry Dunning
	Thomas Gallagher
	Transport Infrastructure Ireland
	Helen Moore
	James Nugent
	Cillian O'Neill
	Ann Louise Duignan & Gearoid Comaskey
Date of Site Inspection	26 th June 2025
Inspector	Emma Nevin

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1.0 Site Location and Description

- 1.1. The appeal site is an existing brownfield site with a stated area of 3,402m², situated on Dominick Street Upper and with frontage to Palmerston Place and Western Way.
- 1.2. The site is occupied by an existing four-storey former industrial building (the Hendrons Building) fronting Dominick Street Upper. The building is a protected structure which was constructed in the 1940s, with distinctive glass block fenestration, a projecting flat roofed entrance area to the front, metal railings and a projecting lift shaft at roof level. The building is in a prominent position due to the upward slope of Western Way.
- 1.3. To the southeast of this building is No. 36 Dominick Street Upper, which is an existing three-storey townhouse dating from the nineteenth century, with a projecting flat roofed extension of later construction to the front. The site also includes two former workshop buildings, including a two-storey flat roofed structure extending behind No. 36 along the site frontage at Palmerston Place, set behind a concrete block wall, and the second workshop which extends behind the Hendrons Building. The site boundary wall at Western Way, is also a protected structure.
- 1.4. On the corner of Dominick Street and Western Way a hard surfaced area separates the site from the public footpath at Western Way. The Hendrons Building faces a forked junction on Dominick Street Upper, where the Luas line extends west from Dominick Street towards Constitution Hill/Church Street, with a small triangular area of open space between the public road and the Luas line. There is a loading bay in front of the building. On the opposite side of Dominick Street the site faces two existing three-storey former townhouses at Nos. 42 and 44, of which No. 44, on the northwestern corner of the street, is occupied by Cumiskey's public house.
- 1.5. To the southeast the site extends into Palmerston Place, which is an existing residential street comprising two-storey over basement terraced houses, which extend around the corner to Mountjoy Street Middle. Western Way is a curved vehicular and pedestrian route which links Constitution Hill with Mountjoy Street.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:

- Demolition of the existing vacant warehouse buildings, the boundary wall fronting Palmerston Place and the existing dwelling at No. 36 Dominick Street Upper, with a combined gfa of c.2,359.6m², and construction of a mixed-use development of 93 apartments in three residential blocks (Blocks A to C), including a residential amenity area in Block B and a café/retail unit in Block A.
- The proposal provides for 8,309m² of new development in addition to 808.8m² of floor area in the existing building, resulting in a development with a total floor area of 9,117.9m². A full description of the proposed blocks is set out in the Assessment below.
- External amenity space (total area of c.652m²) is provided in the form of a roof terrace on Block B (sixth floor level with an area of c.251m²) and within a central courtyard and secondary communal area, including outdoor seating and play areas (with an area of 401m²). The proposed development includes bike stores containing 175 spaces at ground floor level, 50 surface level cycle parking spaces, a bin store and plant room. An ESB substation and switch room is proposed in Block A.
- The proposal includes alterations to Dominick Street Upper, including adjustment of existing kerb alignments, removal of entrance/adjustment of loading bay, replacement of footpath, and provision of cycle parking, and consolidation and repair as necessary of the boundary wall to Western Way (a protected structure). The proposal also includes provision of a public plaza of 193m² on the corner of Dominick Street Upper and Western Way, hard and soft landscaping, site lighting, green blue roofs, PV panels, connections to foul and surface water drainage, signage zones, hard and soft landscaping, boundary treatments and associated and ancillary works.

3.0 Planning Authority Decision

- 3.1. The Planning Authority granted permission, following further information and clarification of further information, on 5th September 2024, subject to 27 conditions, which included the following. I note that three of these conditions relate to the first party appeal.

- Condition 2 relates to Development Contributions.
- Condition 3 relates to contribution in respect to the LUAS.
- Condition 4 relates to open space levy condition.
- Condition 5 relates to a cash deposit/bond.
- Condition 6 relates to Block C and the length of this block as depicted on the further information drawing vs the clarification of further information drawing.
- Condition 7 & Condition 8 relates to the retail/café unit and multi-use café and gallery space, community and cultural space and public co-working hub.
- Condition 9 relates to signage.
- Condition 10 relates to the details of any proposed shutters to the development.
- Condition 11 relates to materials and finishes.
- Condition 12 relates to landscaping.
- Condition 13 relates to management company for the scheme.
- Condition 14 details the requirements of the Conservation Officer.
- Condition 15 relates to a Conservation Expert.
- Condition 16 relates to the Ecological Impact Assessment Report.
- Condition 17 details the archaeological requirements.
- Condition 18 relates to codes of practice.
- Condition 9 relates to naming and numbering.
- Condition 20 relates to the requirements of Transportation Planning.
- Condition 21 relates to the requirements of Transport Infrastructure Ireland.
- Conditions 22 and 23 relates to the requirements of the Drainage Division.
- Condition 24 limits development at roof level.
- Condition 25 relates to communication/digital connections.
- Condition 26 is hours of operation.

- Condition 27 relates to Part V requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial Planner's Report dated 9th September 2024, requested Further Information (FI) in relation to 9 no. items including to consider the mix of uses on site, to include more non-residential uses in accordance with the zoning objective, to consider the refurbishment of No. 36 Dominick Street and its incorporation into the proposed development, to clarify the design of the winter gardens in Block A, measures to increase the sunlight to the internal courtyard within the scheme, to indicate the window in the side gable of No. 1 Palmerston Place and to submit details to reduce overshadowing of the gardens of Nos. 1 – 5 Palmerston Place, to reduce the scale of Block C, to address the concerns of the Conservation Officer in relation to Hendrons Building, the junctions between the Hendrons building and new Blocks A, B and C, and the boundary wall, the site access and internal permeability design including pedestrian permeability, the location of the proposed bicycle parking and the number of cargo bicycle spaces.
- The Planner's Report following the submission of the FI Response assessed the applicant's FI response. It was considered that few revisions were proposed to the scale and design of the proposed development, and it is considered that that the information submitted does not adequately address all of the issues of concern. It was also considered that the further information response did not adequately consider the impact on adjoining residents, in particular those at Nos. 1-5 Palmerston Place. It was considered that the issues raised under item 5 have not been adequately addressed in the further information submission. There were also concerns in relation to sunlight provision to the main internal courtyard at ground floor level.
- Accordingly clarification of FI was requested on 2 no items in respect to FI items 4, 5 regarding the impact of the proposal on the rear gardens and living areas of Nos. 1-5 Palmerston Place, and 7c in relation to the protection of the boundary wall during construction.

- The applicant's response to the clarification further information, included details of a reduction in the scale and massing of the proposed development, with the omission of three residential units. The site constraints, including the existing protected structure in the southwestern area of the site, which will be refurbished, and the extensive boundary wall, are noted. It is also accepted that some degree of overshadowing is likely given the intensification of development proposed on the site in line with national policy for the redevelopment of infill brownfield sites. The response also indicated revisions to the footprint of Block C which result in a separation distance of 1.2m from the boundary wall.
- The planners report noted the elongation of the lower eastern façade of Block C by 2.7m from 13.5m to 16.2m and consequent reduction in the small triangular external amenity space to the north of Block C. It was considered that the increase in the length of Block C from south to north cannot be considered at this stage as it may result in additional impacts on third parties. A condition was attached ensuring that the length of Block C remains as previously proposed. Revised drawings would be required showing this, accompanied by a final schedule of floor areas demonstrating that all of the proposed apartments would continue to meet minimum floor area requirements for the unit type. I note that this forms part of the first party appeal.
- The Planner's Report concluded that *"The proposal would provide for regeneration of a brownfield site with residential units which would provide for a good standard of residential amenity, with a unit mix in accordance with the mix required for this area under the current development plan. Active uses including a café/retail unit, café/gallery space and co-working space would be provided at street level, with the café/retail unit and co-working space providing an active frontage to a new public space adjacent to the junction of Dominick Street and Western Way. A levy condition requiring €2,000 per unit for public open space should be attached to address the shortfall of c.40%, and conditions can be attached to ensure a high quality of materials and landscaping"*. It was considered that the proposal would be in keeping with development plan provisions, and with the proper planning and sustainable

development of the area, and permission was granted subject to 27 no. conditions noted in Section 3.1.1 above.

3.2.2. Other Technical Reports:

- Transportation: Following the receipt of Further Information, no objection, subject to conditions.
- Drainage Division: No objection, subject to conditions.
- Conservation Following the receipt of further information and clarification of further information, no objection subject to conditions.
- Archaeology: Recommending Condition.
- Environmental Health: Recommending Condition.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland – Submission received which notes proximity to Luas line; conditions to be attached in the event of permission being granted; note that the site is within the area of an adopted Section 49 Supplementary Development Contribution Scheme - Luas Cross City (St. Stephen's Green to Broombridge Line) under S.49 Planning and Development Act 2000, as amended; unless exempt, request that a levy condition be attached in accordance with this.

3.4. Third Party Observations

3.4.1. Twenty nine (29) observations from Third-Parties were received by the Planning Authority following the lodgement of the application. The issues raised in the observations are as follows:

- Principle of Development/General.
- Zoning/Use Mix.
- Design and Layout.
- Scale, Massing and Height/Impact on adjoining residents.
- Conservation Issues.

- Traffic and Transportation Issues.
- Ecology/Biodiversity.

Other Issues including: –

- Well-designed homes, sustainable roofing and solar panels are to be commended.
- Proposed development should incorporate more amenities including children's play space and a community garden for residents.
- Need to monitor noise, dust and air quality during construction.
- Reports are poor quality, and the community report does not state what benefits the proposed development could offer to the local community.
- Ownership of the site is unclear.
- Local residents should attend pre-application consultation meetings.
- No transparency in relation to Part V agreement.
- Adequate thought has not been given to what type of residential typologies will replace bedsits and who benefits from these.
- Problems with water pressure in the area.
- The plans should show the side window and gate to No. 1 Palmerston Place.
- The growth of Dublin must be slowed as there are other areas which need development, there must be a strategic planning process and infrastructure, and green space must be provided.
- The proposal is for the gain of a few people to the detriment of many.
- A 3D model of the proposed development should be required.
- This is the third attempt to develop this tight triangular site.
- No documents relating to construction, critical path analysis, phasing or noise abatement.
- Existing ground floor units in the vicinity are vacant so there is no need for any more commercial space.

- Proposed commercial space should be replaced with uses which benefit the local community.
- Insufficient open space for proposed development.
- There should be no roof terraces overlooking Palmerston Place.
- Proposal should provide greening to Palmerston Place.
- An increase in traffic on Palmerston Place will result in increased noise.
- The submitted construction management plan is vague and not site specific.
- Unclear whether the open space provided complies with standards.
- More of the open space on the site should be publicly accessible, including children's play space.
- Apartments should be sold individually and not to a single landlord.
- Events such as concrete pouring during construction should be highlighted in advance.
- Unclear what access there will be to Stable Lane.
- Cycle parking would break up an open space which is currently used by the local community.
- Need for a framework plan for the Broadstone area.
- The site deserves a development which makes a bold, individual, innovative and contemporary architectural statement equivalent to that of other landmark buildings in the area.
- Additional footfall would reduce dumping and anti-social activity in the vicinity of the site.
- The stepped form of Block C divides the communal open space and this impacts on its quality and usability.
- The railings in front of the development should match the existing nineteenth century railings.
- A high proportion of the apartments should be owner occupied.

- The original Victorian entrance at the top of Dominick Street should be retained as the main entrance to the development.

3.4.2. Following the further information request a further 10 no. third party observations were received which raised the following issues:

- Applicant has not sufficiently considered the need for more non-residential uses in accordance with the zoning objective.
- The increase in non-residential uses to 11% of the site area is still low and is insufficient - almost 89% of the building footprint would not be occupied by neighbourhood uses.
- A more equitable balance between residential and non-residential space should be the subject of a condition.
- The Z3 zoning of the site has been reconfirmed in the current development plan.
- There is little evidence of local or city-wide need for co-working space.
- The proposal does not improve community facilities in the area and the cultural space proposed is minimal – co-working space is not community space and the opportunity to provide exhibition space or other community uses is ignored.
- The community/cultural, gallery and co-working spaces should be genuinely accessible to the local community.
- Proposal will put pressure on schools and creches in the area.
- No details of how the community facilities will be operated and managed and there is concern that they will be left unoccupied.
- There has been no engagement with local residents in relation to the use of the community spaces since the application was made and the vague wording in relation to them is concerning.
- Lack of creches and artists' spaces in the vicinity.
- A condition should require the provision of facilities more relevant for community gain, with details of how they will be managed.

- The fact that No. 36 is not protected does not warrant its demolition.
- No. 36 was not deemed to be a dangerous building on inspection.
- It is claimed that five new apartments will be provided in place of No. 36, but these clearly exceed the footprint of No. 36.
- The exterior of No. 36 is a rare and valuable addition to the local area regardless of condition, as one of the last traces of the Victorian streetscape on Dominick Street and a powerful connection with the nearby Broadstone railway station and King's Inns.
- No. 36 is currently occupied, and the current owner is responsible for its poor condition – the cost of the refurbishment required should be reflected in the price paid for the overall site by the new owner.
- No. 36 is not beyond saving and should be preserved along with the two buildings on the opposite side of the street as the gateway to Upper Dominick Street.
- Demolition should not be a reward for allowing a building to become derelict; • The demolition of No. 36 contravenes section 5.5.8 of the current development plan.
- The remaining original character of Dominick Street should be respected and retained.
- No. 36 should be retained and Block A behind it should be reduced to three storeys.
- No response has been provided to the request to consider a more appropriately scaled Block A along Palmerston Place.
- No further information provided in relation to vehicular access to the laneway, refuse collection, deliveries, emergency vehicular access, etc.
- The lane beside No. 1 Palmerston Place should not be used for vehicular access to the site, in particular for refuse trucks, and refuse should not be stored on the lane; The issue of the right of access for the resident of No. 1 has not been clarified and should be the subject of a condition.

- No clarification provided in relation to vehicular access to the development from the Dominick Street side; • Entrances to the site must be clearly shown.
- The applicant has not discussed the right of way to the laneway with the owner of No. 1 – clarity is required on what uses are proposed in the laneway; • Safety concerns due to traffic.
- No provision for vehicular access, motorcycles or delivery vehicles; • Zero car parking will be impossible to enforce.
- No attempt is made to address the issue of overshadowing of Nos. 1-5 Palmerston Place and this overshadowing is underestimated.
- Incorrect assumptions have been made in relation to the rooms served by the three most affected windows in No. 1 Palmerston Place – the sunlight assessment should be carried out again without the assumptions made in relation to the use of the rooms.
- No attempt to alter plans to increase sunlight to the internal courtyard.
- The issue of the visual impact of Block C on Palmerston Place has not been addressed and the photomontages underestimate this impact.
- The further information does not fully address the concerns raised or make a serious attempt to engage with many of these concerns.
- The large courtyard would still have almost no sunlight and the justification for not reducing the number of units to improve sunlight does not seem reasonable.
- The loss of evening summer sunlight from the northwest to the rear gardens of Nos. 1-5 Palmerston Place has been underestimated in the FI response.
- No gaps are provided between the buildings which could allow sunlight to penetrate – this results in a dark and overbearing environment to the living rooms and gardens to Nos. 1-5.
- A reduced development on the site, as set out on pages 13 and 17 of the FI response, would allow for more sunlight penetration both to the courtyard and to the rear gardens and living spaces of Nos. 1-5.

- The statement that the visual impact on adjoining streets is of slight significance and qualitatively neutral is incorrect as demonstrated in the photomontages.
- The photomontages do not accurately show the full extent of Block C which, at between 13.2m and 14.5m high, would loom over and overwhelm the two-storey over basement streetscape at Palmerston Place which is an ACA.
- Block C should be set back to a minimum distance of 6m from the rear boundary with Palmerston Place.
- Block C does not represent an improvement to any building, feature or element which detracts from the character of the area, as there is currently no building in the location proposed for Block C.
- Poor quality of open spaces proposed - the central courtyard is north facing and overshadowed by blocks A, B and C and the pocket garden to the north is small and poorly connected to the main space, by a 1.5m wide alley with a four-storey building elevation on one side and a 2.5m high boundary wall on the other - the previous proposal provided a better and more usable open space.
- Impact on evening sunlight to houses on Mountjoy Street.
- The applicant is not concerned about sunlight and daylight to new or existing dwellings.
- The historic boundary wall on Western Way should be protected.
- There is no basement in Block A.
- Unclear where residents of the proposed development will park cars.
- Developers should not be allowed to build out to the boundary line.
- A 3D model should have been submitted.
- Block A should be stepped back to the building line of Nos. 1-5 and the brickwork should be in keeping with Nos. 1-5.
- The issue of the winter gardens has not been adequately addressed.

- Views should be requested showing the impact of the proposal from locations such as the junction with Bolton Street, the King's Inns, Broadstone Garage, Blessington Basin and Berkeley Road.
- Why is an extra storey required to the Hendron's building?
- The conservation information provided is insufficient.
- Proposal will not enhance biodiversity in the area.
- Disregard by developers for the citizens of Dublin or for the need for sustainable neighbourhoods.
- People spend more time at home since the pandemic, so amenity and sunlight are important.
- No consideration for how people would escape in an emergency.
- Subsurface waterways may not be capable of supporting the proposed development.
- This neighbourhood is the closest village to O'Connell Street.
- Block A disregards the sensitive context of the site and policies for protection of residential conservation areas.

4.0 Planning History

4.1. Relevant Planning History on the Subject Site

- 4.1.1. SHD0027/20: Permission refused by An Bord Pleanála on 1st April 2021 for a Strategic Housing Development at this site Nos. 36 – 40 Dominick Street Upper, Broadstone; for the development, which ranges from four to nine storeys across two buildings (described as Blocks, A, B, C, D and E [Blocks A and B over basement]) provides for the retention and re-use of the Hendrons Building, to include the addition of an extra storey and adaptive works and the extension of the building to provide a development of c.11,384m², including 10,951m² of Build-to-Rent shared living accommodation (inclusive of amenity space), 280 units [281 bedspaces], c.433m² of other uses including a gym, café/shop and yoga studio. provision of site wide landscaping including pathways, lighting, sedum roofs and all ancillary site development works including boundary treatments.

The reason for refusal was as follows:

“Having regard to the potential negative impact that the proposed development would have on the Protected Structure (Hendrons Building) within the site, in particular the height, design and materiality of the proposed development as provided for in Block C, it is considered that the proposed development would not be in accordance with Policy CHC1 and Policy CHC2 of the Dublin City Development Plan 2016-22 to preserve Protected Structures. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area”.

- 4.1.2. 3938/08: Permission granted by Dublin City Council and refused by An Bord Pleanála (PL 29N 233677) on 14th January 2010 for development of a mixed use scheme on a site of c.0.3444 hectares, principally identified as the site of the 'Hendron's' building, located to the east of the junction of Western Way and Dominick Street Upper; to include the demolition of the existing building on site (3,130m²) and construction of a mixed use scheme with a total gross floor area of 11,466m², ranging in height from single storey to 14 storeys over basement level and comprises: 48 residential units (5 x 1 bedroom apartments, 33 x 2- bedroom apartments and 10 x 3 bedroom apartments); 4 live/work units (3 x 3 bedroom live/work units and 1 x 4-bedroom live/work unit); 32 aparthotel units (2,505m²); offices (1,532m²), neighbourhood shop (675m²); art gallery/studio (511m²) and restaurant (334m²). The development also comprised works to the existing stone boundary wall (a protected structure) fronting Western Way including the creation of openings in the wall of various sizes to form pedestrian entrances to the development, and the removal of the existing ashlar stone piers, plinth and cast iron railings to Upper Dominick Street.

The reasons for refusal included:

“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”.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 – 2028

I consider that the following policy is relevant to the assessment of this application:

Zoning

- 5.1.1. The site is zoned Z3, Sustainable Residential Neighbourhoods, with the objective “to provide for and improve neighbourhood facilities”, in the Dublin City Development Plan 2022 – 2028 (*Dublin CDP*).
- 5.1.2. The site includes a protected structure (the Hendrons Building) and is also within the curtilage of a protected structure (the existing boundary wall at Western Way) in the *Dublin CDP*.

Housing

- 5.1.3. Policy SC10 Urban Density: *“It is the policy of Dublin City Council to ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof.”*
- 5.1.4. Policy SC12 Housing Mix: *“It is the policy of Dublin City Council to promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive.”*
- 5.1.5. Policy QHSN6 Urban Consolidation: *“It is the policy of Dublin City Council to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.”*
- 5.1.6. Objective QHSNO4: *“It is an objective of Dublin City Council to support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.”*
- 5.1.7. Policy QHSN10 Urban Density: *“It is the policy of Dublin City Council to promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.”*
- 5.1.8. Policy QHSN48 Community and Social Audit: *“It is the policy of Dublin City Council to ensure that all residential applications comprising of 50 or more units shall include a community and social audit to assess the provision of community facilities and infrastructure within the vicinity of the site and identify whether there is a need to provide additional facilities to cater for the proposed development. Refer to Section 15.8.2 of Chapter 15: Development Standards”.*

Open Space

- 5.1.9. Policy GI28 New Residential Development: *“It is the policy of Dublin City Council to ensure that in new residential developments, public open space is provided which is sufficient in amenity, quantity and distribution to meet the requirements of the projected population, including play facilities for children and that it is accessible by safe secure walking and cycling routes.”*

Development Standards

- 5.1.10. Section 15.4.2 Architectural Design Quality: *“Through the use of high quality materials and finishes and the appropriate building form, the architectural quality of development should positively contribute to the urban design and streetscape, enhancing the overall quality of the urban environment. In particular, development should respond creatively to and respect and enhance its context”.*
- 5.1.11. Section 15.5.1 Brownfield, Regeneration Sites and Large Scale Development: *“Dublin City Council will seek to ensure the following considerations are incorporated in proposals for large-scale, regeneration and brownfield development:*
- *To analyse and review the surrounding built environment to ensure the new development is consistent with the character of the area,*
 - *to prioritise pedestrian and cycle movements in connection with public transport infrastructure.”*
- 5.1.12. Section 15.6.12 Public Open Space and Recreation: There is a 10% minimum requirement of public open space on Z1 zoned land.
- 5.1.13. Section 15.8.2 Community and Social Audit:
- “A community and social audit should address the following:*
- *Identify the existing community and social provision in the surrounding area covering a 750m radius.*
 - *Assess the overall need in terms of necessity, deficiency, and opportunities to share/ enhance existing facilities based on current and proposed population projections.*
 - *Justify the inclusion or exclusion of a community facility as part of the proposed development having regard to the findings of the audit.”*

5.1.14. Section 15.9.18 Overlooking and Overbearance:

“Overbearance’ in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space service a home. In established residential developments, any significant changes to established context must be considered. Relocation or reduction in building bulk and height may be considered as measures to ameliorate overbearance. Overlooking may be overcome by a variety of design tools, such as:

- Building configurations (bulk and massing).*
- Elevational design / window placement.*
- Using oblique windows.*
- Using architectural features.*
- Landscape and boundary treatments.”*

Density and Height

5.1.15. Appendix 3, section 3.1 – Height: *“The key factors that will determine height will be the impact on adjacent residential amenities, the proportions of the building in relation to the street, the creation of appropriate enclosure and surveillance, the provision of active ground floor uses and a legible, permeable and sustainable layout.”*

5.1.16. Appendix 3, section 3.2 – Density: Table 1 states that in the outer suburbs a net density range of 60 – 120 units per hectare will be supported.

5.1.17. Appendix 3, section 4.0 - The Compact City – How to Achieve Sustainable Height and Density: *“Outside of the canal ring, in the suburban areas of the city, in accordance with the guidelines, heights of 3 to 4 storeys will be promoted as the minimum. Greater heights will be considered on a case by case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3.”*

5.1.18. Appendix 5, section 3.0 – Cycle Parking Standards: 1 long term space per bedroom and for visitors 1 space per 2 apartments.

5.1.19. Appendix 5, section 4.0 Car Parking Standards: 1 space per dwelling is required.

Conservation

- 5.1.20. Section 11.5.1 of the development plan refers to protected structures, stating that all works to such structures shall be carried out to the highest standards in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011).
- 5.1.21. Policy BHA2 is that development will conserve and enhance protected structures and their curtilage.
- 5.1.22. Policy BHA6 states: 'That there will be a presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847. A conservation report shall be submitted with the application and there will be a presumption against the demolition or substantial loss of the building or structure, unless demonstrated in the submitted conservation report this it has little or no special interest or merit having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011)'.
- 5.1.23. Policy BHA11 is: 'a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment. b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features. c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric'.

5.2. National Planning Policy

National Planning Framework (2025)

- 5.2.1. The National Planning Framework 2025 sets out that the 'major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages.'
- 5.2.2. Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 10: Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- National Policy Objective 11 – Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 22 – 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.
- National Policy Objective 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

Climate Action Plan, 2024 and 2025

- 5.2.3. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.
- 5.2.4. 2025 update -Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. The residential sector is on track to meet its 2021-2025 sectoral emissions ceiling and is ahead of its 2025 indicative reduction target of - 20%.

National Biodiversity Action Plan (NBPA) 2023-2030

- 5.2.5. The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.
- 5.2.6. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

Water Framework Directive

- 5.2.7. The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.
- 5.2.8. The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

5.3. Regional Planning Policy

Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)

- 5.3.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objective (RPO) of the RSES is considered relevant to this application:
- 5.3.2. RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.

- 5.3.3. According to the RSES, the site lies within the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing delivery, integrated transport and land use, and the alignment of growth with enabling infrastructure.

5.4. **Section 28 Ministerial Guidelines**

Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (*Compact Settlements Guidelines*) 2024

- 5.4.1. Table 3.1 – Areas and Density Ranges Dublin and Cork City Suburbs. In City – Suburban/ Urban Extension areas residential densities in the range of 40 – 80 net units per hectare shall be applied in Dublin and densities up to 150 units per hectare shall be open for consideration.
- 5.4.2. Policy and Objective 5.1 – Public Open Space: Minimum of 10% open space.
- 5.4.3. SPPR 3 – Car Parking: The site is in an intermediate location where the maximum parking provision shall be 2 no. spaces per dwelling.
- 5.4.4. SPPR 4 Cycle Parking and Storage: 1 cycle storage space per bedroom should be applied.
- 5.4.5. Section 5.3.7 Daylight: The provision of acceptable levels of daylight in new residential developments in an important planning consideration.

Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2023) (*Apartment Guidelines*)

- 5.4.6. I note that the Planning Design Standards for Apartments Guidelines for Planning Authorities were published on 08.07.2025. Section 1.1 of this document states that the guidelines only apply to planning applications submitted after the publication of the guidelines. I am therefore satisfied that these guidelines are not relevant to the current appeal.

5.4.7. Specific Planning Policy Requirement (SPPR) 1 – Mix: *“Housing developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.”*

5.4.8. SPPR 3 – Minimum Apartment Floor Areas

Minimum Apartment Floor Areas	
1 bedroom (2 persons)	45 sq.m
2 bedroom (3 persons)	63 sq.m
2 bedroom (4 persons)	73 sq.m

5.4.9. SPPR 4 – Dual Aspect: *“in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme”.*

5.4.10. SPPR 5 – Floor to Ceiling Height: The minimum floor to ceiling height is 2.4m and 2.7m at ground floor.

5.4.11. SPPR 6 – Maximum Apartments per Floor per Core: *“A maximum of 12 apartments per floor per core may be provided in apartment schemes”.*

Urban Development and Building Height Guidelines (2020) (*Building Height Guidelines*)

5.4.12. SPPR 3: An application needs to set out how the development complies with development management criteria in relation to at the scale of the relevant city/ town, at the scale of district/ neighbourhood/ street and at the scale of the site/ building.

Cycle Design Manual (2023)

5.4.13. Section 6.3 Universal Access: 5% of cycle parking spaces should be provided for larger non-standard cycles so that they can be used by disabled people with adapted cycles and other people using tandems, child trailers, cargo bikes and tricycles.

Other Relevant Guidance

5.4.14. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January 2018.
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009).
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2nd Edition 2011, 3rd Edition 2022).
- Housing for All – A New Housing Plan for Ireland (2021).
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009).
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

5.5. Natural Heritage Designations

5.5.1. The following distances are noted between the site and natural heritage designations:

Site	Distance from the Subject Site
North Dublin Bay Special Area of Conservation (site code 000206)	6.5 km
North Bull Island Special Areas of Conservation (site code 004006)	6.5 km
North-west Irish Sea Special Protection Area (site code 004236)	8.2 km
South Dublin Bay Special Area of Conservation (site code 000210)	4.5 km

South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024)	4.5 km
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5.6. EIA Screening

- 5.6.1. I note that a screening report for EIAR has been submitted, which determines that the proposed development is sub-threshold for mandatory EIAR. Notwithstanding, I refer the Coimisiún to completed Forms 1 and 2 in Appendices A and B.
- 5.6.2. Having regard to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, I have concluded at preliminary examination stage that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeals

6.1. Grounds of First Party Appeal

- 6.1.1. A First-Party appeal has been lodged by the applicant in this instance. The grounds of appeal relate to Condition Nos. 6, 14 (e) and 20 (b) can be summarised as follows:
- Condition 6 – Revised Drawings:
 - Condition number six requires the length of the two-story element of block C to be reduced from 16.2 metres to 13.5 metres. Condition 6 is not considered necessary in terms of mitigating impacts and neighboring properties, as these have already been addressed in the further information and clarification of further information amendments and it will require further redesign for the design team due to the knock on implications of the condition and the requirement to submit revised

drawings. It is respectfully submitted that the board should grant permission for the proposed development without condition number six.

- Condition 14 (e) – Courtyard Wall Elevations:
 - Condition #14A requires external wall finishes of new residential blocks during the courtyard elevations to be light colored mat or translucent glazed bricks. This condition presents practical and design challenges and rendered finish provides A contextually appropriate, aesthetically harmonious and economically viable solution for the courtyard elevations.
 - Rendered finish for rear elevations aligns with the traditional Victorian architectural practices, supports the low design intent to differentiate the scale the massing and offers a practical, low maintenance finish suitable for the courtyards protected environment.
- Condition No. 20 (b) – Revised Cycle Parking
 - Condition #20B requires revised plans for all residential bicycle parking to provide separation of at least 1.8 metres between cycle parking rows/ walls to allow for appropriate space for users to maneuver the semi vertical stands for the ease of access/ egress.
 - It is requested that the board revised the wording of this condition from 1.8 meters to 1.5 metres separation distance, as this aligns with the minimum guidance for the layout dimensions of cycle stands provided in the cycle design manual, which should be facilitated in this inner-city redevelopment.

A minimum separation distance of 1.5 meters can be achieved in all residential cycle stores come up without amending the layout of the proposed development or location of the cycle stores within the scheme which have already undergone detailed design considerations due to the nature of the proposed redevelopment, and this constrained inner city site which comprises 2 protected structures.
- It is respectfully requested that the board upholds the Planning Authorities decision and issue a grant of permission omitting the requirements of condition no. 6 and condition no. 14, and the unrevised condition no. 20 (b) as

set out in the first party appeal for the proposed development comprising 90 residential units, residential amenity area, retail/ cafe unit, cultural/ community use, multi-use cafe an artistic gallery space and public coworking floor space.

6.2. Grounds of Third Party Appeals

6.2.1. Two third party appeals have been lodged in respect of the proposed development from Mr. Robert Browne and MPM Residents Association. The following are the main issues raised:

- There have been a number of major developments granted permission including student accommodation and/or short stay on both sides of Dominick Street, including a build to rent beside the Black Church. This description applies to the Henderson site also. This is creating very expensive accommodation
- A huge amount of transitory accommodation has been sanctioned and none of this will be occupied by families.
- The area has been saturated with temporary accommodation, creating a transient population hence this development does nothing for the sustainable long term development of the area in terms of a cohesive neighbourhood where families can grow up together.
- The development has a serious shortfall in open space, which DCC allows the developer to buy their way out of this situation.
- There is an applied duty of care by planners to make sure these developments meet the requirements.
- Parks are closed early with some parks private.
- Access and egress – it could not have been in the best interests of access and egress that this decision was made as they are turning a site that always had to access/egress points into essentially a cul-de-sac that has a single entry/exit.
- The accessibility and permeability of the site is atrocious and badly designed.
- No advantages of the development to the area and crippling disadvantages.

- The location of the LUAS along Dominick Street already causes traffic issues and this development will cause mayhem with parking and vehicular movements in the area including fire tender and service and maintenance vehicles.
- Has the development been signed off by a Chief Fire Officer.
- Cars in the vicinity will be blocked.
- Impact on cyclists entering and exiting the scheme.
- There must be two access and egress points.
- The development as proposed needs to be refused.
- In terms of planning history, the previous proposal provided a much greater range of uses at the Z3 zoned site than currently proposed.
- Any development at this site needs to be of a scale, mass, form and height and layout that does not detract from the setting and character of the Hendron's building.
- The proposed development by nature of its scale, density, design, and layout at this location would be seriously injurious to the amenities of the areas and would be contrary to the proper planning and sustainable development of the area.
- Overbearing impact on Palmerston Place and impact on residential amenity of adjoining residents and streets due to the height, mass, and scale of the proposal.
- Block C, despite the reduction in height will be significantly overbearing on the residents at 1-5 Palmerston Place.
- The transition between the existing properties and the proposed development remains stark.
- The proposal will also negatively impact on the residential conservation area of Palmerston Place and will physically detract from and alter the physical character and fabric of the protected streetscape and should be refused.

- Negative impact on the Hendron's building and boundary wall at Western Way, which are protected structures.
- The development will physically and visually dominate, engulf, and diminish the architectural form and distinct character of the Hendron's building.
- Overdevelopment regarding the Z3 zoning objective with residential making up over 96% of the quantum of overall development, with café/retail/community element only making up a very minor secondary component of the overall scheme. The mix cannot be considered as being consistent with the overall objective for Z3 zoned land.
- Negative impact on Western Way due to the proposed height, scale and mass, which will be overly dominant in its context.
- The proposed development will engulf the protected structures within the site.
- Inadequate level of non-residential uses proposed for the Z3 zoned site.
- Question the need for and the commercial viability of the proposed facilities at this location.
- The proposed retail and community floorspace will contribute little to the area and lacks active street frontage.
- No car parking is proposed, and the applicant has failed to provide a meaningful justification for the non-provision of car parking as part of the proposal.
- The lack of parking will result in residents parking on the residential streets in the vicinity where car parking is already over-subscribed. This will result in a narrowing of streets and a serious traffic and public safety concern. Compounded by the one-way nature of the street.
- The negative impact of the proposed external roof terrace at Block B.
- The proposed courtyard area will be overshadowed by the proposed development surrounded by 5 to 7 storey elements.
- The lack of private open space to some apartments is of concern.
- Disturbance to adjoining residents from external amenity areas.

- Concerns in relation to the accuracy of the potential sunlight and daylight impact report and assessment.
- Negative impact on property values.
- It is not clear what relationship is between the proposed development and the existing lane, wayleave, which is gated at present.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response (received 30th October 2024) to the grounds of appeal can be summarised as follows:

- The Planning Authority request that the Bord uphold their decision to refuse permission.
- The Planning Authority request that if permission is granted that the following conditions are applied: Section 48 development contribution condition, Section 49 Luas contribution, a condition in respect of a bond, a condition in respect of a contribution in lieu of open space requirement, a social housing condition, a naming and numbering condition, and a management company condition.

6.4. Applicants Response

6.4.1. The applicant responded to the third party appeals as follows:

- Section 3 of the planning report submitted with the planning application provides a response to the previous refusal for a strategic housing development on the subject site under a BP ref 308841/20. The key differences between the refused and the submitted scheme are incorporated to address the reason for refusal in terms of the proposed use, the proposed height, the architectural design, and geometry, slightly outing and massing.
- The planning report provides a detailed justification of the proposed development and planning terms including a comprehensive set of documentation submitted with the further information and clarification of further information responses which addresses all comments received from the planning authority and responds to third party issues and demonstrates

the appropriateness of the proposed mixed-use development for this inner city site.

- The proposed development provides for the regeneration of an infill brand fill an inner-city site but providing much needed residential units. The proposal provides for the reactivation of historic building a protected structure providing its long-term use and making the ground floor accessible to the community.
- The proposed development is in accordance with the relevant national, regional and local planning policy.
- The proposal would represent effective and efficient use of a currently underutilised urban site and would therefore be in full compliance with the planning national planning framework, the RSES for the area and the City Development Plan.
- The proposed development records with the proper planning and sustainable development for the area.
- The planners' report demonstrates the appropriateness of the proposed development in the context of the issues raised and is included in the applicant's response.
- The proposed development does not propose build to rent accommodation, student accommodation or co-living. It does not provide temporary or short-term accommodation and it would appear that the appellant has misunderstood the nature of the proposed development in this regard.
- The proposed development as revised at clarification of further information stage reduced from 93 residential units to 90 residential units. The development complies with the unit mix requirements of the City Development Plan.
- It is submitted that the correct balance between providing a viable mixed-use development and appropriate quantum and mix of apartments has been found in these proposals as approved by Dublin City Council and the development would be a positive addition to the area.

- The proposal includes the provision of a new public Plaza adjacent to the hundreds building entrance which provides meaningful open space in this inner-city location. Notwithstanding that the site is constrained inner city site which is currently derelict and closed off from the public and includes the hen judgments building which is a protected structure.
- The area of public open space is 193.2 square metres which equates to 6% of the site area, which is below the 10% minimum standard, however condition 4 requires a financial contribution in lieu of the shortfall which is accepted by the applicant.
- The area benefits from the nearby play opportunities and public open spaces.
- It is proposed the provision of public open spaces is acceptable, and the shortfall of public open space is addressed by financial contribution required under the conditions which aligns with the approach recommended in section 15 point 8.7 of the Dublin City Development Plan.
- In response to the concerns raised in respect of the amenity for future occupants the proposal provides a total of 639 square metres community amenity space at ground level and sixth floor level terrace. This exceeds the minimum requirements for community amenity space arising under the development plan.
- The scheme will be marketed as a car free development and therefore there will be no impact on roads in terms of vehicle traffic.
- The only possible impact will be from refuse vehicles day-to-day service deliveries and taxis all servicing will take place from the established existing loading Bay on Dominick St. upper.
- The site is located directly on the green LUAS less than 100 metres from Broadstone LUAS stop, and bus services within walking distance.
- It is submitted the two access/ egress points and the introduction of traffic lights within the scheme are not necessary as it does not include any car parking spaces. The need for such traffic management features is not warranted.

- Waste collection will occur from the existing loading bay adjacent to the front of the Hendrons building for all the developments. This has been noted and the planners' reports.
- There are narrow historic streets throughout Dublin city and this does not prevent access or pose a problem in terms of day-to-day living hinder service deliveries/ emergency vehicle access or prevent safe bin collection.
- It is proposed to utilise the loading Bay on Dominick St. Upper for the purposes of servicing the development and there is no requirement for vehicles to use Palmerston Place.
- In relation to fire tenders reversing on Palmerston Place it is noted that the infrequent event of reversing a fire tender vehicles is acceptable. The auto track drawings included an appendix 2 illustrate how fire tender can access the laneway of Palmerston Place if and when required.
- Any development if permitted is required to apply for separate fire certificate from Dublin City Council and a normal part of any such application will be agreeing the safe and appropriate passage of fire tender vehicles.
- The evolution of the design for the proposed development has been guided and formed by the planning history of the subject site, the site features, the surrounding context, national regional and local planning policy objectives and the issues and points raised during the pre-application discussion with the planning authority.
- The proposed heights of block C along the western way are generally lower by a floor than previously refused to scheme.
- The changes to block a include stepping down to three stories to provide an improved relationship and respond to the existing context of Palmerston Place increasing the setback of the fifth floor to reduce visual impact.
- The height of block B was reduced by one storey to reduce the impact on the setting of the protected structure.

- The submitted townscape and visual assessment provides an assessment of the proposed building heights against the performance criteria in Table 3 Appendix 3 of the Development Plan.
- It is considered that the site can accommodate the scale and density the design of the proposal in regard to the setbacks and relationships with the Hendrons building, which are sympathetic to surrounding residential structures in terms of massing and materials.
- The stepped approach to the building heights from two to seven storey as revised at clarification information stage with significant setbacks of upper floors avoids abrupt position and scale and context of the addition adjacent to three storey properties in the area whilst acknowledging the change in context in this part of the inner city.
- The proposed development is considered to address the height concerns by being at a reduced height to the previous SHD scheme.
- The proposal ensures a gradual transition in building heights to respect the surrounding context.
- Comprehensive assessments submitted with the planning application confirm that the development will enhance the area while preserving the prominence of the historic Hendrons building, creating a balanced architectural composition.
- No evidence has been submitted to support the opinion that the proposal will devalue properties adjoining the boundaries of the site.
- The removal of a derelict industrial warehouse and the delivery of a well-designed, attractive scheme will generally enhance the surrounding area.
- It is considered that the development will be of benefit to the surrounding area.
- Residents will not use the laneway off Palmerston Place. There is no access to the rear of other houses on Palmerston Place from the laneway. In traffic terms, given that there is no anticipated traffic demand on Palmerston Place

or the laneway, the proposed development cannot have adverse physical effect upon the laneway.

- The laneway may only be required for fire tender access.

6.5. Observations

6.5.1. Seven observations have been received including an observation from Transport Infrastructure Ireland (TII). The main issues raised in the observations can be summaries as follows:

- Welcome the development.
- The height of the development and the proximity of Block C to the boundary wall with the rear gardens of No. 1-5 Palmerston Place.
- The existing Hendrons Building (Protected Structure RPS Ref. 8783) is the primary building on site and should be the datum height of the overall development.
- The proposed development is 6 and 7 storey to the rear of Palmerston Place and Western Way, which is an additional two storey above Hendrons building which is inappropriate and out of context.
- Block C should be reduced to a maximum height of 3 storey.
- Block C should be moved away from the existing boundary wall with Nos. 1-5 Palmerstown Place.
- Block C will overlook the gardens of Nos. 1-5 Palmerston Place.
- A single aspect Block would be more appropriate, and Block B should be reconfigured to have no windows with habitable rooms overlooking the gardens of Nos. 1-5 Palmerston Place.
- The balconies to Block B should not be projecting and include opaque glass.
- The original concept for the public open space resulted in a larger better connected and usable external space.
- The building line of Block C should be revised and set back from the existing boundary to provide a larger area of open space.

- Welcome the Council inclusion of Condition No. 6 to reduce the length of Block C to its original dimension.
- The proposal is far in excess of what is considered an element of housing under the zoning objective, Z3 Neighbourhood Centre zoning.
- Excessive density.
- The proposed development will have a negative effect on the existing Protected Structures within and around the subject site.
- The development should incorporate No. 36 into the development.
- Excessive height, massing and scale of proposed development and negative impact on Palmerstown Place in respect of overlooking, overbearing, and major loss of sunlight.
- Height should be reduced.
- The proposal does not meet the minimum public open space requirements.
- Access points must be described in detail – pedestrian, cyclist, taxi, delivery vehicles, service vehicles and emergency vehicles.
- A confirmation that no delivers, servicing, maintenance or taxis will access the development via Palmerston Place.
- No parking overspill to surrounding streets.
- No parking permits will be provided to the development.
- That the footpath on Palmerston Place be widened in line with Development Plan policy QHSN16 and QHSNO10.
- Prior to granting permission a comprehensive construction plan should be agreed.
- Negative effect on the area during construction – no specific condition regarding traffic.
- No construction traffic should use Mountjoy Middle, Palmerston Place or Stable Lane for access or parking.

- The demolition of No. 36 Dominick Street Upper is completely unnecessary. This building should be retained and conserved.
- The justification provided by the applicant regarding the demolition of No. 36 Dominick Street is not justified.
- If No. 36 was retained, the new buildings would need to be reduced in height, resulting in a more pleasing development.
- It is important that the apartments are not sold to a single owner – this was not dealt with by Dublin City Council in their decision and ABP could easily add a condition to this effect.
- The proposal will have a negative non reversible effect on the protected structure.
- The proposal misses an opportunity to embrace a suitable re-use and to adequately adhere to the zoning objective – Z3.
- The demolition of No. 36 Dominick Street contravenes the Development Plan and is of architectural significance.
- No. 36 should be reassessed and included on the RPS.
- The comments of the Conservation Officer should be considered.
- The projection of Block A is not in keeping with Palmerston Place.
- The main entrance should be widened and maintained as a main entrance.
- The proposal is detrimental to the character of the surrounding area.
- The impact on the city skyline is seriously being eroded and every attempt should be made to address this.
- Concerns regarding rubbish removal.
- No allowance for car parking within the scheme.

6.5.2. The key points raised in the observation from TII are as follows:

- Condition 3 and Condition 21 clauses a) through k) should be included in any grant of permission.

- The conditions are to avoid any potential impact on the safe and efficient operation of the LUAS.

6.6. Further Responses

6.6.1. Following the applicant's response to the third party appeals, the information was circulated having regard to Section 131 of the Act. Further responses were received from Helen Moore, Larissa Miller and Barry Dunning, Thomas Gallagher, Robert Brown and Transport Infrastructure Ireland (TII). The issues raised are similar to those noted above including:

- Not an appropriate scale and density for this inner city site.
- Does not respect the surrounding context and will not make a positive contribution to the area.
- The financial contribution in lieu of open space does not solve the problem.
- Provide justification in relation to the statement in respect of no impact to Palmerston Place.
- How will a car free development be governed, no reference to e-scooters or e-bikes in the plan.
- Waste collection and fire tender need to be considered. The term broadly acceptable should not be used or considered in respect to fire disasters.
- The laneway adjoining Palmerston Place is currently being used as a car park. There is no requirement for vehicles to use Palmerston Place.
- No consultation with the residents.
- Was any thought put into conserving No. 36 Dominick Street.
- The impact in the view from 1 Palmerston Place is not correct, the side gate is not shown.
- The existing houses at Palmerston Place will be engulfed.
- More clarify of the full uses of the access point at the loading bay.
- The applicant's ownership does not include the laneway.
- Have all conditions been adequately addressed.

- Who is the owner of the site?
- The procedures of An Bord Pleanála are referred to in respect of correspondence on an appeal.
- No justification to disregard Condition 6 to reduce the length of Block C.
- Drawing in figure 4.5 has been incorrectly labelled, which gives an inaccurate view of the true impact of the proposed development to No. 1 Palmerston Place.
- Request a reduction in Block C to a maximum of 2-storey including a more sensitive and less overwhelming mass and scale.
- The 40% shortfall in open space would set an undesirable precedent across the entire city, where there are already shortages on a range of facilities.
- Overwhelming height, mass and design of Block B will impact negatively on residents and the area.
- No sufficient justification regarding the Z3 Neighbourhood Centre zoning objective.
- Missing the opportunity to develop this site as a neighbourhood centre would be a significant loss to the wider local community.
- The current proposal will completely block sunlight and impact on the living areas and rear gardens of Nos. 1 – 5 Palmerston Place. The height of Block B should be reduced with design amendments to allow sunlight to penetrate through the blocks.
- Impact of Block A and Block B in terms of intrusive, overbearing impact on No. 1- 5 Palmerston Place.
- No attention is paid to the impact of the proposed development on the houses at No. 1 – 5 Palmerston Place.
- Increasing density must be balanced.
- Lack of parking within the scheme with the availability of parking in the vicinity limited.
- Accuracy of NRB report accompanying the applicant's response.

- Access and traffic.
- One access on a site that previously had two access/egress points.
- Lack of parking to serve the development.
- Competition for the loading bay – causing a traffic hazard.
- Safe access for fire tenders.
- Permission should be refused.
- The further comment from TII is as noted above.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, including the reports of the planning 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:

- Planning History
- Principle of Development
- Height, Design & Density
- Demolition of No. 36 Dominick Street Upper and impact on Protected Structure
- Parking and Access
- Open Space – Communal/Public and Private
- Compliance with Standards
- Impact on Amenities
- Other Matters
- Condition 6 – subject of first party appeal
- Condition 14 (e) – subject of first party appeal
- Condition 20 (b) – subject of first party appeal

- Appropriate Assessment
- Water Framework Directive

7.2. Each of these issues are addressed in turn below.

7.3. Planning History

- 7.3.1. At the outset I draw the Coimisiún's attention to the planning history on this site, in particular ABP-308841-20, under which permission was refused for an SHD housing scheme for one reason, i.e. the potential negative impact that the proposed development would have on the Protected Structure (Hendrons Building) within the site, in particular the height, design and materiality of the proposed development as provided for in Block C. A number of third party and observations consider that the current application has not adequately addressed previous concerns.
- 7.3.2. Whilst this report represents my de novo assessment of the current application, I will reference the previous application on site, where relevant throughout my assessment, in particular in respect to how the current application has addressed concerns previously raised under ABP-308841-20, in particular.

7.4. Principle of Development

- 7.4.1. Concerns have been raised in both the third party appeal and observations in respect to the compatibility of the proposed development with the zoning objective for the area.
- 7.4.2. The proposed development is located on land zoned Z3 – Sustainable Residential Neighbourhoods. Land zoned Z3 has the objective *“to protect, provide and improve residential amenities”* in the City Development Plan. It states that *“Neighbourhood Centres provide local facilities such as convenience shops, hairdressers, post offices etc. within a residential neighbourhood and range from the traditional parade of shops to larger neighbourhood centres. They may be anchored by a supermarket-type development, typically of between 1,000 sq. m. and 2,500 sq. m. of net retail floorspace. They can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres may*

include an element of housing, particularly at higher densities, and above ground floor level”.

I note that residential use is permissible on land zoned Z3.

- 7.4.3. The proposal provides for 90 residential apartments (original proposal was for 93 apartments, which was reduced by way of further information), with a cultural/community use (57.7 sq. m.) at ground floor level of the Hendrons building, a multi-use café and artistic gallery space (68.2 sq. m.) at ground floor level of Block A and co-working use (92.5 sq. m.) at ground floor level of Block B, which amounts to 356.4 sq. m. of non-residential community/commercial use proposed as part of the scheme.
- 7.4.4. Generally, the principle of constructing apartments on the site is acceptable under the zoning objective for the site and as noted in the Plan these should be above ground level. While the proposed non-residential uses on site would be low, comprising 4.3% of the overall floor area, with 11% of the site area at ground floor level occupied by non-residential uses, in the context of the zoning objective, the location and site content must be considered in this instance. The site is located in the inner city in close proximity to existing commercial, cultural and community uses. Notwithstanding, the proposal does provide for community uses at ground floor level, creating an active street frontage to Western Way and Dominick Street, which I welcome. I also have regard to the existing protected structure on site and both the constraints in terms of block layout and the required interventions to provide non-residential use at the upper floors of the Hendrons building, which in my view would negatively impact on the character and integrity of the structure.
- 7.4.5. As such, I am satisfied that the development as proposed, which includes both community uses and residential units on this centrally located city site and therefore in my opinion complies with the zoning objective.

7.5. Height, Massing & Density

- 7.5.1. Concerns have been expressed in respect to the scale, massing, height, and excessive density of the proposed development.
- 7.5.2. The first party response to the appeal considers that the proposed development has reduced height concerns by being at a reduced height to the previous SHD scheme

and ensuring gradual transition in building heights to respect the surrounding context. It is submitted that the development will enhance the area while preserving the prominence of the Hendrons building creating a balanced architectural composition. In relation to density, it is submitted that the site is appropriate for increased heights and density over the prevailing context in the area.

- 7.5.3. The planning authority considers that the site is sufficiently large to determine its own density, subject to compliance with standards and having no undue impact on the residential and visual amenities of surrounding areas. The planners report also states *“It is noted that the proposal provides for a density of 273 dwellings per hectare which, while below the maximum of 300 set out in the development plan, is still sufficiently high to allow for a reduction in the scale of the building if considered necessary to improve the residential and visual amenities of the surrounding area”*. I note that this was the density proposed under the original application at 273 dwelling units per hectare.

Compact Settlement Guidelines

- 7.5.4. I have examined all of the documentation before me in this regard, and I have visited the site and its environs. I have also had regard to the *Compact Settlement Guidelines* which identifies areas and density ranges for Dublin City Centre in table 3.1. In this instance the site is located in the ‘City – Centre’ area where densities in residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork.
- 7.5.5. The development now proposed at a density of 264 residential units per hectare (as amended by way of the further information) and therefore accords with the density range for city – city areas in the *Compact Settlement Guidelines*.

Development Plan and Appendix 3

- 7.5.6. I have also had regard to the *Dublin CDP*. Appendix 3 of the *Dublin CDP* sets out guidance regarding density and building height in the city. The development plan states that a density of between 100 and 250 residential units per hectare will generally be supported in the city centre and canal ring, with a general presumption against developments of over 300 units per hectare, and Appendix 3 identifies key locations which are suitable for increased height.

- 7.5.7. Table 1 in Appendix 3 identifies density ranges for different locations. The subject site is located in the city centre where a density range of 100 – 250 units per hectare will be supported. As noted above, the development is proposed at a density of 264 units per hectare which is appropriate for this location.
- 7.5.8. Table 2 of Appendix 3 of the Development Plan sets out indicative plot ratio and site coverage standards for different areas of the city. In central areas of the city the indicative plot ratio is between 2.5 and 3.0, while indicative site coverage is between 60% and 90%. This proposed development provides for a plot ratio of 2.8 and site coverage of 60.3%. As such, the proposal is within the indicative range for both plot ratio and site coverage.
- 7.5.9. The location applicable for the subject site is the city centre where heights of 6 storeys will be promoted as a minimum, “subject to site specific characteristics, heritage/environmental considerations, and social considerations in respect of sustaining existing inner city residential communities”. The Development Plan further states that *“Heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria set out in Table 3”*.
- 7.5.10. Appendix 3 in the *Development Plan* states that 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. The development comprises the construction of a mixed used development in 3 no. residential blocks (A, B and C), which range in heights between 2 and 7 no. storeys, at a density of 264 residential units per hectare.
- 7.5.11. The character of the immediate surroundings of the development consists of mainly residential uses with two and three storey dwellings. Noting the height and low density of the surrounding area, I consider the proposed development to comprise buildings and a density which is higher and denser than the prevailing context. I therefore consider that an assessment against the performance criteria in Table 3 is required. I note that the planning application included a planning report, which demonstrated consistency with Table 3.
- 7.5.12. The following table examines the performance criteria in Table 3, Appendix 3 from the Development Plan against the proposed development:

Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale	My Analysis
To promote development with a sense of place and character	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints, • have a positive impact on the local community and environment and contribute to ‘healthy placemaking’, • create a distinctive design and add to and enhance the quality design of the area, • be appropriately located in highly accessible places of greater activity and land use intensity, • have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area, 	<ul style="list-style-type: none"> • The site currently consists of vacant derelict buildings on a brownfield site at a prominent corner location at the junction of Dominick Street Upper and Western Way. The immediate surroundings of the site to Palmerston Place, consists of two storey dwellings. • The reuse of the existing protected structure on site is welcomed and will impact positively on the streetscape at this location. The reuse of the existing Hendrons signage will also create a distinctive elevation to Dominick Street. In addition the use of the site for residential development in this city centre location is an appropriate land use. • The proposed building heights step from 2 storey to a maximum of 7 storey, which is

	<ul style="list-style-type: none"> • not be monolithic and should have a well-considered design response that avoids long slab blocks, • ensure that set back floors are appropriately scaled and designed. 	<p>an appropriate scale and form for this city centre corner site, which in my opinion can absorb the proposed maximum height of 7 metres. The development steps down to the nearest adjoining residential boundaries to provide an appropriate transition.</p> <ul style="list-style-type: none"> • The proposal is not monolithic and is an appropriate design for this location. The refurbishment and extension of the existing Hendrons building will add life to the existing protected structure and will ensure its enhancement at this location. • I consider that the massing of the blocks has been appropriately scaled and designed as part of the planning application process, by way of further information and clarification of further information, subject to compliance with conditions.
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		<ul style="list-style-type: none"> • I therefore consider that the development would positively impact on the environment and would enhance the quality of the area.
To provide appropriate legibility	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • make a positive contribution to legibility in an area in a cohesive manner, • reflect and reinforce the role and function of streets and places and enhance permeability. 	<ul style="list-style-type: none"> • The proposed development will create an urban edge to the streetscape at this location. Given the stepped nature of the proposed buildings will in my opinion allow the development to have a positive contribution to the area and the retention of the existing Hendrons building will ensure that this is carried out in a cohesive manner. • I also consider that the retention of the Hendrons building and the redevelopment of this site to provide residential units at this location will reinforce the function of the street. • In terms of permeability within this site, I note the presence of the existing boundary

		<p>wall, which is protected and therefore it is no feasible to enhance permeability, however, I welcome the public plaza and central courtyard within the development and the extent of bicycle parking facilities within the scheme which will enhance permeability for the intended residents.</p>
<p>To provide appropriate continuity and enclosure of streets and spaces</p>	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • enhance the urban design context for public spaces and key thoroughfares, • provide appropriate level of enclosure to streets and spaces, • not produce canyons of excessive scale and overbearing of streets and spaces, • generally be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3, • provide adequate passive surveillance and sufficient doors, entrances and active uses to 	<ul style="list-style-type: none"> • I note that the appeal site is a brownfield site. • The design of the development creating a focal point at this corner junction, incorporating the retention and refurbishment of the Hendrons building will enhance the urban design of the area. • I do not consider that the scale and form of the proposed apartment buildings to be overbearing to the street. • The scheme will provide adequate passive surveillance.

	generate street-level activity, animation and visual interest	
To provide well connected, high quality and active public and communal spaces	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport, • be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards, • ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities – see Appendix 16, • ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development, 	<ul style="list-style-type: none"> • I consider that the design of the pedestrian and cycle entrances to the scheme with the addition of the public plaza, enhances the public realm and prioritises the movement of pedestrians and cyclists throughout the development. I am satisfied that the design creates a safe environment which is people friendly. • Given the reuse of the Hendrons building and the associated heights of Blocks A, B and C with varying heights of 2 – 7 storey, I consider that the development is appropriate scaled for this inner city site. • The Daylight and Sunlight Assessment states that three out of four proposed amenity spaces will receive sunlight in excess of the minimum recommended in the BRE guidelines. I acknowledge that the

	<ul style="list-style-type: none"> • ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated, • provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability 	<p>courtyard will not receive adequate sunlight, however the site constraints are noted in terms of the existing protected structure (i.e. Hendrons building and boundary wall), the inner city location and the need to ensure an appropriate density at this site. In the context of this site, I am satisfied with the communal areas to serve the intended residents.</p> <ul style="list-style-type: none"> • A Wind Impact Assessment has not been submitted. However noting the layout proposed, and the row of terraced houses to the east, I do not consider that wind impact would be a major issue on this site.
To provide high quality, attractive and useable private spaces	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • not compromise the provision of high quality private outdoor space, • ensure that private space is usable, safe, accessible and inviting, 	<ul style="list-style-type: none"> • Three of the proposed units have no balconies, these units are located in the existing protected structure and due to the interventions required to provide a balcony to serve these units, in this instance I am

	<ul style="list-style-type: none"> • ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16, • assess the microclimatic effects to mitigate and avoid negative impacts, • retain reasonable levels of overlooking and privacy in residential and mixed use development. 	<p>satisfied that the floor areas proposed for these units will ensure adequate amenity.</p> <ul style="list-style-type: none"> • The proposed private amenity space serving the remainder of the units is considered acceptable. • I am satisfied that the overall layout and design of the scheme minimises overlooking. While some perceived overlooking may occur between the proposed development and No. s1-5 Palmerston Place, given the separation distances, there will be no negative impact on amenity in this regard. • The design of the projecting balconies includes privacy screens to ensure no overlooking occurs. • I am also generally satisfied that the majority of the units meet the minimum recommended direct sunlight hours in line with the BRE Guideline example.
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<p>To promote mix of use and diversity of activities</p>	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • promote the delivery of mixed-use development including housing, commercial and employment development as well as social and community infrastructure, • contribute positively to the formation of a 'sustainable urban neighbourhood', • include a mix of building and dwelling typologies in the neighbourhood, • provide for residential development, with a range of housing typologies suited to different stages of the life cycle. 	<ul style="list-style-type: none"> • The development would deliver 90 residential units in a mix of one/two/three beds within the Hendrons building and proposed blocks A, B and C. • The proposed development also includes a cultural/community use (57.7 sq. m.) at ground floor level of the Hendrons building, a multi-use café and artistic gallery space (68.2 sq. m.) at ground floor level of Block A and co-working use (92.5 sq. m.) at ground floor level of Block B. • As such the mix of use and activities is acceptable.
<p>To ensure high quality and environmentally sustainable buildings</p>	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise overshadowing and loss of light – see Appendix 16, 	<ul style="list-style-type: none"> • Having regard to the layout and design of the scheme, including the proposed separation distances, I am satisfied that the development will ensure acceptable natural daylight, ventilation, privacy, will not result in excessive noise or overshadowing, etc.

	<ul style="list-style-type: none"> • not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain, • ensure a degree of physical building adaptability as well as internal flexibility in design and layout, • ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive, • maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage, • be constructed of the highest quality materials and robust construction methodologies, • incorporate appropriate sustainable technologies, be energy efficient and climate resilient, • apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. <p>In exceptional circumstances compensatory design</p>	<ul style="list-style-type: none"> • Noting the location of the development in the context of the existing houses in area and the results of the Daylight and Sunlight Assessment, I am satisfied that any impacts on the daylight received by the surrounding dwellings would be minimal. • A Climate Action Energy Statement has been submitted and a Building Life Cycle Report. Both have been reviewed and the contents of same are acceptable and identifies that the development would be constructed to high building standards and would provide a sustainable and energy efficient properties for the occupants. • The development proposes to incorporate a green roof provision in excess of 70%. The SUDs proposal accords with best practice. • A Flood Risk Assessment was submitted.
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	<p>solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not possible in the context of a particular site (See Appendix 16),</p> <ul style="list-style-type: none"> • incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions are in place – see Appendix 13, • include a flood risk assessment – see SFRA Volume 7. • include an assessment of embodied energy impacts – see Section 15.7.1 	
To secure sustainable density, intensity at locations of high accessibility	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • be at locations of higher accessibility well served by public transport with high capacity frequent service with good links to other modes of public transport, • look to optimise their development footprint; accommodating access, servicing and parking in 	<ul style="list-style-type: none"> • The site is located in close proximity to public transport including the LUAS and several bus stops which connect the site to the wider area. The site is within walking distance to the city centre. Bicycle parking is proposed within the scheme for both residents and visitors.

	the most efficient ways possible integrated into the design.	<ul style="list-style-type: none"> • A set down area is proposed at surface level off Dominick Street. • The proposed density is considered appropriate for this high accessible location.
To protect historic environments from insensitive development	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments – see section 6 below. • be accompanied by a detailed assessment to establish the sensitivities of the existing environment and its capacity to absorb the extent of development proposed, • assess potential impacts on key views and vistas related to the historic environment. 	<ul style="list-style-type: none"> • The existing Hendrons building and boundary wall are protected structures. Having regard to the height and design of the development in addition to the refurbishment of the existing protected structure on site, the retention of the boundary wall, and the set back of the proposed apartment blocks from the Hendrons building and the boundary wall, I do not consider that the development would have an adverse impact on the character of the historic environment.
To ensure appropriate	Enhanced density and scale should:	<ul style="list-style-type: none"> • A Property Management Strategy Report has been submitted which confirms that a

management and maintenance	<ul style="list-style-type: none"> • Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc. 	property management services provider will be appointed and will be responsible for the management of the day-to-day operations, including facilities, I consider the Statement to be acceptable.
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Conclusion of Analysis on the Performance Criteria in Table 3, Appendix 3 from the
Dublin CDP

- 7.5.13. To conclude, I consider that the proposed development generally accords with the performance criteria set out in table 3 in Appendix 3 of the Development Plan. I am satisfied that the development has justified the increased height, density and scale of development proposed. I consider that the given the scale, design, and separation distances to adjoining boundaries, the development would not have a negative visual impact on the existing dwellings, I also welcome the reuse of the existing building on site and consider that the current proposal would promote development with a sense of place and character at this inner city centre location. I also consider that the scale, height and massing of the proposal has increased from that refused under ABP-308841-20 (SHD development).
- 7.5.14. In addition, I consider that the zero parking associated with the scheme would promote pedestrian and cycle permeability and connectivity within the area and will work in conjunction with the existing public transport options in the immediate vicinity and therefore would not negatively impact the legibility of the area, enhances the permeability of the area. I therefore consider that the development accords with section 15.5.1 of the *Dublin CDP* which seeks to ensure that pedestrian and cycle movements are prioritised on regeneration sites.
- 7.5.15. I also consider that the proposed development will provide appropriate communal and private amenity areas for the future residents.
- 7.5.16. Therefore, I am satisfied that the development has been appropriately designed and scaled to respond to the existing site and neighbourhood context.

Building Height Guidelines

- 7.5.17. The *Building Height Guidelines* under section 3.2, sets out criteria which An Coimisiún Pleanála should be satisfied that the development adheres to. The criteria are divided into 3 no. categories in relation to the development at the scale of the relevant city/ town, at the scale of the district/ neighbourhood/ street and at the scale of the site/ building.

- 7.5.18. With regards to development at the scale of the relevant city/ town, I consider that the site is well served by public transport. I am satisfied that the development enhances the character and public realm of the area at this location.
- 7.5.19. In relation to the development at the scale of district/ neighbourhood/ street, I am satisfied that the height and scale of the proposed development is appropriate for this inner city corner site and will not appear overbearing when viewed from the surrounding area.
- 7.5.20. With regards to the scale of the site/ building, I consider the massing of the blocks to be appropriate for this site context and respond to the siting of the protected structure within the site. context of the to be overly dominant. Whilst, I acknowledge the development will be visible from both the public realm and the directly adjoining residential dwellings, I am satisfied that the design response is appropriate.

Height, Design and Density Conclusion

- 7.5.21. As set out above, I consider that the proposed development accords with the performance criteria set out in table 3 in Appendix 3 of the *Development Plan* and the development management criteria in the *Building Height Guidelines*. As such, I am satisfied that the development has justified the increased height, density and scale of development proposed and integrates with the existing character of the area, in particular the existing protected structure on site, and therefore will not have a negative visual impact on the character of the area.

7.6. Demolition of No. 36 Dominick Street Upper and impact on Protected Structure

- 7.6.1. Concerns have been raised in respect to the demolition of No. 36 Dominick Street and the impact of the proposed development on the existing protected structures on site.
- 7.6.2. 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 and is vacant and in a poor state of disrepair. The current ground floor comprises a vacant shopfront, and as such I consider that the streetscape value of this building has been compromised by the loss of its original curtilage. I further note that this building, while historically linked to the Hendrons building, was not included on the Record of Protected Structures. As part of the

assessment the Planning Authority, requested further information in respect to the consideration of the refurbishment of No. 36 to be incorporated into the scheme in lieu of its demolition. In response the applicant provided a rationale in respect to the demolition of No. 36, this was deemed acceptable to the Conservation Officer and Planning Authority.

- 7.6.3. Having reviewed the applicant's submission in respect to No. 36 Dominick Street, in particular the state of repair of No. 36, the lack of original features remaining within the building and the significant works required for its refurbishment. While I acknowledge the historic connection to the Hendrons building, No. 36 is not a protected structure and as such its demolition would not impact on the setting of the Hendrons building and allows for the appropriate development of this zoned city centre lands. I also note that the demolition of No. 36 Dominick Street was previously accepted under ABP-308841-20.
- 7.6.4. With respect to the existing protected structures on site, I note that 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). I note that the Hendron's building on site is also vacant. As part of the proposed works the Hendron's building will be refurbished, extended and incorporated into the overall scheme as part of Block A. The existing building will incorporate residential use with multi-use café and gallery space use and community/cultural space, will be extended to form a new block of residential units fronting Palmerston Place and will wrap around the rear of the existing Hendrons Building. The existing building signage will also be reused.
- 7.6.5. While the proposed development will be visible at this prominent corner site, I consider that the proposed development has been carefully designed in order to reduce any impact on the existing Protected Structure on site. I welcome the refurbishment and reuse of the existing building and I am satisfied that the disposition of the proposed buildings, in particular the set back of Block A and Block B, from the existing protected structure and the stepped height of the proposed blocks will ensure that the integrity of the Hendrons building is not compromised and that the existing building is not impacted in terms of its visual character on the existing streetscape.

7.7. Parking and Access

- 7.7.1. Concerns have been raised in respect to the lack of car parking proposed on this site and the proposed access/egress to the site and the impact this will have on the adjoining area and the potential traffic hazard as a result. The surrounding road network is considered to be at capacity for car parking. Concerns have also been raised in respect to services accessing the site i.e. waste services and emergency services including fire tender and construction vehicles.
- 7.7.2. No vehicle parking is proposed as part of the scheme, with the existing access onto Dominick Street retained for pedestrian and cycle access. Within the scheme a total of 225 bicycle parking spaces are proposed (175 no. are for residents parking). I note that the site is located within Zone 1 of Map J of the Dublin City Development Plan, 2022 – 2028. I reference Table 2: Maximum Car Parking Standards for Various Land Uses, Appendix 5, of the City Development Plan where a maximum of 0.5 car parking spaces per residential unit is acceptable with zero provision of parking for retail units.
- 7.7.3. The applicant submitted a Traffic Transport Assessment, which includes a rationale for the zero car parking provision. The assessment considers that the non-provision of car parking is appropriate given the highly sustainable locational characteristics of the development, i.e. the site is immediately beside the Broadstone/DIT Green Line LUAS stop and high-quality bus services and the city centre location. The site adjoins the proposed BusConnects Core Bus Corridor from Ballymun/Finglas to City Centre on Phibsborough Road and is within walking distance to the BusConnects Core Bus Corridor Swords to City Centre on Dorset Street.
- 7.7.4. I reference section 4.0 Car Parking Standards of Appendix 5, of the Development Plan, which states *“A relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. Applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the following criteria:*
- *Locational suitability and advantages of the site.*
 - *Proximity to High Frequency Public Transport services (10 minutes’ walk).*
 - *Walking and cycling accessibility/permeability and any improvement to same.*

- *The range of services and sources of employment available within walking distance of the development.*
- *Availability of shared mobility.*
- *Impact on the amenities of surrounding properties or areas including overspill parking.*
- *Impact on traffic safety including obstruction of other road users.*
- *Robustness of Mobility Management Plan to support the development”.*

7.7.5. I also reference Section 4.21 of the Apartment Guidelines, which state “1) Central and/or Accessible Urban Locations 4.21 In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity”.

SPPR 3, Car Parking, of the Compact Settlement Guidelines also state that “*It is a specific planning policy requirement of these Guidelines that: (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated*”.

7.7.6. In this regard and having regard to the location of the development and the proximity of the site to public transport, I am satisfied with the non-provision of parking at this location. A Mobility Management Plan is submitted with the application, which identifies measures that will promote the use of sustainable modes within the development. I recommend that a condition be attached to any grant of permission that the measures outlined in the Mobility Management 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.

7.7.7. The issues raised by the third party and observers are noted. I note that the parking in the area is controlled by pay and display and resident parking permits, the dwellings along Palmerston Place do not have off-street parking. However, the site is

located in the city centre and is within walking distance to both the city centre and a variety of public transport modes. I also note the restricted nature of the on-street parking in the vicinity. I do not consider that the proposed development would result in an unacceptable overspill of car parking onto the surrounding road network.

- 7.7.8. Given that the development does not propose any car parking, I am satisfied with the proposed access/egress to the site via the existing entry point on Dominick Street. I do not envisage that this access/egress point would impact negatively on the adjoining area.
- 7.7.9. While there is no direct vehicular access to the site, I note that fire tender and emergency vehicle access to the site will be via the adjoining laneway, the public plaza or via the loading bay on Dominick Street. I consider this to be acceptable.
- 7.7.10. Potential impacts on residential amenities during construction, relating to construction traffic during the construction period have been raised. Given the nature, scale, and location of the proposed development, I am satisfied that matters pertaining to construction management can be appropriately dealt with prior to construction by way of condition in the event of a grant of permission requesting the Applicant to prepare/submit a Construction Management Plan.
- 7.7.11. The issues raised in respect of the laneway/wayleave are outside of the red line planning application boundary and are considered to be a civil matter and therefore not for consideration by the Coimisiún under this appeal.
- 7.7.12. Additionally any works suggested to public footpaths in the vicinity are outside the red line planning application boundary are outside the remit of the applicant as part of this appeal.

7.8. Open Space – Communal/Public and Private

- 7.8.1. Issues have been raised in respect to the lack of open space proposed within the scheme and the negative precedent set by the inclusion of a financial contribution in lieu of open space. Concerns have also been raised in respect to the lack of private open space to serve some apartments within the scheme.
- 7.8.2. In terms of communal open space, the proposed development provides for a total of 639 sq. m. of communal open space which is located at ground level and in the form of a sixth floor terrace. Based on the proposed number of units, the area of

communal open space is in excess of the requirements. The courtyard open space also includes landscaping and a children's play area and bicycle parking (both visitor and residential parking). I note that the apartment blocks wrap around the communal open space which aligns with the rear gardens of the adjoining terrace at Palmerston Place. Concerns were raised in respect to the potential overshadowing of the communal open space due to the height of the proposed apartment blocks. The applicant has stated that in order to ensure that the courtyard areas receive adequate sunlight that the Blocks A, B and C would have to be reduced in height, resulting in a loss of approximately 52 apartments within the scheme, which in my view would not achieve a sustainable compact growth envisaged for this site as per the NPF. As part of the further information and clarification of further information Blocks B and C were modified resulting in the omission of three units and the reduction in the massing and height (Block C) of the proposed blocks. This has marginally increased the available sunlight to the courtyard space from 9.2% originally proposed to 10.28%. While I note that the available sunlight to the central courtyard is below the standards, I note the constraints on the site in particular the protected structures i.e. the Hendrons building and the boundary wall. I also consider that an appropriate density should be achieved on this inner city centre site, and I would not welcome the further reduction in residential units to improve sunlight to this space. The proposed development also provides for courtyard space, shared roof terraces and internal spaces (including residents' amenity space, co-working space, community and cultural space, café/retail and gallery space). On balance I am satisfied that the proposed communal open space and associated uses will ensure an adequate quantity of amenity for the intended occupiers of this this infill brownfield inner city site.

- 7.8.3. I note that as part of the clarification of further information response the footprint of Block C increased which reduced the area of associated communal open space to the north of the proposed block, which would not be considered acceptable given the overall quality of the communal open space as proposed. A condition was attached to the planning authority grant of permission which forms part of the first party appeal and is discussed further in my assessment below.
- 7.8.4. In terms of public open space there is 193.2 sq. m. of public open space provided in a new public plaza to the front of the site. While I acknowledge that the proposed

public open space is below the requirements based on the site area, which would require 330 sq. m. of public open space, the site content must be taken into consideration in this instance. The city centre location of the site, the presence of the existing protected structures including the boundary wall provides challenges to provide for adequate communal and public open space on this site. I consider that any alternative layout of the scheme to potentially increase the area of public open space would potentially impact on the internal layout of the scheme and could reduce the overall density, which would not in my view be acceptable. I also note the area of communal open space to serve the proposal as referenced above.

- 7.8.5. I note that Section 15.8.7 of the Development Plan allows for the payment of Financial Contributions in Lieu of Open Space, and states that *“Public open space will normally be located on-site, however, in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park.*
- 7.8.6. I also note the Plan states that this financial contribution, *“may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the City Council Parks Programme, in fulfilment of this objective”*, and therefore will be to the benefit of the area. I am satisfied that the public open space as proposed is acceptable and I recommend that a condition be included to any grant of permission that the applicant pay a financial contribution in lieu of public open space requirement at this site.
- 7.8.7. In terms of private open space, in the majority of the proposed units, private open space is provided in the form of balconies with accessible winter gardens with Juliet balconies to the units fronting Palmerston Place in Block A. I note that 7 no. residential units in the existing Hendrons building do not benefit from any dedicated private open space. However, these units are located within the original Hendrons Building with these apartments 23 sq. m. larger than the minimum floor area requirement.

- 7.8.8. As this building is a protected structure, I reference Section 10.2.2 of the Architectural Heritage Protection Guidelines, in relation to openings in structures, which states *“Careful consideration should be given to proposals to alter openings in a protected structure or in any structure within an ACA. The architectural quality of a historic building may be compromised if the size of openings is altered; if existing openings are blocked up; if new openings are formed; or if door openings are converted to window openings and vice versa. Where the openings are a conspicuous part of the architectural design and this design would be marred by the proposed alterations, permission should rarely be given. Similarly, on prominent elevations, planning permission should not generally be given for the conversion of window openings to doorways or vice versa where this would be detrimental to the overall design of the structure. Consideration also needs to be given to the effect of alterations on the interior of the building”*, and *“Section 10.2.4 of the Guidelines state “Proposals to block up, in whole or in part, the existing openings in symmetrical or well-balanced elevations should only be permitted in exceptional circumstances. Proposals to insert new openings in such walls should generally be refused although it may be considered permissible on minor or random elevations”*.”
- 7.8.9. In this regard and to avoid any additional modifications to the external façade of this protected structure, I consider that some flexibility may be applied to the residential units in this instance. I also note that the floor area of these units are in excess of the standards and as such I do not consider that the residential amenity of these units will be compromised in this city centre location, which includes a protected structure.
- 7.8.10. Section 6.9 of the Apartment Guidelines also offer some flexibility in the departure from the requirements of these guidelines where *“Planning authorities are also requested to practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and ‘over the shop’ type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. Ultimately, building standards provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements”*.

- 7.8.11. As such, I am satisfied with the private amenity space to serve the proposed apartment development given the existing structures on site and the city centre location of the proposed development.

7.9. Compliance with Standards

- 7.9.1. I note that the Planning Design Standards for Apartments Guidelines for Planning Authorities were published on 08.07.2025. Section 1.1 of this document states that the guidelines only apply to planning applications submitted after the publication of the guidelines. I am therefore satisfied that these guidelines are not relevant to the current appeal.

Private Open Space, Storage and Floor Areas

- 7.9.2. I note the minimum requirements for private open space, storage and floor areas for one and two bedroom apartments as set out in the *Apartment Guidelines*. I have examined the proposed drawings, and I am satisfied that they comply with the minimum requirements and SPPR 3 in the *Apartment Guidelines* in relation to minimum floor areas.
- 7.9.3. Furthermore, I note that the majority of the apartments in the proposed development, exceed the minimum floor area standard by a minimum of 10% in accordance with section 3.8 in the *Apartment Guidelines*.

Mix

- 7.9.4. SPPR 1 in the *Apartment Guidelines* states that developments may include up to 50% one bedroom or studio type units. As amended by the further information the development proposes to provide 90 residential units, with 30% one bedroom units. Having regard to the proposed mix (including that submitted in the revised proposal), I am satisfied that the development complies with SPPR1.

Dual Aspect

- 7.9.5. SPPR 4 in the *Apartment Guidelines* requires that in suburban locations a minimum of 50% of the units shall be dual aspect. I have examined the proposed drawings, and I am satisfied that both the proposed development and the revised proposal comply with SPPR 4.

Floor to Ceiling Height

- 7.9.6. SPPR 5 in the *Apartment Guidelines* requires that the ground level apartment floor to ceiling heights shall be a minimum of 2.7m. I have examined the proposed drawings and I am satisfied that both the proposed development and the revised proposal comply with SPPR 5.

Maximum Apartments per Floor per Core

- 7.9.7. SPPR 6 in the *Apartment Guidelines* states that a maximum of 12 apartments per floor per core may be provided in apartment schemes. I have examined the proposed drawings, and I am satisfied that both the proposed development and the revised proposal comply with SPPR 6.

7.10. Impact on Amenities

- 7.10.1. The third party appeals and observations consider that the development as proposed will impact on adjoining residential amenity in terms of overlooking, overbearing, loss of sunlight, and impact on visual amenity due to scale and mass as proposed.
- 7.10.2. I acknowledge that any development at this site will result in a significant change in particular for the existing residential dwellings located at Nos. 1 – 5 Palmerston Place. Block A adjoins Palmerston Place to the east, and the form of Block A aligns with the adjoining building line of the dwellings at Palmerston Place, with the proposed apartment block stepping down to three-storey adjoining the terrace. The ground floor units to Palmerston Place have own door access, which allow the Block to assimilate into the street at this juncture. I do not consider that Block A would impact on the visual or residential amenities of the adjoining dwellings.
- 7.10.3. Blocks B will be visible from the rear of the adjoining dwellings at Palmerston Place, however, having regard to the location of Block B within the scheme and the separation distance, I am satisfied that this will not have a negative impact on adjoining visual or residential amenity. In terms of the proposed terrace to Block B, given the separation distance from the rear of the nearest adjoining dwellings at Palmerston Place, I do not envisage that this amenity space will detract from the adjoining residential amenity, in this inner city location.
- 7.10.4. In respect to Block C, this adjoins the rear boundaries of the dwellings at Nos. 1-5 Palmerston Place and will be visible from the rear of these dwellings. The proposed Block C is some 1.6 – 5.8 metres from the site boundary, with a separation distance

of 23 metres approx. from the rear elevation of the terrace of dwellings. As part of the planning authority's assessment, the overall height of Block C was reduced to reduce the impact on these dwellings from 4 storey to part two storey, part three storey adjoining Palmerston Place. A setback was also introduced to the southern portion of Block C, with a four storey element before stepping to five storey in height.

7.10.5. In terms of overlooking, I am satisfied that sufficient separation distance is proposed in order to ensure that no adverse overlooking of adjoining residential dwellings will occur. It is acknowledged that the proposed development will introduce a new feature in the skyline, however, I am satisfied that the development as proposed will not appear visually overbearing on the adjoining dwellings at Nos. 1 – 5 Palmerston Place.

7.10.6. In terms of overshadowing, I note the sunlight and daylight assessment which indicates that notwithstanding the reduction in height, there would still be some impact on the rear gardens of Nos. 1- 5 Palmerston Place in terms of overshadowing. However, I note that all gardens would receive at least 2 hours of sunlight at midsummer, in accordance with BRE guidelines. I also note the urban location of the appeal site and as such it is accepted that some level of overshadowing would occur as a result of the redevelopment of this brownfield site, which is in accordance with Development Plan and National Policy. On balance I am satisfied that the proposed development would not result in an unacceptable level of overshadowing of the rear gardens at Nos. 1 – 5 Palmerston Place and would be acceptable.

7.11. Other Matters

Property Values

7.11.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring properties. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Existing lane/Wayleave

7.11.2. I note the concerns raised regarding the relationship between the development site and the existing lane/wayleave.

7.11.3. This is, however, a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

Ecology:

7.11.4. While note specifically raised in the appeal, I note that the applicant submitted an Ecological Impact Assessment Report. This report identifies the potential impacts of the proposed development on habitats and species protected by legislation.

7.11.5. The report states that there is potential for gull species or roosting site for bat species to use this site as a nesting site. The report states that that construction works will need to be cognisant of any fauna which may potentially be present. It is stated that all demolition work methodologies will have prior approval from a project ecologist. If demolition works are proposed during bird nesting season a pre-construction inspection will be carried out for nesting species; if nesting birds are discovered, the nest will be protected for as long as required and, in addition, the NPWS will be informed, the appropriate licences obtained, and conditions carried out to the satisfaction of NPWS prior to demolition works taking place.

7.11.6. In relation to bats, the report states that an updated ground-based root assessment and internal survey will be carried out by a qualified ecologist and one-tree pre-demolition emergence surveys will be carried out to determine whether bats are utilising the site. The report states that if roosting bats are identified the NPWS will be consulted. I also note that a derogation licence must be sought by the developer from NPWS prior to any work commencing if recommended.

7.11.7. I am satisfied with the information provided within the submitted survey and assessment. The mitigation measures cited in the submitted Ecological Impact Assessment can be attached by way of condition should planning permission be granted in this instance.

7.11.8. Conditions:

As noted in Section 3.1.1 above, the local authority recommended a grant of permission subject to 27 no. conditions. There is an extensive suite of conditions

included in the Managers Order. Having regard to the condition and protected status of the buildings on site, I recommend the inclusion similar conditions in this regard.

Notwithstanding the above assessment, a number of conditions form part of the first party appeal, and these are assessed in the following section of my report.

7.12. Condition 6 – subject of first party appeal

- 7.12.1. Condition No. 6 of the Planning Authority decision to Grant Permission requires that *“Development shall not commence until revised drawings and details showing the following have been submitted to the planning authority and written agreement obtained: a) The length of Block C from north to south shall be as shown in the Further Information drawings (submitted on 26 April 2024). For clarity, the additional projection of Block C towards the northern boundary of the site as shown in the Clarification of Further Information submission shall be omitted. A final schedule of floor areas shall be included which includes details of the floor areas of all of the apartments, including those amended as required by (a) above and any other conditions which require amendments to units. For all amended units, compliance with current standards for overall floor area, room size, aggregate living and bedroom areas, internal storage and balcony/terrace size shall also be demonstrated.*

REASON: To provide clarity as to the extent of the development permitted and to ensure no additional impacts on adjoining occupiers and provide for a satisfactory standard of residential amenity”.

- 7.12.2. The first party appellant states that the appropriateness of the scheme in relation to impact on neighbouring properties was demonstrated as revised at Clarification of further information (CFI) stage and that the revised schemes 2-storey element whether at a length of 13.5 metres or 16.2 metres will have a similar relationship and the same level of daylight/sunlight impact to the neighbouring properties at No. 1 – 5 Palmerston Place. The appellant does not consider it necessary in order to further reduce impacts on adjoining properties, and will impact on overall unit numbers, and that permission should be granted without Condition No. 6.
- 7.12.3. The inclusion of Condition No. 6 has also been referenced in the third party appeals and observations.

- 7.12.4. I note that the difference in the drawings submitted at further information (FI) stage and clarification of further information stage, in particular Block C, in respect to the overall length of the block to the eastern site boundary with the dwellings at Palmerston Place, which has been increased from 13.5 metres at F.I. stage (drawing no. 22015-OMP-00-00-DR-A-1000, received 26/04/2024) to 16.2 metres at C.F.I stage (drawing no. 22015-OMP-00-00-DR-A-1000, received 09/08/2024). The Planners report considered that the increase in length of the block and reduction in the area of communal open space to the north could not be considered at CFI stage as it may result in an increased impact on third parties and that the length of Block C should remain as previously proposed.
- 7.12.5. I acknowledge the modifications made to the overall scheme at both F.I. and C.F.I. stage in respect to the potential impact on both the existing residential amenities and the protected structure on site. The appellant considers that the increase to 16.2 metres does not significantly alter the perception of the building when viewed from adjoining properties, nor does it introduce any new visual or physical impacts. Notwithstanding, the appellants case, I do not consider that in order to address the concerns at clarification of further information, that the overall length of this element of the proposal should be increase. I also do not consider that this increase of the building elevation by 2.7 metres over would not introduce a further visual impact on the adjoining rear gardens. In addition a full assessment of this impact had not been provided by the local authority. There is an area of communal open space located to the north of Block C, this area will be further reduced as a result of the increased length of Block C. The development is already substandard in terms of the open space requirement, Condition 4 of the planning authority decision relates, which has been discussed above, and therefore I do not consider it appropriate to further diminish the available amount of communal open space to the developed as a result of the increase in the length of Block C.
- 7.12.6. Therefore, in order to protect the adjoining residential amenity and in order to ensure the amenity of the intended occupiers, I consider that the condition be warranted and should be included to any grant of permission.

7.13. Condition 14 (e) – subject of first party appeal

- 7.13.1. Condition No. 14 (e) of the Planning Authority decision to Grant Permission requires that *“The following information shall be submitted for the written agreement of the planning authority’s Conservation Officer in advance of the respective works commencing: e) Courtyard wall elevations Prior to the construction of the Courtyard Elevations, the applicant shall submit revised drawings and samples for the written agreement of the Planning Authority, showing the proposed flat render external wall finishes of the new residential blocks omitted and replaced with a material that is of higher quality and that will require less maintenance, such as light coloured matt or translucent glazed bricks. REASON: In order to protect the amenity, setting and curtilage of the Protected Structures at the Hendrons Building and Western Way Wall and to ensure that the proposed works are carried out in accordance with best conservation practice”*.
- 7.13.2. The first party appellant states that at F.I. stage the applicant confirmed that a lighter colour render be used with full details to be agreed with the planning authority. It is further considered by the first party appellant that the requirements of this condition would present practical and design challenges and that the rendered finish is appropriate in the context of the site, supports the design intent to differentiate the scale and massing and offers a practical, low-maintenance finish suitable for the courtyards protected environment.
- 7.13.3. I note the report received from the Conservation Officer, which requested a revised lighter render colour to replace the proposed dark grey colour to Blocks B and C. As part of the further information response the applicant confirmed that the dark grey render is replaced with a lighter colour render. It was further considered by the Conservation Officer that while the rear of the protected structure does not directly overlook the central courtyard of the proposed development, the design quality, reflectivity and materiality of the new residential blocks would benefit from replacement of the proposed rendered wall finishes with a light coloured matt or translucent glazed finish, which would allow for a higher quality and more durable finish in the longer term.
- 7.13.4. With regard to the proposed materials, I note that the elevations to Western Way, Dominick Street Upper and Palmerston Place have a brick finish with a proposed render finish to the Hendrons Building and the courtyard elevation of Blocks A, B and part of Block C. The proposed development is contemporary in its design and form,

and having regard to the site context, relative to the Protected Structure and the adjoining dwellings at Palmerston Place, I consider that a varied pallet of colours and materials would be acceptable at this location. I also note the rendered finish to the rear and side of the dwellings at No. 1 – 5 Palmerston Place. Therefore, I would have no issue with the use of render to the residential blocks within the courtyard elevations, however, I would agree that the use of a lighter coloured render to be more appropriate in this context and that this should be agreed prior to the commencement of development on site.

7.13.5. Therefore, I recommend that Condition 14 (e) be amended/reworded and included to any grant of permission, to include: *“e) Courtyard wall elevations Prior to the construction of the Courtyard Elevations, the applicant shall submit revised drawings and samples for the written agreement of the Planning Authority, showing the proposed light coloured render external wall finishes of the new residential blocks within the courtyard”*.

7.14. Condition 20 (b) – subject of first party appeal

7.14.1. Condition No. 20 (b) of the Planning Authority decision to Grant Permission requires that *“b) Prior to the commencement of the development, the applicant shall submit revised plans for all residents' bicycle parking compounds to demonstrate sufficient clear separation of at least 1.8m between bicycle parking rows/walls, allowing appropriate space for users to maneuverer the semi-vertical-style stands and for ease of access/egress”*.

7.14.2. The appellant requests that the wording of this condition be revised from 1.8 m to 1.5m separation distance as this aligns with the minimum guidance for the layout dimensions of cycle stands provided in the Manual, which should be facilitated in this inner city redevelopment.

7.14.3. I note Appendix 5 of the City Development Plan, which states that *“Guidance for selecting the most appropriate type of bicycle parking facility depending on location and user needs is outlined in the National Cycle Manual, ‘Bicycle Parking Facilities’*. *Dublin City Council will have regard to this document when considering applications where bicycle parking is a requirement. Planning applications shall clearly demonstrate cycle parking capacity and user accessibility. It is an objective of this Plan over its lifetime (Objective SMT13) to develop a guidance document for the*

design and provision of cycle parking. All developments must outline how they comply with said guidance when completed”.

- 7.14.4. The Cycle Design Manual, September 2023, Section 6.5.1 Sheffield stand or hoop, Table 6.1 Layout Dimensions for simple cycle stands indicates the minimum and recommended dimensions as follows:

Table 6.1 Layout dimensions for simple cycle stands.

	Recommended	Minimum
Bay length (length of cycle parked on a stand)	2.0m	2.0m
Bay length (tandems, trailers and accessible cycles)	3.0m	2.5m
Access aisle width (for bicycles only, pushed into position by user on foot)	2.0m	1.5m
Access aisle width (bicycles ridden to stand, larger cycles use the end bay only)	3.0m	1.8m
Access aisle width (all cycles ridden to stand, large cycles use internal bays)	4.0m	3.0m
Spacing between stands	1.0m	0.8m
Gap between stand and wall (part of bay width)	600mm	600mm

- 7.14.5. I am satisfied with the location of the proposed cycle stores within the scheme, in terms of ease of access for future residents, etc. and given the inner city location of the site and the layout of the proposed development relative to the existing Protected Structure on site, I consider that the applicant should be requested to comply with the minimum layout dimensions for all the proposed cycle stands as per the Cycle Design Manual in this instance.
- 7.14.6. Therefore, I recommend that Condition 20 (b) be amended/reworded and included to any grant of permission, to include *“Prior to the commencement of the development, the applicant shall submit revised plans for all residents' bicycle parking compounds to demonstrate that all proposed bicycle parking spaces comply with the minimum required layout dimensions for simple cycle stands as per Table 6.1 of the Cycle Design Manual, September 2023.*

8.0 Appropriate Assessment Screening

- 8.1. The applicant submitted an Appropriate Assessment Screening Report and concluded there was no requirement for a Stage 2 Appropriate Assessment.

- 8.2. Having regard to the nature and scale of the development proposed and the distance from the nearest European site, no Appropriate Assessment issues arise, and therefore I am satisfied the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects on a European site.

9.0 Water Framework Directive

Introduction:

- 9.1. The appeal is located in the Liffey and Dublin Bay Catchment (Catchment I.D. : 09) and in the Tolka_SC_020 Sub-catchment (Sub-catchment I.D. : 09_4) (EPA, 2023). The nearest waterbody to the Site is the Liffey Estuary Upper Transitional waterbody (IE_EA_090_0400), approximately 950m south of the Site, which flows east into Dublin Bay coastal water body (IE_EA_090_0000) located 7km east of the Site (EPA, 2023).
- 9.2. The nearest monitoring station with Q-values available (RS09L012400) is situated a river distance of approximately 3.5 km upstream of where surface water from the Site is likely to discharge into the Liffey Estuary Upper.
- 9.3. The proposed development comprises of the construction 90 no. residential apartments, community facilities and associated site works on lands at Nos. 36-40 Dominick Street Upper, Dublin 7.
- 9.4. I have assessed the residential development on Nos. 36-40 Dominick Street Upper, Dublin 7 and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 9.5. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix B after my report. This assessment considered the impact of the development on the:
- Liffey Estuary Upper
 - Dublin Groundwater Body
 - Dublin Bay

- 9.6. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS during the operation phase, all potential impacts can be screened out.

Conclusion:

- 9.7. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

- 10.1. Having read the appeal and submissions on file, had due regard to the provisions of the Dublin City Development Plan, carried out a site visit and all other matters arising. I recommend that permission is granted subject to the conditions set out below.

- 10.1.1. Furthermore, I recommend that:

- Condition 6 be included to any grant of permission.
- Condition 14 (e) be amended/reworded and included to any grant of permission, to include: *“e) Courtyard wall elevations Prior to the construction of the Courtyard Elevations, the applicant shall submit revised drawings and samples for the written agreement of the Planning Authority, showing the proposed light coloured render external wall finishes of the new residential blocks within the courtyard”.*
- Condition 20 (b) be amended/reworded and included to any grant of permission, to include *“Prior to the commencement of the development, the applicant shall submit revised plans for all residents' bicycle parking compounds to demonstrate that all proposed bicycle parking spaces comply with the minimum required layout dimensions for simple cycle stands as per Table 6.1 of the Cycle Design Manual, September 2023.*

11.0 Reasons and Considerations

11.1. Schedule 1

Having regard to:

- i. the suitability of the site given its location within inner City Centre Dublin and the re-use of the existing Protected Structure on site and the adjoining residential development in the vicinity,
- ii. the neighbourhood centre zoning which applies to the site under the Dublin City Development Plan 2022 – 2028, under which residential development is stated to be a permissible use.
- iii. the policies of the planning authority as set out in the Dublin City Development Plan 2022 – 2028.
- iv. the National Planning Framework Plan First Revision.
- v. the Regional Spatial and Economic Strategy 2020-2032.
- vi. Section 28 Ministerial and Other Guidance.
- vii. the distance to dwellings or other sensitive receptors.
- viii. the submissions made in connection with the application.
- ix. the likely consequences for the environment and the likely significant effects of the proposed development on European Sites.
- x. the Screening for Appropriate Assessment submitted by the applicant and recommendations of the Inspector.

Proper planning and sustainable development:

It is considered that subject to compliance with the conditions set out below, the proposed development would be an appropriate use and form of mixed use development comprising of neighbourhood and residential uses in terms of location, scale, form, and layout, and would be an acceptable use for the existing buildings on site and the proposed density, design and form would not detract from the existing Protected Structure and would not adversely impact on the amenity of neighbouring properties by reasons of overlooking, overbearing, nor impact on the character or visual amenity of the area and would be acceptable in terms of the proposed

entrance, bicycle parking provision, bicycle/traffic movements and pedestrian safety. The proposed development complies with the Dublin City Development Plan 2022 – 2028 and accords with the proper planning and sustainable development of the area.

11.2. Schedule 2

Having regard to the nature of the conditions which are the subject of the first party appeal, as applied by the Planning Authority, the Coimisiún directs Dublin City Council under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended to –

- (i) ATTACH Condition No. 6.
- (ii) AMEND Condition No. 14 (e), as detailed in the foregoing recommendation for the reason in Schedule 1.
- (iii) AMEND Condition No. 20 (b), as detailed in the foregoing recommendation for the reason in Schedule 1.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on the 26th April 2024, and as amended by the clarification of further information submitted on 9th day of August 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The measures set out in the Ecological Impact Assessment Report to mitigate any impacts on species present on the site during the demolition and construction phases of the development shall be implemented under the supervision of a qualified ecologist. If nesting birds are discovered on the site, the nest shall be protected for as long as required and, in addition, the National Parks and Wildlife Service (NPWS) shall be informed, the appropriate licences obtained and all requirements of the NPWS implemented prior to demolition works taking place. If roosting bats are identified on the site the NPWS shall be notified and their requirements shall be implemented.</p> <p>Reason: In the interests of nature conservation.</p>
3.	<p>Prior to the commencement of development on site the applicant shall submit revised plans and elevations for the written agreement of the Planning Authority detailing:</p> <p>(i) The length of Block C from north to south shall be as shown in the Further Information drawings (submitted on 26 April 2024). For clarity, the additional projection of Block C towards the northern boundary of the site as shown in the Clarification of Further Information submission shall be omitted.</p>

	<p>(ii) A final schedule of floor areas shall be included which includes details of the floor areas of all of the apartments, including those amended as required by (a) above and any other conditions which require amendments to units. For all amended units, compliance with current standards for overall floor area, room size, aggregate living and bedroom areas, internal storage and balcony/terrace size shall also be demonstrated.</p> <p>Reason: In the interest of clarity and to protect residential amenities.</p>
4.	<p>Prior to occupation of the retail/café unit the following details shall be submitted to the planning authority and written agreement obtained:</p> <ul style="list-style-type: none"> a) Details of the hours of operation of the unit. b) In the case of any restaurant or café use, details of a scheme for the control of fumes and odours from the premises. c) Details of all external signage to the shopfront. All signage shall consist of individual lettering mounted or hand painted on the fascia, with the lettering to be of a high quality material such as stainless steel, with a height not exceeding 0.4m and any illumination to consist of backlighting. Signage shall consist of the name of the premises and the street number only. <p>Reason: In the interests of visual and residential amenity.</p>
5.	<p>Prior to occupation of the ground floor multi-use café and gallery space, community and cultural space and public co-working hub, in each case the following details shall be submitted to the planning authority and written agreement obtained:</p> <ul style="list-style-type: none"> a) In the case of the multi-use café and gallery space, details of a scheme for the control of fumes and odours from the premises. b) Details of the hours of operation of all of the units. c) Details of all external signage to the units. All signage shall consist of individual lettering mounted or hand painted on the fascia, with the lettering to be in a high quality material such as stainless steel, with a height not

	<p>exceeding 0.4m and any illumination to consist of backlighting. Signage shall consist of the name of the premises and the street number only.</p> <p>d) In the case of the co-working hub, full details of the shopfront design.</p> <p>Reason: In the interests of visual and residential amenity.</p>
6.	<p>Notwithstanding the provisions of the Planning & Development Regulations 2001, (as amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage or attached to the glazing without the prior grant of planning permission.</p> <p>Reason: In the interests of visual amenity</p>
7.	<p>Any security shutters shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. The roller shutters shall be of the open lattice type and shall not be painted on site or left unpainted or used for any form of advertising.</p> <p>Reason: In the interests of visual amenity.</p>
8.	<p>Prior to the commencement of development on site the applicant shall submit revised plans and elevations for the written agreement of the Planning Authority (Conservation Officer) detailing:</p> <p>a) Hendrons Building – Protected Structure Windows In advance of the ordering or fabrication of the window package, the applicant shall submit the following: 1:20 plan and section record drawings of the existing glass block window arrangement on the principal elevation, in order to inform the proposed new window arrangement. Two options for the new windows on the principal façade of the protected structure, (where it is necessary to remove the existing glass block windows to facilitate clear and unobstructed views from the interior of the protected structure as follows). These two options shall be assessed by the Conservation Office for their written agreement:</p>

	<p>i. Crittal style steel windows with a horizontal emphasis as indicated on the latest elevation drawings submitted</p> <p>ii. Alternative new steel multi-pane window arrangement to reflect the proportions of the glass block windows (panes are c.200mm x 200mm), which are an intrinsic part of the architectural character of the Protected Structure. Opening lights shall not appear as wider sections in the composition – this applies to both the a) horizontal window arrangement or b) multi-pane window arrangement Revised drawings showing the position of the new windows within the existing openings reflecting the present arrangement i.e. close to the plane of the front façade, rather than within a deep reveal. Wall Elevations – wall fabric/concrete and render repairs.</p> <p>In advance of executing any fabric repairs to the Protected Structure, the applicant shall submit 1:50 marked-up elevations indicating all proposed conservation repairs, accompanied by a detailed schedule of conservation repairs to the facades of the Protected Structure. Glazed extension at roof level of the Hendrons Building In advance of construction of the glazed extension at roof level, the applicant shall submit:</p> <p>Revised 1:50 plan, section and elevation drawings of the revised form and position of the new extension at roof level to reflect the symmetry of the principal elevation of the Hendrons Building below i.e. the top floor extension shall have a set-back of the same dimension (c.1300mm) from both of the side walls of the Protected Structure, rather than extending beyond the side wall (south) as indicated on the floor plans and on the elevation drawings.</p> <p>b) Boundary Wall –</p> <p>Protected Structure Detailed conservation specification for all key aspects of repair and consolidation works to the historic boundary wall, including additional areas of repairs/reconstruction that come to light through removal of vegetation and further opening up / investigative works shall be submitted.</p>
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	<p>Detailed method statement and revised drawings for any proposed further opening up, consolidation, repair, underpinning and strengthening of the boundary wall (in addition to proposed details indicated on structural drawing M086-TCE-Z0-00-DR-S5-8 Rev. P02 Plan drawing indicating all locations where 'localised' underpinning of the wall is required, and where galvanised steel column, 2.2m x .75m deep RC pile cap and 130mm diameter mini piles are required to support the boundary wall).</p> <p>Excessive destructive interventions shall be avoided. Revised temporary propping proposal to reduce the potential adverse impacts on the boundary wall shall be submitted. In the interest of clarity and the transparency of the record drawings submitted, the applicant shall submit revised drawings that clearly indicate / identify all dimensional alterations that have been made to avoid the 0.5m pinch point (increased to 1.2m) between Block C and the rear face of the boundary wall - revised dimensions indicated by 'bubble' revisions and/or contrasting colour of text.</p> <p>c) Salvaged Materials and Circular Economy</p> <p>Written confirmation that all salvageable materials noted in the Conservation Architect's Additional Information submission shall be carefully dismantled and passed on to a reputable salvage company for reuse in an appropriate location in the interests of sustainability. Written confirmation of the quantities of original glass blocks salvaged for re-use within the Protected Structure and wider development (using as much as possible of the original glass blocks), and photographs of the completed items in situ shall be submitted. The applicant shall submit a salvage strategy for all remaining sound historic glass blocks that may be left over, after the new screens / partitions / furniture have been completed for reuse elsewhere.</p> <p>d) Samples</p> <p>The applicant/developer shall invite the Conservation Officer to inspect samples of consolidation and repair of the historic boundary wall in lime mortar, and samples of wall repairs to the Hendrons Façade.</p>
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	<p>e) Courtyard wall elevations</p> <p>Prior to the construction of the Courtyard Elevations, the applicant shall submit revised drawings and samples for the written agreement of the Planning Authority, showing the proposed light coloured render external wall finishes of the new residential blocks within the courtyard.</p> <p>Reason: In order to protect the amenity, setting and curtilage of the Protected Structures at the Hendrons Building and Western Way Wall and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
9.	<p>Prior to the commencement of development on the Protected Structure the applicant/developer shall submit for the written agreement of the planning authority confirmation that: (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.</p> <p>Reason: In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).</p>
10.	<p>The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development as appropriate, following consultation with the Local Authority. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of</p>

	<p>archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.</p> <p>The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>
11.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <ul style="list-style-type: none"> (i) The species, variety, number, size and locations of all proposed trees and shrubs to be planted. (ii) Details of screen planting and/or roadside/street planting. (iii) Hard landscaping works, specifying surfacing materials, furniture, play equipment, and finished levels. <p>(b) A timescale for implementation, including details of phasing.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously</p>

	<p>damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
12.	<p>Prior to the commencement of development on site the applicant shall submit revised plans and elevations for the written agreement of the Planning Authority (Transportation Planning) detailing:</p> <p>a) A minimum of 175 long term residents' cycle parking spaces shall be within the internal courtyard of the proposed development, including four Cargo-bikes. A minimum of 46 short / visitor spaces shall be provided. Long term cycle parking accommodation shall be secure, sheltered and well-lit with key/fob access where parking compounds are provided. Both residents and visitor cycle parking shall be in situ prior to the occupation of the development. Short-term / visitor cycle parking spaces shall be of Sheffield style design.</p> <p>b) Prior to the commencement of the development, the applicant shall submit revised plans for all residents' bicycle parking compounds to demonstrate that all proposed bicycle parking spaces comply with the minimum required layout dimensions for simple cycle stands as per Table 6.1 of the Cycle Design Manual, September 2023.</p> <p>c) The applicant/developer/operator shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future residents and users of the development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the roll out of the plan.</p> <p>d) Prior to the commencement of the development, the applicant shall submit revised plans to include proposals for upgrading works at the access of the gated laneway at Palmerston Place, such as tactile paving on both sides of the footpath.</p>

	<p>e) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan for the demolition phase of the development shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures, off-site disposal of demolition waste and access arrangements for labour, plant and materials, including location of plant and machine compound. The appointed contractor shall liaise with Dublin City Council's Road Works Control Division during the demolition period.</p> <p>f) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan for the construction phase of the development shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures, off-site disposal of construction waste and access arrangements for labour, plant and materials, including location of plant and machine compound. The appointed contractor shall liaise with Dublin City Council's Road Works Control Division during construction period.</p> <p>g) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.</p> <p>h) The applicant/developer shall be obliged to comply with the requirements set out in the Code of Practice.</p> <p>Reason: In the interest of sustainable transportation, road safety and orderly development.</p>
13.	The developer shall comply with the following requirements of Transport Infrastructure Ireland:

	<p>a) The Luas operator/TII will require 24hr access to Luas infrastructure. Prior to the commencement of development, the developer shall enter into an access and maintenance agreement with TII;</p> <p>b) All works associated with removal, temporary and final reinstatement of Luas infrastructure are to be undertaken outside of Luas operational hours, under system shutdown and Overhead Conductor System isolation;</p> <p>c) All deliveries made to the development site, including during the construction phase, shall be made to limit interference with Luas operations;</p> <p>d) The developer shall be responsible for any loss of Luas revenue, or any other costs associated with a suspension of passenger services, or alterations to the Luas infrastructure which may arise out of, or as a consequence of, the design, construction or operation of the development by the development contractors, sub-contractors, their employees or agents or any other related party. Appropriate agreements between TII, Luas Operator and the developer shall be undertaken and completed prior to the commencement of development.</p> <p>e) The proposed development is located in close proximity to a Luas Line; the applicant should ensure there is no adverse impact on Luas operation and safety. The development shall comply with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'.</p> <p>f) Works are proposed to be carried out in close proximity to Luas infrastructure. The applicant, developer or contractor will be required to apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) Bye-laws 2004 (S.I. number 101 of 2004) which regulates works occurring close to the Luas infrastructure in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'. The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure. The permit application will require prior consultation, facilitated by the Luas operator, Transdev.</p>
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	<p>g) Prior to commencement of development, a Construction Traffic Management Plan including access to services, shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The Construction Traffic Management Plan shall identify mitigation measures to protect operational Luas infrastructure.</p> <p>h) Prior to commencement of development, a Demolition and Construction Method Statement shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The method statement shall resolve all Luas interface issues and shall (i) identify all Luas alignment interfaces, (ii) contain a risk assessment for works associated with the interfaces, and (iii) contain mitigation measures for unacceptably high risks, including vibration and settlement monitoring regime if necessary. The method statement shall be in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system.'</p> <p>i) Overhead Conductor System (OCS) poles and / or fixings are located on / or adjacent to the proposed development. Prior to commencement of development, the following plans and details shall be submitted for the written agreement of the planning authority subject to the written agreement of TII: (a) OCS pole protection and safety distances, and / or (b) Existing, temporary and subsequent permanent fixings. The developer shall be liable for all costs associated with the removal and reinstatement of the Luas related infrastructure. j) The development shall ensure no risk of intrusion of people into the OCS danger zone via opening windows, maintenance, cleaning, balconies or terraces. The danger zone is described in TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' defined by a 2.75m offset in all directions from the nearest item of OCS infrastructure. k) The proposed development is located adjacent to landscape works completed as part of Luas public realm improvements works. Prior to commencement of development, revised plans to complement and reinforce the public realm works including hard and soft landscaping shall be submitted for the written</p>
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	<p>agreement of the planning authority subject to the written agreement of TII.</p> <p>REASON: To protect existing transportation infrastructure, and in the interest of public safety.</p>
14.	<p>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.</p> <p>Reason: To protect the visual amenities of the area.</p>
15.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
16.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
17.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
18.	<p>Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
19.	<p>Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate</p>

	<p>signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
20.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
21.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
22.	<p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of proper site drainage.</p>
23.	<p>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, a dust management plan, and off-site disposal of construction/demolition waste.</p>

	Reason: In the interests of public safety and residential amenity.
24.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
25.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
26.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: To ensure the satisfactory completion and maintenance of this development.
27.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area</p>
28.	<p>Prior to the commencement of any house or apartment unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or apartment unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>

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

31.	<p>A development contribution in the sum of €180, 000.00 shall be paid to the Planning Authority in respect of the LUAS Cross City Scheme. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with the Planning Authority. The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.</p> <p>Reason: It is considered reasonable that the payment of a development contribution in respect of the public infrastructure and facilities benefitting development in the Luas Cross City area as provided for on the Supplementary Development Contribution Scheme made for the area of the proposed under Section 49 of the Planning & Development Act 2000 (as amended).</p>
32.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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.

Emma Nevin
Planning Inspector
11th July 2025

Appendix A Form 1- EIA Pre-Screening

An Bord Pleanála	ABP-320953-24		
Case Reference			
Proposed Development Summary	Construction of 90 no. residential units, cultural/community use at ground floor level of the Hendrons building (Block A), multi-use café and art gallery space, also at ground floor level of Block A, and public co-working space at ground floor level of Block B and associated site works.		
Development Address	Lands at Nos. 36 – 40 Dominick Street Upper, Dublin 7		
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	10(b)(i) Construction of more than 500 dwelling units.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X	The proposed development does not equal or exceed the 500 unit threshold.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(i) construction of more than 500 dwelling units. The development is for 90 units.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		

Inspector: _____

Date: _____

Appendix B Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320953-24
Proposed Development Summary	Construction of 90 no. residential units, cultural/community use at ground floor level of the Hendrons building (Block A), multi-use café and art gallery space, also at ground floor level of Block A, and public co-working space at ground floor level of Block B and associated site works.
Development Address	Lands at Nos. 36 – 40 Dominick Street Upper, Dublin 7
<p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The development involves the construction of 99 no. apartments on a 0.34 ha site. The site is located in a residential area.</p> <p>During the construction phase, the proposed development</p>

	<p>would generate waste during excavation and construction.</p> <p>However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located in or immediately adjacent to any European site.</p> <p>The closest Natura 2000 site is South Dublin Bay SAC and South Dublin Bay River Tolka Estuary Special Protection Area which are 4.5 km from the site.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	X
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

Appendix C: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-320953-24	Townland, address	Nos. 36-40 Dominick Street Upper, Dublin 7
Description of project		Construction of 90 no. residential units, cultural/community use at ground floor level of the Hendrons building (Block A), multi-use café and art gallery space, also at ground floor level of Block A, and public co-working space at ground floor level of Block B and associated site works.	
Brief site description, relevant to WFD Screening,		The site is an existing brownfield site with a stated area of 3,402m ² . The site is occupied by an existing four-storey former industrial building (the Hendrons Building) fronting Dominick Street Upper. To the southeast of this building is No. 36 Dominick Street Upper, which is an existing three-storey townhouse dating from the nineteenth century, with a projecting flat roofed extension of later construction to the front. The site also includes two former workshop buildings, i.e. the East Workshop, which is a two-storey flat roofed structure extending behind No. 36 along the site frontage at Palmerston Place, set behind a concrete block wall, and the West Workshop which extends behind the Hendrons Building and consists of two elements, one of which has a pitched roof and the other a flat roof. The West Workshop fronts a yard area which extends to the site boundary wall at Western Way, which is a protected structure.	

Proposed surface water details			SuDS measures to be used in the engineering and landscaping design. Any run-off will be via the public surface water drainage system.			
Proposed water supply source & available capacity			Public Water Supply and which has an Orange – ‘Potential Capacity Available’ LOS improvement required rating.			
Proposed wastewater treatment system & available capacity, other issues			Public foul drainage system and which has a Green – ‘Space Capacity Available’ rating with a WWPT Project Planned/Underway.			
Others?			N/A			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.		950m – south of the site	Liffey Estuary Upper (IE_EA_090_0400)	Moderate	Review	N/A	Hydrological Connection via surface water discharge
		N/A	Dublin Groundwater Body (IE_EA_G_008)	Good	Review	N/A	Underlying ground water-body
		7km – south/southeast of the site	Dublin Bay (IE_EA_090_0000)	Good	Not At Risk	N/A	Weak Hydrological Connection via surface water discharge
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if

							'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	Liffey Estuary Upper (IE_EA_090_0400)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
2.	Site clearance & Construction	Dublin Groundwater Body (IE_EA_G_008)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
3.	Site clearance & Construction	Dublin Bay (IE_EA_090_000)	Indirect impact via weak hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
4.	Foul Drainage during construction	Liffey Estuary Upper (IE_EA_090_0400)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction	No	Screen out at this stage.

	phase of the development				Practice and CEMP		
5.	Foul Drainage during construction phase of the development	Dublin Groundwater Body (IE_EA_G_008)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
6.	Foul Drainage during construction phase of the development	Dublin Bay (IE_EA_090_000)	Indirect impact via weak hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
OPERATIONAL PHASE							
1.	Surface Water Run-off	Liffey Estuary Upper (IE_EA_090_040)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.

2.	Surface Water Run-off	Dublin Groundwater Body (IE_EA_G_008)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
3.	Surface Water Run-off	Dublin Bay (IE_EA_090_000)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
DECOMMISSIONING PHASE							
	N/A	N/A	N/A	N/A	N/A	N/A	N/A