



An
Coimisiún
Pleanála

Inspector's Report ACP-323012-25

Development

PROTECTED STRUCTURE: Ringline Investments Limited intend to apply for permission for a Large-Scale Residential Development (LRD) student accommodation and retail development 7 storey building. The proposal includes 361 studios, Internal communal amenity facilities include a library, gym, yoga studio, reception and exhibition space, laundry, games room, office/admin and luggage/parcel store and retail unit.
(<http://northkingstreetlrd.ie>)

Location

139-149 King Street North, Bow Street and Brown Street North, Dublin 7, D07 TH28, D07 E392, D07 DX5D

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

WEBLRD6071/25-S3

Applicant(s)

Ringline Investment Limited.

Type of Application

Permission for Large Scale Residential Development.

Planning Authority Decision

Grant Permission.

Type of Appeal

First & Third Party

Appellant(s)

Tadgh O'Meara (Kish Fish).
Ringline Investment Limited.

Observer(s)

Rhona Alford.
Ronan Flood.
Caroline Duffy.

Date of Site Inspection

15th of September 2025.

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The site has an area of 0.39ha and is located on the southern side of King Street North. Bow Street forms the eastern boundary and Brown Street North wraps around the western and southern boundaries. Nos.40-42 Bow Street are located within the block and forms its southeastern corner but do not form part of the development site. The north and east elevation of No. 139-149 King Street North is listed on the Record of Protected Structures (RPS Ref. 8790).
- 1.2. The subject site currently accommodates a 2-storey commercial building with a service yard accessed from Brown Street North. The surrounding built environment varies in scale and design. Directly to the west and on the opposite side of Brown Street North are two and three storey houses on Friary Court with a terrace of three storey houses facing onto King Street North. There is no access to Friary Court from Brown Street North. Beyond these houses and further west is Smithfield Square which is flanked by a mix of residential and commercial buildings ranging in height from 3 -8 storeys.
- 1.3. Directly to the east and on the corner of King Street North and Bow Street, is No. 151 King Street North which is a part 5 / part 6 storey building with commercial use at ground floor and residential above. This development backs onto the two storey houses on Nicholas Avenue with the Carmelite Centre and traditional two storey houses on either side of Bow Street and to the south of the site. Further south along Bow Street the scale of the buildings increases with the developments at the Malt House, the Friary and the Distillery developments ranging in height from 3-6 storeys.

- 1.4. To the north and on the opposite side of King Street North is Kings Court, a 4-5 storey apartment building. This development abuts a large vacant site to the west and has retained the historic façade at No. 54 King Street North.

2.0 Proposed Development

- 2.1. Planning permission is sought for a large-scale residential development (LRD) for student accommodation on a site of approximately 0.39 hectares which currently comprises two commercial buildings with a service yard accessed from Brown Street North, Dublin 7. The development includes a Protected Structure, No 139-149 King Street North (RPS Ref. 8790).

- 2.2. The development will comprise the following,

- Demolition of the existing structures on site, with the exception of the protected structure facades of No's 139-149 King Street North and Bow Street, which will be refurbished and integrated into the development.
- Construction of a mixed-use purpose-built student accommodation and retail development in a 7-storey building over a partial existing basement with a setback at the 5th floor and a further significant setback at the 6th floor level.
- The proposal includes 361 no. bedspaces comprising; 62 no. studios, 291 no. single rooms & 8 no. accessible rooms.
- Internal communal amenity facilities include a library, gym, yoga studio, reception and exhibition space, laundry, games room, office/admin and luggage/parcel store.
- External amenity spaces include a central courtyard at ground level, a roof terrace at 5th floor level along Brown Street North to the south and a roof terrace at 6th floor level along King Street North.
- A retail unit of 17 sqm with frontage to King Street North and Bow Street.
- Bicycle parking spaces for residents and visitors, accessed from Brown Street North and Bow Street.
- Public realm improvements include widening the carriageway on Brown Street North, providing drop-off/pick-up car parking and loading off-carriageway; a

footpath on the eastern side of Brown Street North; pedestrian friendly junction threshold at both the Bow Street and King Street North junctions; and restoring/landscaping a fenced dumping area to the south.

- ESB substation, switch room and plant room at ground level accessed from Brown Street North and refuse store area accessed from Bow Street.

Table 1 – Key Figures

Gross Site Area	0.39 hectares
Gross Floor Area	12,376 sqm
Net Floor Area	8,297 sqm
Height	6 - 7 storeys
No. of Bedspaces	361 bedspaces (62 no. studios & 291 no. single bedrooms and 8 no. accessible bedrooms) 39 clusters and 10 no. studios.
Density	231 units per hectare (uph)
Plot Ratio	1:3
Public Open Space	0 sqm
Communal Open Space	1,195 sqm, (739sqm internal, 1,196sqm external)
Internal Amenity Space (study areas, lounge, laundry and kitchens)	739 sqm
Car Parking	0
Bicycle Parking	441 spaces (362 resident, 72 no. visitor and 8 no. staff)

In addition to the standard plans and particulars, the application is accompanied with documents and report which include inter alia:

- a. Planning Report and Statement of Consistency
- b. Statement of Response to LRD Opinion
- c. Architectural Design Statement
- d. Basement Impact Statement
- e. Preliminary Construction & Demolition Waste Management Plan
- f. Stormwater Management Plan
- g. Structural Methodology Report on the Retained Masonry Façade and Existing Structures
- h. Water Supply and Wastewater Management Report
- i. Uisce Éireann Confirmation of Feasibility
- j. Daylight and Sunlight Assessment
- k. Servicing Waste Management Plan & Road Safety Audit
- l. Flood Risk Assessment Report
- m. Landscape Design Statement
- n. Verified Photomontages
- o. Landscape & Visual Impact Assessment
- p. Overheating Analysis
- q. Part L Compliance Report
- r. Mobility Management Plan
- s. Preliminary Construction Environmental Management Plan
- t. Energy & Sustainability Statement
- u. Archaeological Assessment
- v. Architectural Heritage Impact Assessment Report
- w. Historic Building Survey
- x. Battlefield Assessment King Street North
- y. Appropriate Assessment Screening Statement

z. Student Accommodation Demand and Concentration Report

3.0 Planning Authority Opinion

- 3.1. The planning authority and the applicant convened a meeting under section 32C of the Planning and Development (Amendment) (Large-Scale Residential Development) Act 2021 for the proposed Large-scale Residential Development (LRD) on the 8th of October 2024. A pre-planning consultation meeting had previously been held on the 7th of December 2023.
- 3.2. The development proposed by the applicant for the LRD Opinion meeting on the 8th of October 2024 comprised a purpose-built student accommodation scheme with approximately 361 number bed spaces, ground floor corner retail unit, indoor and outdoor amenity space equating to c. 1,827 square metres and the provision of 436 no. bicycle parking spaces, in blocks ranging in height from 6 to 7 storeys. The record of that meeting is attached to the current file.
- 3.3. Further to that meeting, the planning authority issued an opinion under Section 32D of the Act stating that the documentation submitted did not constitute a reasonable basis on which to make a decision. The applicant was requested to address the following issues,
- 3.4. Height and Design – Additional views and images are required. The height of the scheme to the rear should be reviewed. External elevational details and finishes to be reconsidered. Services and plant shall be considered in the design. Consideration should be given to angling windows or adding treatments to reduce overlooking of third-party properties. 5% cultural/arts/community space should be provided in accordance with CU025 of the Development Plan. Further enlivening of the ground floor elevations should be provided.
- 3.5. Conservation – The proposed building would be overbearing on the protected structure (PS) and the surrounding buildings. The CO recommends that the building is reduced by one floor between levels 2-5, which would be more sympathetic to the scale of the PS and more appropriately scaled for the street. Clarification is required on all external finishes and the elevational treatment and fenestration should be

redesigned to provide a better solid to void ratio. Additional detail on the extant historic fabric is required. Detailed design of the shopfront to King Street North and Bow Street is required.

- 3.6. Archaeology – Additional details are required and include an archaeological assessment, a battlefield analysis by a recognised expert and a historic building survey with result to inform the design and level of demolition.
- 3.7. Parks / Landscaping – Sunlight to amenity spaces to be maximised. Landscape plans to consider buffers between ground floor units and communal spaces and for planting to the setback areas on the northern elevations. An outline management plan for the outdoor communal space should be provided.
- 3.8. Drainage – Further details are required in accordance with Appendix 13 of the Development Plan.
- 3.9. Transportation – Additional details required in accordance with Objective SMTO10 of the Development Plan (walking and cycling audits) and Appendix D of the Compact Settlements Guidelines (checklist for urban design). Extension of the red line boundary should be considered to improve the condition of the streets and footpaths, with particular reference to Brown Street North. All street level details to be agreed.
- 3.10. Site Access & Services – A servicing and delivery strategy shall be provided for the development and should justify the proposed utilisation of the ground floor access along Bow Street and Brown Street North. An Operational Waste Management Plan and tracking details of service and emergency vehicles to be provided.
- 3.11. Bicycle Parking – A Mobility Management Plan should be provided and should include details on the management of move-in and move-out days. A Bicycle Design Statement should be provided with the application.

4.0 Planning Authority Decision

4.1. Decision

Planning permission was granted by the Planning Authority subject to 32 no. conditions.

Condition No's 9 and 16(i) are subject to this appeal and Condition No. 11 is referenced in the appeal.

Condition No. 9 requires that,

Prior to the commencement of any development on site Cultural/community floorspace at 5% of the net floor area of the development shall be provided and agreed in writing with the Planning Authority, with details of any discussions with DCC Arts officer to be included in the submission.

Reason: in the interests of orderly development.

Condition No. 16(b)(i) requires that prior to the commencement of development, the applicant shall submit,

Revised drawings to reduce the proposed development by a storey.

Condition No. 11 requires that,

Prior to commencement of any development on site the southern end of the block's eastern wing shall be reduced to 4-storeys (starting at 35m from the north east corner of the subject site), with remaining cluster bedrooms to be amalgamated into studio units as required. The revised gable may be stepped up to the remaining 7-storeys as required.

Reason in the interests of residential amenity.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The report of the Planning Officer (PO) included the following:

- The PO was satisfied that the principle of development and the uses proposed were compatible with the Z5 – City Centre zoning objective for the site.
- Regarding purpose-built student accommodation (PBSA) the PO acknowledges that there is a shortage of new city centre residential accommodation and that there is also an identified shortage of student accommodation. The provision of PBSA is supported in local, regional and

national policy as this would help to free up otherwise student occupied private rental accommodation.

- The proposed density of 231 units per hectare (uph) is in accordance with the Development Plan range of 100-250 uph net density for sites within the canal ring and with the recommended range in the Compact Settlements Guidelines (100-300 uph). The plot ratio (3:1) and the site coverage (67%) are both in accordance with the Development Plan ranges (2.5-3.0 plot ratio and 60-90% site coverage).
- No protected views will be obstructed by the development. It's location and scale of the development can set its own character within the streetscape.
- To lessen the impact of the development to the west and south, the PO recommends that the 4th and 5th floors of the eastern elevation (to Bow Street) and its southern dog-leg return be finished in a darker brick. The lighter brick should be retained on the eastern elevation to reflect light back to the properties to the east.
- The PO notes that the proposal will activate the sites primary frontage to King Street North and to the eastern and western side streets and will see the reuse of an underutilised city centre site while retaining a link to its historic heritage.
- Reference is made to the Development Plan Height Strategy (Appendix 3 of the Development Plan) which promotes a default position of 6 storeys in the city centre and within the canal ring subject to site specific characteristics. The PO considers the proposed height to be appropriate to the site and the area. Whilst there are impacts from seeking the efficient use of scarce land in the city centre, the PO notes that the applicant's daylight and sunlight assessment concludes that overall impacts are acceptable.
- In terms of visual impact, the PO considers that the 7th storey set-back won't be overly noticeable from approach views to the site and states that, *'It would appear feasible that the recessed element to the front could be a double storey element without being overly dominant in the streetscape'*.

- An extract from the report of the Conservation Officer is contained in the report. The CO acknowledged that the retention of the historic elevations would allow for the preservation of the streetscape at ground level and therefore, a continued understanding of the historic urban environment. However, they considered that the scale and height of the new development, over and above the historic façades, would have a significant visual impact on the receiving environment. For this reason, they recommended the removal of a floor between levels 2-5.
- The PO had no objection to the layout and provision of the internal accommodation and amenity spaces, (both internal and external). It was recommended that a Student Accommodation Management Plan be required and that it contains proposals for the management of the rooftop terraces during term time.
- Community/arts and cultural spaces - The PO does not accept the applicants claim that the development is subthreshold for the requirement of Objective CU025 of the Development Plan. The PO notes that the trigger is 10,000 sqm and the provision is 5% of the net floor area. As the proposal has a gross floor area of 12,376 sqm and the net floor area is 8,297 sqm, it exceeds the threshold and 414.85sqm of cultural/community floor space is required.
- To address overlooking issues, the PO recommends that external, above ground floor window openings are fitted with directional and/or obviation measures that angle viewing cones as much as possible from directly overlooking the nearest existing housing to the west, south and east. To allow for development opportunities on the adjoining commercial site (Kish Fish) in the southeastern corner of the site, it is recommended that the above ground floor windows to the communal spaces immediately to the north and west of the existing commercial unit are fitted with opaque glazing to at least 1.8m above finished floor level.
- The difficulty in maximising the development potential of scarce city centre sites whilst also protecting the amenity of existing sites is acknowledged in the report. The PO notes the results of the daylight and sunlight assessment which found that the loss of daylight to nearby homes would be minor to

negligible, apart from the house No's 8-10 Nicholas Avenue. Daylight levels to the rear of these properties are compromised by the proximity of the office block to the north. The proposed development will impact them further.

- To reduce the impact on the houses and to improve their outlook, the PO recommends that the adjoining 7-storey cumulative eastern elevation is reduced to four storeys with an option to step up the remaining eastern wing to 7-storeys.
- Deficiencies in the bicycle parking provision can be addressed by condition.

4.2.2. Other Technical Reports

- **Conservation** – The Conservation Officer (CO) recommended a grant of permission subject to conditions which included the reduction of the proposed development by a storey.
- **Transport Planning Division** - King Street North is part of the Grangegorman to Portobello Active Travel Route which is at early design stage. The report recommended conditions to be attached should permission be granted and also provided a refusal reason based on the lack of demonstrable compliance with SPPR 4 of the Compact Settlement Guidelines, the Cycle Design Manual 2023 and the Development Plan in relation to how the development is served by high quality, safe and secure bicycle parking facilities.
- **Drainage** - No objection. Conditions recommended.
- **Environmental Health Officer** - No objection.
- **Archaeology** - No objection. Conditions recommended.
- **Parks** - No objection. Conditions recommended.

4.3. Prescribed Bodies

- **TII** – Section 49 Luas Line Levy is recommended if not exempt from same.

- **Uisce Éireann** – Confirmation of Feasibility was issued. Conditions recommended

4.4. **Third Party Observations**

Nine third party observations were received by the PA during the statutory consultation period. The submissions raised the following issues,

- Loss of daylight to existing houses.
- Loss of privacy – overlooking of adjacent property.
- Excessive scale, height and density.
- Out of character with existing development.
- Impact on the protected structure and archaeology.
- Visual impact - visuals are incomplete.
- Noise and disturbance from the development & during construction.
- Impact on existing services.
- Oversupply of student housing – affordable/social housing is needed.
- Access to existing development to be retained - King Fish.
- Impact on structural integrity of adjoining buildings.
- Devaluation of property.
- Impact of junction works on access for residents.
- Increased traffic congestion during construction.

4.5. **Planning History**

PA Ref. 3315/11 – Planning permission granted in 2011 for (1) internal alterations to existing shop layout (2) external changes to existing front elevation, incorporating the placing of customer entrance and signage on King Street North (3) external changes to rear elevation incorporating placing of new customer entrance and signage (4) external changes to existing side elevation incorporating reduction in size of side entrance located on Brown Street North (5) all ancillary site works.

On sites nearby –

PA Ref. WEB2502/24 – Planning permission granted on the 5th September 2025 for development comprising 34 no. apartments in two blocks ranging in height from 3-6 storeys at the corner of Brunswick Street North and Church Street Upper.

Referenced in the grounds of appeal –

ABP-319847-24 (PA Ref. LRD6050/24-S3) – Planning permission granted by the Commission (formerly the Board) for the demolition of 4 warehouse units and the construction of 373 bed space student accommodation comprising 166 apartments and all associated site works at a site on Prussia Street, Dublin 7.

5.0 Policy Context

5.1. Development Plan

The **Dublin City Development Plan 2022 - 2028** (DCDP) is the current statutory plan for Dublin City, including the subject site.

- 5.1.1. The main policies/objectives that relate to the development proposal are set out below. This is not an exhaustive list and should not be read as such.

The Board should consider inter alia the following:

Zoning - The subject site is indicated on Map E of the Development Plan and is zoned objective 'Z5 – *City Centre*', the objective of which is, '*To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.*' Student accommodation is listed as a 'Permissible Use' in the Z5 zoning objective.

Conservation - The site contains a Protected Structure (PS), No. 139-149 King Street North, (RPS Ref. 8790). The PS is listed as a Former Factory (north and east elevations only). (Note – the NIAH lists the building as a Factory dating from 1920-1940 and is described as a '*Twenty-six-bay two-storey terrace of commercial*

buildings, built c.1930.’). The building is also listed in the Dublin City Industrial Heritage Record (DCIHR Ref: 18_07_051).

The elevation of the buildings on King Street North are included in a Conservation Area which extends eastwards along the street from Smithfield. The site lies within the zone of archaeological potential for the historic city (DU018-020), although there are no recorded monuments within the red line boundary.

Chapter 5 – Quality Housing and Sustainable Neighbourhoods recognises that purpose-built student accommodation (PBSA) plays an important role in the provision of well managed student accommodation and contains policies and objectives that relate to student housing and should be consulted in full to inform the decision. Specific references include,

Policy – QHSN44 - Build to Rent/Student Accommodation/Co-living

Development - It is the policy of DCC to avoid the proliferation and concentration of clusters of build to rent/student accommodation/co-living development in any area of the city.

Policy - QHSN45 - Third-Level Student Accommodation - To support the provision of high-quality, professionally managed and purpose built third-level student accommodation in line with the provisions of the National Student Accommodation Strategy (2017), on campuses or in appropriate locations close to the main campus or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the ‘*Guidelines for Student Accommodation*’ contained in the development standards chapter. There will be a presumption against allowing any student accommodation development to be converted to any other use during term time.

Chapter 11 – Built Heritage and Archaeology – Policies and objectives that relate to proposals for works to Protected Structures are contained in this chapter.

Section 11.5.3 refers to ‘red-lined’ Conservation Areas and notes that whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application. The special

interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals.

Policy BHA9 and BHA10 relate to Conservation Areas and to Demolition in Conservation Areas respectively.

Section 11.5.5 relates to Archaeological Heritage.

Chapter 12 – Culture – CUO25 - *SDRAs and large Scale Developments* - All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

**Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.*

CUO30 - Co-Design and Audits - Large development applications (over 10,000 sq. m., either in phases or as one application) will, in the absence of a DCC local area culture audit (CUO44 refers), be required to undertake a cultural audit for the local area to identify shortcomings within the area; and to work with DCC Arts Office to identify and agree appropriate arts or cultural uses, preferably as part of a co-design process in advance of lodging an application, for inclusion in the development. Such audits shall be informed by the existing cultural mapping resources in the Dublin City Cultural Infrastructure Study and by Culture Near You maps.

Chapter 15 – contains the development management requirements and standards for student housing and development in the city centre.

15.13.1 – Student Accommodation – This section notes that the City Council supports the provision of high-quality, professionally managed PBSA. Proposals should be in accordance with Policy QHSN45 and should make a positive contribution to the built environment, in terms of design quality, scale, height and the relationship to adjacent buildings. The planning authority will have regard to the pattern and distribution of student accommodation in the locality, and will resist the overconcentration of such schemes in any one area. Permissions for student housing will be subject to a condition requiring a planning permission for a change of use to other types of residential accommodation.

In assessing applications for PBSA the planning authority will have regard to,

- The location – in terms of access to university and college facilities.
- Overconcentration of student accommodation to the detriment of ensuring balanced communities or to the established character of communities.

15.13.1.1 – Unit Mix – Student accommodation is to be provided in a ‘cluster’ type model.

Table 15-7 - Minimum Bedroom Sizes for Student Accommodation Clusters.

15.13.1.2 – Daylight and Sunlight - Proposed developments shall be guided by the principles and standards set out in Appendix 16.

15.13.1.3 – Communal facilities.

15.13.1.4 – Car parking & bicycle parking.

15.13.1.5 – Temporary use as tourist accommodation will be considered outside the normal academic year.

Appendix 3 – Achieving Sustainable Compact Growth - contains the Height Strategy for the city as well as guidance on density, plot ratio and site coverage. Section 4.1 states that, in general, a default position of 6 storeys will be promoted within the city centre and the canal ring subject to site specific characteristics, heritage/environmental consideration and social considerations. Appropriate transitions of scale should also be provided.

Table 3 – sets out 10 performance objectives for consideration when assessing proposals for enhanced height, density and scale.

5.2. National Planning Policy

5.2.1. Design Standards for Apartments, Guidelines for Planning Authorities (2025)

- 5.2.2. The *Design Standards for Apartments, Guidelines for Planning Authorities (2025)* were issued on 8th of July 2025. Specific Planning Policy Requirement (SPPR) 6 of the guidelines states that, *‘The provision of new Communal, Community and Cultural facilities within apartment schemes shall only be required in specific locations identified within the development plan and shall not be required on a blanket threshold-based approach in individual apartment schemes’*.

I note to the Commission, that these Guidelines only apply to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025.¹ Therefore, they do not directly apply to the subject appeal.

5.2.3. Design Guide for State Sponsored Student Accommodation (2025)

The Design Guide was undertaken to draft new design standards for state-sponsored on campus student accommodation. It is also intended, where appropriate, that the standards contained within the Design Guide will inform the planning and design of off-campus forms of student accommodation that are led by the private sector. The Design Guide contains minimum standards for bedrooms and combined communal living areas as well as guidance on building design, layout and typologies.

The guide also states that under the New Planning and Development Act 2024, the definition of student accommodation refers to a building or part of a building used exclusively to provide accommodation for students during academic terms. This includes accommodation provided by recognised education providers. However, the building cannot be used as permanent residential accommodation or as a hotel, hostel, or similar type of accommodation, except for accommodating tourists or visitors outside of the academic term.

¹ As per Department of Housing, Local Government and Heritage Circular Letter: NSP 04/2025

5.2.4. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR).** The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten-year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

5.2.5. **National Planning Framework First Revision (2025) (NPF)**

The first revision to the NPF was approved by Government in April 2025. The NPF provides a series of National Policy Objectives (NPOs) which seek to strengthen and consolidate existing settlements.

Regarding student housing, **Section 6.6** of the NPF states that:

Demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. Student accommodation also contributes to the financial, cultural and social fabric of regions, cities and towns. The adaptive reuse of existing buildings and brownfield sites for student accommodation can assist with the reduction of vacancy and dereliction, thereby promoting vitality and vibrancy in settlements, in support of Town Centre First principles. The National Student Accommodation Strategy supports these objectives.

The NPF recognises that investment in student accommodation within our universities is one facet which will help to achieve **National Strategic Outcome 6 – A strong economy supported by enterprise, innovation and skills.**

5.3. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023.
- Urban Development and Building Heights Guidelines, 2018.
- Sustainable Residential Development and Compact Settlement Guidelines 2024 (density / height / separation distances / open space). (Note - These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and support the application of densities that respond to settlement size and different contexts within each settlement type).

Other

- Climate Action Plan 2025
- National Biodiversity Action Plan

5.4. Natural Heritage Designations

- 5.4.1. No Natural Heritage Area (NHA) or proposed NHA (pNHA) designations apply to the subject site.
- 5.4.2. Appropriate Assessment is considered in Section 8.0 of this report.

5.5. EIA Screening

- 5.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in the Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of the PA is subject to a first party appeal and a third-party appeal.

Third Party Appeals

A third-party appeal was lodged by Tadgh O'Meara on behalf of Kish Fish who own the building directly adjoining the development site.

The grounds of appeal are summarised below.

- Access – Kish Fish have a goods entrance on Brown Street which is critical to the operation of the business. Should permission be granted, access must be maintained at all times during the construction and operational phases.
- The appellant is concerned that the demolition of buildings on the site will result in damage to their property. Should permission be granted, the Commission is requested to attach a condition obliging the developer and contractor to engage with Kish Fish to complete a dilapidation survey prior to commencement.
- There is a concern that following demolition of the warehouse on Bow Street, the north gable wall of the appellants property will become a fully exposed external wall, which would be at risk from water ingress. The Commission is requested to attach a condition obliging the developer to agree a solution to this issue prior to commencement on the site.
- The gable walls of the proposed blocks along Bow Street and Brown Street North would be approximately 2.5 – 3m from the boundary of the appellants property with windows on all levels. The conditions attached to the notification of decision from the PA will result in an increase in separation distance and a reduction in height. However, the windows on the elevations will remain. The appellant submits that the proximity of the windows will restrict the development potential of their site when the time comes as there may be potential issues regarding daylight. The appellant believes that sufficient levels of light can be achieved in the rooms in question with openings on the other two façades. The Commission is requested to remove

the windows on the rear elevations of the blocks on Bow Street and Brown Street North.

First Party Appeal

The grounds of the first party appeal relate to the content of Conditions No. 9 and 16(i) which were attached to the PA's notification of decision. The applicant also considers that there is a conflict between the requirements of Condition No. 16(i) and Condition No. 11.

Condition No. 9 requires that,

Prior to the commencement of any development on site Cultural/community floorspace at 5% of the net floor area of the development shall be provided and agreed in writing with the Planning Authority, with details of any discussions with DCC Arts officer to be included in the submission.

Reason: in the interests of orderly development.

- The applicant claims that Condition No. 9 is inconsistent with the interpretation of Clause CU025 of the DCDP which requires large scale developments above 10,000 sq. m. in total area must provide a minimum of 5% community, arts and culture spaces, predominantly internal floorspace as part of the development at design stage.
- The applicant claims that the 10,000 sq. m. trigger for the provision of the 5% arts space is based on the net floor area of the development, which is 8,297 sq. m. in the subject development.
- This assertion is based on a review of similar developments. Reference is made to **ABP319847-24, (PA Ref. 6050/24)**. The applicant states that the matter was raised in the pre-application consultation for **Ref. 6050/25** and that confirmation was requested and received from the PA that the trigger applies to the net development floor area exceeding 10,000 sq. m. This approach was accepted by the PA during the application stage and did not form part of the subsequent appeal under **ABP319847-24**.

- Whilst the applicant is of the opinion that the provision of the 5% cultural space is not required, they also note that plans show a public interpretive element in the foyer/reception area. A 222 sq. m. library is also directly accessible from King Street North which could be let out to community groups through the facility management.
- Reference is made to the *Planning Design Standards for Apartments 2025*, (PDSA) which were published on the 8th of July 2025. The applicant notes that SPPR 6* of the PDSA states that the need for community facilities (including cultural spaces) should be determined by an audit process and should not be based on a threshold basis in relation to individual schemes. The applicant states that the provision of 5% cultural space would have significant implications on the viability of the development due to additional costs such as management and maintenance.
- *SPPR6 of the PDSA states that, *‘The provision of new Communal, Community and Cultural facilities within apartment schemes shall only be required in specific locations identified within the development plan and shall not be required on a blanket threshold-based approach in individual apartment schemes’.*

Condition No. 16(i) requires the following,

Revised drawings to reduce the proposed development by a storey.

Condition No. 11 requires that,

Prior to the commencement of any development on site, the southern end of the block’s eastern wing shall be reduced to 4 storeys (starting at 35m from the north east corner of the subject site), with remaining cluster bedrooms to be amalgamated into studio rooms as required.

Reason: In the interests of residential amenity.

- The applicant contends that the Conservation Officers report was incorporated into the decision to grant permission without editing and resulted in the inclusion of Condition 16(i), which is in conflict with Condition No. 11.

- The applicant argues that there is no statutory basis or explanation for the inclusion of Condition 16(i) and that its inclusion would undermine the economic viability of the project.
- Reference is made in the appeal to national guidance contained in the NPF, PDSA and the Compact Settlements Guidelines and local planning policy set out in the DCDP, all of which support the provision of higher densities and increased height in appropriate urban areas.
- The applicant submits that the scale of the proposed development is similar to previously completed developments in the area and in the Smithfield redevelopment areas close to Friary Grove and Avenue and on Bow Street, including the redevelopment of tall mill buildings with added height.
- In response to Condition No. 11, the applicant has submitted Drawing Nos. *0281 – Proposed Elevation B*, *0206 – Plan_L06_Proposed*, *0205 – Plan_L05_Proposed*, *0204 – Plan_L04_Proposed*, for the consideration of the Commission.
- The drawings show a stepped elevation to Bow Street with a reduced height adjacent to the part of the block that is not included in the development. The application submitted to DCC provided 291 no. student bedrooms and 62 no. studios (361 beds in total). The revised design would provide 265 no. student bedrooms and 77 no. studios (342 beds in total).

6.2. Applicant Response

A response was received from the applicant on the 12th of August 2025 and includes the following.

- The design team took into account the operational needs of Kish Fish and the relationship of the development to existing and those structures and areas occupied and operated by Kish Fish.
- Revised plans reflecting the requirements of Condition No. 11 of the PA's decision, were submitted to the Commission as part of the appeal and were also circulated to the 3rd party appellant. The applicant submits that the revised plans will address 3rd party concerns regarding overlooking at close

range and loss of light and that the revised design will not impinge on the potential redevelopment of the lands occupied by Kish Fish.

- The applicant welcomes the inclusion of a condition for the preparation and agreement of a CEMP which would include the demolition, construction and completion of the public realm. They also state that it is normal practice for developers to carry out a dilapidation survey and to weather exposed internal walls and parapets after demolition.
- The applicant acknowledges the concerns of the appellant regarding daylight and sunlight and potential overlooking. However, they submit that the entrance and adjacent public domain must be overlooked for passive surveillance reasons. Should it be required, it is possible to introduce opaque glazing in the centre of the curved glazing to prevent direct overlooking to the south.
- The Commission is requested to grant permission for the development as requested in the 1st party appeal, with a requirement for integral outlook deflectors / opaque glazing in lower-level windows which will mitigate the design concerns of the appellant.

6.3. Planning Authority Response

Response received on the 8th of August 2025. The PA have no further comment but request that the Commission uphold the decision to grant permission.

If permission is granted, the PA request that conditions are attached that require,

- the payment of a Section 48 development contribution,
- the payment of a Section 49 Luas X City development contribution and,
- the payment of a bond.

6.4. Observations

Three observations were received and are summarised as follows.

- Excessive scale / Overdevelopment / Overbearing visual impact

- Impacts on residential amenity in terms of daylight and privacy. / Loss of light
- Loss of privacy to the external spaces in the neighbouring houses
- Overlooking from the rooftop amenity area.
- Disturbance from outdoor amenity area.
- Overprovision of student housing in the area.
- Out of character with the medieval history of the area.
- Increased levels of traffic and demand for parking.
- Impact on the value of property in the area.
- Disturbance during construction.
- Adverse impact on Protected Structures.
- Use as tourist accommodation outside term-time.

7.0 Assessment

7.1. Principle of Development

- 7.1.1. The proposed development for purpose-built student accommodation (PBSA) is listed as a 'permissible' use in the City Centre – Z5 zoning objective for the site. Objective QHSN45 of the Development Plan relates to Third-Level Student Housing and supports the provision of high-quality, professionally managed and purpose-built third-level student accommodation in line with the provisions of the *National Student Accommodation Strategy (2017)*. This objective also states that student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards chapter, Chapter 15. The internal standards for the development are in accordance with the requirements of Table 15-7 of the Development Plan as they relate to bedroom mix (studio units and bedroom clusters), floor areas, accessible accommodation, communal open space and bicycle parking. I note to the Commission that the government document '*Design Guide for State Sponsored Student Accommodation (Version 1.0 – May 2025)*' was published after the DCDP was adopted and contains minimum standards relating to room

areas and recommendations on width and storage. I have reviewed the application details and I am satisfied that the allocation of space in the bedrooms and communal areas are in accordance with the advice and standards contained in the guidance.

7.1.2. A Daylight and Sunlight Assessment was prepared for the scheme and demonstrated that the internal spaces and bedrooms would generally receive sufficient light to internal spaces and external communal areas. One studio unit was identified as below the minimum target value for daylight provision, (as per BS EN 17037:2018+A1:NA1). This resulted from its location behind the façade of the protected structure façade which has smaller windowpanes with secondary glazing. To mitigate the impact, the unit has been designed to have four windows and a large floor plan of 27 sq. m.

7.1.3. Justification for the development was provided in the '*Student Accommodation Demand and Concentration Report*' submitted with the application. The report acknowledged a city-wide need for PBSA and identified existing schemes within a 1km radius of the development. Dublin 7 is becoming a student hub. However, the subject proposal is not located immediately beside any dedicated PBSA development and is in an area with mixed-uses and many apartment developments. I am satisfied that the development is suitable for the location and by virtue of the city-centre location and access to public transport, that the proposal would not lead to an over-concentration of PBSA. I note that the PA raised no concerns regarding the suitability of the site for PBSA whilst also recognising the need for long-term residential accommodation. An argument is put forward that the delivery of PBSA will free-up private rental accommodation in the long-term rental sector, which I consider to be reasonable.

7.1.4. To conclude, I am satisfied that that

- the development is in accordance with the zoning objective for the site,
- the need for the development has been justified on the basis of an identified demand for PBSA and specifically for studio units, and
- it will not result in an overconcentration of such developments by virtue of the location of the site and the surrounding pattern of development.

- 7.1.5. The height strategy for the city recommends that a default position of 6 storeys for the subject site is considered, subject to the prevailing context and pattern of development. The building would extend to 7 storeys and would incorporate a Protected Structure at the lower levels. The impact of the proposal in terms of height and the protected structure form part of the appeal and will be addressed in full in the relevant sections below. In principle the development is acceptable in planning terms and its impact on the receiving environment and the existing development will be assessed as part of the appeal.

1st Party Appeal

7.2. Condition No. 9.

- 7.2.1. The issue raised in the 1st party appeal relates to the wording of Condition No. 9 in the decision of the PA. Condition No. 9 requires that,

Prior to the commencement of any development on site Cultural/community floorspace at 5% of the net floor area of the development shall be provided and agreed in writing with the Planning Authority, with details of any discussions with DCC Arts officer to be included in the submission.

Reason: in the interests of orderly development.

- 7.2.2. The condition was attached in accordance with Objective CU025 of the Development Plan which states that; *'All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.*
- 7.2.3. In the pre-application meeting and the LRD opinion from the PA, the applicant was requested to provide 5% community / cultural / arts space in accordance with

Objective CU025. The applicant's response to the LRD opinion (and the grounds of appeal) refers to development permitted in 2024 under **ABP-319847-24, PA Ref. LRD6050/24S3**, which related to PBSA in Prussia Street, Dublin 7. In this case the applicant contends that the 5% was applied to the net floor area of the development (9,403sq. m.) and not the gross floor area. They argue that, as the net internal floor area of the subject development is 8,296 sq. m, it does not meet the threshold of 10,000sq. m. and does not require the provision of 5% cultural/community floor space. Notwithstanding this, the applicant considers that the development should obtain a full derogation of the requirement based on compliance with the Compact Settlements Guidelines, the heritage and historic contributions and the public realm enhancements proposed. The applicant also notes that there is a public interpretive element in the foyer/reception area and a 222sq. m. library, which is accessible from King Street North, and which could be let out to community groups.

7.2.4. Reference is also made to the Planning Design Standards for Apartments 2025 which includes a Special Planning Policy Requirement 6 (SPPR6) which states that the provision of cultural space should be based on an audit process and not on a threshold for individual developments. Circular NSP 04/2025 clarifies that the guidelines only relate to applications for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025. Therefore, they do not directly apply to the subject proposal.

7.2.5. The PO did not agree with the argument put forward by the applicant and their report states that the trigger for CU025 is 10,000sq. m. gross floor area and the provision is 5% of the net floor area. Whilst the application to Objective CU025 in both applications varies, I am satisfied that the wording of CU025 clearly refers to **'large scale developments above 10,000 sq. m. in total area'**. In my view this relates to the gross floor area of the development. The objective does not explicitly state that the 5% community / cultural space should relate to the net floor area of the development, however, I accept that this is a reasonable approach to apply. As noted in the appeal, the objective does not provide the developer with an option for payment in lieu but does allow for the relocation of a portion of the space (up to 50%) to a site immediately adjacent to the area where it is demonstrated to be a better outcome and where it can be a contribution to an existing project in the immediate

vicinity. It is unclear from the wording of the objective if the developer can contribute financially to an existing project in the area or how exactly the *'relocation of a portion of the space to a site immediately adjacent to the area'* can be accommodated.

However, it is evident from the wording that an option of sorts exists for the developer to provide a portion of the 5% area in or at a location other than the subject site.

7.2.6. Pre-application details for the development show that the issue of compliance with CU025 was raised with the developer and as part of the LRD opinion. It was not addressed to the satisfaction of the planning authority, and the floor area has not been incorporated into the design of the development. The developer has stated that they can make the 222sq. m. library available to community groups for meetings or exhibitions through the management company for the building. However, this would impinge on the provision of communal space for the residents of the building and impact on the overall amenity. Section 15.13.1 of the Development Plan sets out the development standards for PBSA and states that all proposals must provide appropriate indoor and outdoor communal and recreational facilities for students at a combined level of at least 5-7 sq. m. per bedspace. The subject proposal requires a minimum of 1,805 sqm communal space (361 x 5sqm) and a total of 1,935 sqm has been provided in the scheme. I do not consider that the use of the library for part time cultural / community use to be an adequate solution as it would reduce the overall quantum of communal space for the full-time use of the residents to 1,713 sqm, which is below the minimum requirement of the Development Plan. If the full 5% requirement was to be provided within the development, it would result in the reconfiguration of the internal layout and the loss of communal space for the use of the residents, and/or the loss of some bedspaces should communal space be relocated. Either way the provision of 5% floor area would alter the layout of the development, and potentially, the quantum of development proposed.

7.2.7. The wording of Objective CU025 is clear that 5% of the floor area of the subject proposal should be provided for community / cultural space. If the condition was not attached, it would result in a material contravention of the Development Plan. However, Section 37(2)(b) of the Planning and Development Act 2000 (as amended) sets out the specific circumstances where the Commission can materially contravene the Development Plan and include the following,

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

7.2.8. In this instance, I consider that the Commission can consider contravening the Development Plan by omitting Condition No. 9 under Sections 37(2)(b)(iii) and (iv) of the Planning and Development Act. Regarding Section (iii), SPPR 6 of the *Planning Design Standards for Apartments (2025)* removes the threshold for the provision of cultural space within developments. However, the Section 28 guidelines do not technically relate to the subject proposal as the application was lodged prior to their implementation (Circular NSP 04/2025 refers). In this instance, I consider them to be relevant as they set out a clear intention of the approach to be taken by planning authorities to the provision of cultural and community facilities, which is through a needs-based analysis. I note that Objective CUO30 of the DCDP requires large development applications (over 10,000 sqm) to undertake a cultural audit for the local area to identify shortcomings as part of the design process if a DCC local culture audit is not available. This would indicate that the PA also consider a needs-based analysis to be important for the delivery of cultural facilities. For this reason, the Commission could consider omitting Condition No. 9 and contravening the Development Plan under Section 37(2)(b)(iii).

7.2.9. I also consider that Section 37(2)(b)(iv) is relevant. Planning history for similar development in the area since the Development Plan was made, includes a permission granted for a PBSA in Dublin 7 under **ABP-319847-24, PA Ref. LRD6050/24S3**. In this development, the PA applied a different approach to the application of Objective CUO25. They did not apply the 10,000 sq. m. total area

threshold and did not require the provision of the 5% floor area for cultural / community space. I consider this to be a relevant consideration in the permissions granted since the making of the Development Plan. For this reason, the Commission could consider omitting Condition No. 9 and contravening the Development Plan under Section 37(2)(b)(iv).

- 7.2.10. Should the Commission disagree with my conclusion in this matter, they could consider attaching Condition No. 9 with an amended wording that would allow the developer to have the option of relocating a portion of the 5% floor area (no more than half) to a site immediately adjacent to the area where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity, as per the wording of Objective CUO25.

7.3. **Condition No. 16(i)**

- 7.3.1. Condition No. 16 relates to conservation, and Condition No. 16(i) requires the submission of,

‘Revised drawings to reduce the proposed development by a storey’.

The applicant objects to this condition and contends that the inclusion of this condition would fundamentally undermine the economic viability of the project. The applicant also argues that the condition conflicts with Condition No. 11, which is not appealed, and which seems to permit a 7-storey building. Condition No. 11 states the following,

‘Prior to commencement of any development on site, the southern end of the blocks eastern wing shall be reduced to 4 storeys (starting at 35m from the northeast corner of the subject site), with remaining cluster bedrooms to be amalgamated into studio units as required. The revised gable may be stepped up to the remaining 7-storeys as required.’

- 7.3.2. I agree with the applicant that Condition No’s 11 and 16(i) appear to conflict with each other and that ambiguity exists. To address this issue, I will carry out a full assessment of the development in terms of its height and impact on the receiving environment.

- 7.3.3. The development includes the retention of the protected two-storey façade to King Street North and Bow Street and the construction of a 7-storey building, over existing partial basement. The 7-storey element would be positioned along the eastern side of the block to Bow Street with the overall built form of the development retaining the two -storey protected façade to King Street North and Bow Street. Above the historic façade a 4-storey structure would wrap around the eastern and western sides of the building. It would be set back from the protected frontage by approximately 1.9m. An additional setback at 5th floor level would facilitate a roof terrace along Brown Street North. A more significant setback of 11m at 6th floor level which would result in the building presenting as 6-storeys from street level on King Street North. The height was justified in the application on the basis that the existing scale of the building would not provide sufficient density for the city centre location and that the predominant redevelopment, regeneration and infill height along this section of King Street North is 6 storeys.
- 7.3.4. The report of the Conservation Officer (CO) states that, *'The retention of the characterful, historic elevations would allow for the preservation of the streetscape at street level and therefore a continued understanding of the historic urban environment. However, the scale and height of the proposed new accommodation development behind and over the retained facades would have a significant visual impact on the receiving environment as indicated by submitted contiguous elevations and verified views.'*
- 7.3.5. The report of the PO is generally supportive of the overall height of the development and states that, *'Overall, it is considered that the proposed height in itself is appropriate to the site and area, meets the 'default' 6-storey height for the city centre area while also being a site in relatively close proximity to high-capacity public transport'*. The PO also states that *'It would appear feasible that the recessed element to the front could be a double storey element without being overly dominant in the streetscape'*. In the assessment of the impacts on daylight and sunlight to nearby properties, the PO recommends that the 7-storey cumulative eastern elevation to Bow Street and opposite to Nicholas Avenue, be reduced in height to 4-storeys. Condition No. 11 requires that the development on the southern side of the blocks eastern wing shall be reduced to 4-storeys (starting at 35m from the

northeastern corner of the subject site) and the revised gable may be stepped up to the remaining 7-storeys as required.

- 7.3.6. The subject site is zoned objective Z5 – City Centre, where planning policy (in the DCDP and the Height Guidelines) is to support the consideration of building heights of at least 6 storeys at street level as the default objective. On this basis, I consider the height proposed to be generally in accordance with planning policy on height for the location of the site. The surrounding context of the site includes a range of building heights and architectural styles. To the east of the site and on the opposite corner of Bow Street is a 5-storey building which extends to 6 storeys at Church Street. On the opposite side of King Street North is a mixed-use building of 5-storeys with 6-storey set-back. This development has an exposed western elevation facing onto a large vacant site directly opposite the subject site. Further west is a 4-storey apartment development which faces onto Smithfield Square and the adjoining 3-storey houses. Smithfield Square itself is framed with a mix of buildings that range from 3-8 storeys in height. The proposed development would present to King Street North as 6 storeys with an additional storey set back from the northern elevation by c. 11m. I am satisfied that the location of the site and the planning context allows for the consideration of an additional floor for the development.

Height Strategy

- 7.3.7. Appendix 3 of the DCDP contains the Height Strategy for the city. Section 4.1 of the Height Strategy states that *‘All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3’*. A comprehensive analysis of the proposal against the performance criteria in Height Guidelines and the DSDP was carried out by the applicant and submitted in the Planning Report and Statement of Consistency. The proposed development would extend to 6 storeys which is acceptable in the development plan, subject to site conditions. The density of the development would be 231 units per hectare, which is within the development plan recommended range of 100-250 units per hectare. The plot ratio and site coverage would be 1:3 and c. 67%, which would both be within the range for the site location which is 2.5-3.0 plot ratio and 60-90% site coverage.

7.3.8. The height of the surrounding buildings ranges from traditional two storey houses on Bow Street to 5 and 6-storey buildings to the east on King Street North to the Church Street junction and 3-7 storey buildings westward on King Street North and on Smithfield Square. Given the location of the site and the prevailing and emerging pattern of development in the immediate area, I do not consider the proposal for a 7-storey element to represent a significant increase in height over and above the existing context and for that reason a full assessment of the performance criteria set out in Table 3 of Appendix 3 is not required. However, in the interest of completeness I will provide an abbreviated assessment of the development against the performance criteria in the following table.

Table 3 – Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale	
Objective	Performance of the Scheme
1. Promote development with a sense of place and character	Achieved by integrating old and new buildings and architectural styles.
2. Provide appropriate legibility	Achieved through the refurbishment and redevelopment of an existing urban block.
3. Provide appropriate continuity and enclosure of streets and spaces	Access to existing streets will not be impacted. Public realm improvements will be implemented.
4. Provide well connected, high quality and active public and communal spaces	Public spaces are not required. Sufficient communal spaces will be provided.
5. Provide high quality, attractive and useable private spaces	N/A - Sufficient communal spaces will be provided.
6. Promote mix of use and diversity of activities	N/A – The private residential use will provide facilities for the residents.

7. Ensure high quality and environmentally sustainable buildings	Existing historic facades will be refurbished and incorporated with the development. The energy efficiency of the building will be regulated through the Building Regs – Part L Compliance Report submitted with the application.
8. Secure sustainable density, intensity at locations of high accessibility	The development is located on an underutilised city centre site.
9. Protect historic environments from insensitive development	The conservation issues have been considered and incorporated into the design.
10. Ensure appropriate management and maintenance	A management plan will be agreed with the PA.

7.3.9. I am satisfied that the 7-storey building can be considered for the site. The proposal will be assessed below on its impact and relationship with the receiving environment in terms of the protected structure, existing streetscape and existing residential amenity.

Impact on Protected Structure

7.3.10. The CO considered that the height, scale and massing of the building would result in the overdevelopment of the site, which is in a historic and sensitive part of the city. The development would incorporate a protected structure, RPS Ref. 8790, which is described in the RPS as the *'Former Factory (north and east elevations only)' at 139-149 North King Street, Dublin 7*. An Architectural Heritage Impact Assessment Report, a Historic Building Survey and a Battlefield Report were submitted with the application to describe the features of the historic building and the impact of the development on the protected structure. An Archaeological Assessment was also submitted.

- 7.3.11. The existing building is one of the last surviving historic buildings on this stretch of North King Street. In the immediate vicinity, the façade of No. 54 North King Street, formerly P. Macken Grocer on the opposite side of the road, dates from c. 1860 and was retained as part of a 4-5 storey apartment development. Further west along the street, the block between Red Cow Lane and Georges Lane, contains several historic buildings beginning with the Cobblestone which is the closest in proximity to the site.
- 7.3.12. The proposed 6-storey elevation to King Street North would be c. 3.3m taller than the parapet of the neighbouring building on the opposite side of Bow Street and would be stepped back from the northeastern corner and eastern elevation. The CO recommended that the building be reduced in height between levels 2-5, which would reduce the scale of the 4-storey element to King Street North. Whilst I acknowledge the concerns of the CO regarding the bulk and massing of the building, I am satisfied that the existing streetscape and surrounding urban form has the capacity to absorb the 6-storey elevation to North King Street. The upper levels of the building would contrast in scale and design with the historic façade at street level. However, I consider that the setbacks to the elevations, architectural design and detailing would provide a sufficient physical and visual separation between the new and old structures whilst retaining the fine urban grain at street level. Furthermore, the massing of the northern elevation to King Street North would be broken up by a recessed façade across all floors which would be centrally positioned within the elevation. This design feature would divide the upper levels of the building, provide visual break in the overall built form of the new elevations and would reduce the overall massing to the street. The 7-storey section of the building would be set back from the northern elevation and would not be prominent in the King Street North streetscape. This positioning of the top floor would reduce its visual impact and the use of metal cladding for the external finish would provide a variation in materials which would reduce the visual prominence of the top storey element.
- 7.3.13. Overall, I am satisfied that the 7-storey height of the building would be appropriate for the context of the site, which is in the city centre, where a 6-storey default height is supported and where there is a variation in existing building heights. I am also satisfied that the design of the development, including the external finishes and

details, has been carefully considered and that the new interventions would contrast and compliment the historic façade at the lower levels. The physical separation and set back between the protected structure and the upper levels would be sufficient to provide a physical and visual relief between the new and old buildings and would be appropriate. I am satisfied that the proposal applied for would not conflict with Policy BHA2 and Policy BHA 9 of the DCDP which relate to Protected Structures and Conservation Areas. Therefore, I recommend that Condition No. 16(i) is removed, should the Commission be minded to grant permission for the development.

Visual Impact

- 7.3.14. Concerns were raised by third parties regarding the visual impact of the proposal on existing development in the area. The application was accompanied with a Landscape and Visual Impact Assessment (LVIA). The viewpoints for the photomontages were selected in accordance with the *'Guidelines for Landscape and Visual Impact Assessment' (2013)*, prepared by the Landscape Institute and the Institute of Environmental Assessment. The LVIA states that the viewpoints selected were the ones most likely to illustrate the greatest impact. This resulted in the selection of 14 views, which range from approx. 50m to 450m distance from the site.
- 7.3.15. The closest viewpoints were taken from Nicholas Avenue, Bow Street and the entrance to Friary Grove. Views from both directions on King Street North were also included. Third parties queried why the LVIA did not include a view from the central area in Friary Grove, looking east towards the 6-storey elevation. Apart from the presence of the protected structure and its location within the Conservation Area, the site has no specific landscape designations or policies which protect its status. The LVIA notes that, *'Whilst there are no specific protected views or prospects listed for this area, views from within the Conservation Area may be impacted to an extent and a number of the verified views (photomontages) have been selected to assist in assessing the visual impact of the proposed development from the designated area'*.
- 7.3.16. Impacts during the construction and operational stages were considered in the assessment. As the construction impacts will be temporary, the most important impact will occur during the operational phase when construction is completed. The LVIA notes that the visual effects of the proposed development will primarily impact residents living in the houses and apartments closest to the site, and particularly

those with views directly towards or into the site. It recognises that the change in the scale of development on the site will create some increased sensitivity for the residents on Friary Grove but does not explain why a view towards the development from the central area of Friary Grove was not included.

- 7.3.17. Given the context of the site, I consider the most important views to be from King Street North, where the relationship between the protected structure and the conservation area is key, and from Friary Grove, Bow Street and Nicholas Avenue, where there is low-rise residential development in close proximity.
- 7.3.18. The LVIA categorises the visual sensitivity of King Street North, looking eastwards towards the Church Street junction as 'low'. I would agree with this categorisation as the street is generally flanked with modern buildings (offices and apartment blocks) of 5-6 storeys with a large vacant site on the northern side. The LVIA concludes that the magnitude of change from this direction is low-medium, and the visual effect is 'moderate and positive'. Looking east along King Street, the photomontages (No's 1-3) clearly show the set-back of the upper floors from the façade of the protected structure. Although the building extends to 6 storeys, the physical set-back and the difference in elevational treatment and design would be successful in visually separating the historic and new structures. The existing streetscape at this point varies in height from 3-6 storeys and I consider that the change in height and materials adds to the variance in urban form when looking east along the street. The choice of external finishes in lighter tones on the upper levels will also soften the visual impact of the building and provide a contrast between the red brick tones which dominate the street. I note that the north-western corner of the building will have some planting on the external terrace above the historic façade which would provide additional visual interest.
- 7.3.19. Viewpoint No. 5 shows a representation of the building looking west along King Street North from the Church Street junction. The receiving environment is also categorised as 'low' in this instance with the magnitude of the impact considered to be 'low' with a 'slight and positive' visual effect. I consider the overall effect of the building from the eastern approach to be similar to the visual impacts from the western side, which are shown in Views 1-3. Given the context of the existing modern buildings to the east of the site, I consider the visual impact from this direction to be less intrusive than from the west. I am also satisfied that the

architectural design and details previously mentioned, would be successful in ameliorating the overall impact of the additional four storeys to King Street North on both the protected structure and the streetscape. For those reasons I am satisfied that the proposal for a 6-storey building to King Street with an additional 7th storey setback to Bow Street would be acceptable.

7.3.20. Third party submissions considered that views from the rear of properties on Friary Grove, Smithfield Terrace and King Street North should have been included in the LVIA as the visual impact from these spaces would be significant. The report of the PO noted that the application did not contain a verified montage of the developments western elevation along Brown Street as seen from the northern end of Friary Grove, which would get the full presentation of the development in their outlook to the east. The PO considered the western elevation (to Brown Street North) to be 'relatively well articulated' but recommends that the 4th and 5th floors of the 'eastern wing and its southern dog-leg return' be finished in a darker brick from the 'northern start of the straight section' to help dissipate some of the impact on the 3rd party outlook from the west and south (i.e. from properties on Friary Grove and the rear gardens of the houses on King Street North). The PO also notes that, whilst the scale of the development's eastern elevation (to Bow Street) is of concern, a lighter brick should be retained to reflect light back towards the properties as much as possible. In the absence of any visual representations and a clear image of the proposed development from Friary Grove, it is unclear as to how altering the colour and finishes to the upper levels of the buildings along Brown Street North would improve the outlook from the houses to the west and south. I consider the treatments shown to be an appropriate response to the site context and that the use of lighter colours would lessen the overall visual impact of the building. For this reason, I do not recommend that the upper floors to Brown Street North are finished in a darker colour.

7.3.21. The applicant did not comment on the absence of a photomontage from Friary Grove. However, given the scale of the development and its proximity to the houses on Friary Grove the development will have a significant impact on the visual outlook from the rear spaces of these houses. View 12 is the closest view in proximity to Friary Grove and is the view looking north-east from the junction of Friary Avenue and Friary Grove. The LVIA notes that the houses are orientated away from the

development but residents and visitors to the estate may experience a greater sensitivity to the proposed development as they enter the estate. Regarding the impact of the view and magnitude of change the LVIA states that, *‘Whilst the nature and scale of the proposed building is in contrast with the individualised nature of the existing housing, it does not appear overtly dominating – again this is partly due to the pale-toned finishes employed but also to its location to the north-east of the existing properties and to their rear’*. The visual effect of the development at this location is assessed as ‘moderate-slight and negative’.

7.3.22. Given the contrast in scale between the existing two storey housing and the proposed 6 storey development to Brown Street North, and the existing low-rise commercial development, the change in outlook and visual impact will be significant. However, I don’t consider the overall visual impact to be negative. The existing low-rise blank facades of the commercial development will be replaced with a well-considered and designed building that will animate Brown Street North, and which will improve the public realm. The houses are not orientated directly towards the building, and it will only be visible from the approach to the housing development or from the semi-private areas on Friary Grove. For this reason, I consider the impact of the proposal on overlooking to be more significant than the visual impact. The issue of overlooking is addressed below.

7.3.23. Viewpoints 8 and 9 illustrate the visual impact of the proposal from Nicholas Avenue and Bow Street. Regarding the view from Nicholas Avenue the LVIA notes that, *‘whilst the orientation of the view tends to focus on the Kish Fish building at the end of the street, the ornate brick detailing of the former church building on the left has a tendency to lead the eye’*. Regarding the proposed view and magnitude of change, the LVIA concludes that, *‘The articulation of the main blocks of the building around a central courtyard provide variation of apparent scale and depth to the proposed development from this viewpoint with the south and west blocks of the building appearing relatively small scale when compared to the taller eastern block’*. The taller block does not appear overly dominant due in part to the lighter toned finishes and the contrast with the darker red brick colouring of the houses. The visual effect is ‘moderate and neutral’. Viewpoint 9 from Bow Street reached a similar conclusion.

7.3.24. I agree with the conclusions of the LVIA. The existing pattern of development to the east of the site is mixed with traditional 2 storey houses and later more modern

buildings of up to 6 storeys. The proposed development will result in the development of an underutilised city centre commercial site and would deliver a modern, well designed and considered development that encompasses old and new architectural styles. The development would also contribute to the public realm and help to animate the streetscape. The development would result in a significant change in the visual environment; however, it is my view that it would have a positive contribution overall.

- 7.3.25. I note that Condition No. 11 of the PA's decision requires a reduction in the height of the development at its Bow Street elevation. This condition was attached to address the impact of the proposal on the daylight to the houses on Nicholas Avenue, which is addressed in the paragraphs below. A reduction in the scale of the building at this location would also result in a reduction in the visual impact of the proposal on Bow Street and Nicholas Avenue.

In conclusion, I consider the proposed height to be appropriate for the subject site given its city centre location and the surrounding pattern of development. I consider the overall architectural approach to be appropriately responsive to the historic element of the streetscape and the protected structure and that the overall development would not result in an undue negative impact on the character and setting of the protected structure or the visual amenity of adjoining property.

Condition No. 11

- 7.3.26. Condition No 11 of the decision of the PA requires a reduction in the height of a section of the building facing onto Bow Street. The condition requires that *'Prior to commencement of any development on site, the southern end of the blocks eastern wing shall be reduced to 4 storeys (starting at 35m from the northeast corner of the subject site), with remaining cluster bedrooms to be amalgamated into studio units as required. The revised gable may be stepped up to the remaining 7-storeys as required.'* This alteration was recommended to reduce the impact of the development on the houses at No's 8-10 Nicholas Avenue in terms of loss of daylight. The report of the PO notes that the back of these houses face towards the office/apartment scheme to the north and have a limited level of access to daylight from existing development. The proposed development will reduce this further.

Third parties also raised concerns about the impact of the proposal on daylight to neighbouring houses.

- 7.3.27. A Daylight and Sunlight Assessment was submitted with the application. It was prepared in accordance with BRE guidelines, BR 209:2022, which supersedes the guidelines referenced in Appendix 16 of the Development Plan. The effect of the scheme on existing properties was assessed in terms of daylight, (measured in Vertical Sky Component – VSC), sunlight, (measured in Annual and Winter Probable Sunlight Hours APSH / WPSH), and sun on the ground (SoG) to external spaces.
- 7.3.28. The BRE guidelines BR209:2022 (third edition) recommend assessing the Vertical Sky Component (VSC) to adjacent properties, where the layouts are not known. Annual Probable Sunlight Hours (APSH) will also be assessed, where that is relevant. If a window retains a VSC in excess of 27% with the proposed development in place, then it will still receive enough daylight. If the existing VSC is below 27% or is reduced below 27% and below 0.8 times its former value, then the diffuse light maybe adversely affected.
- 7.3.29. A detailed assessment of Vertical Sky Component (VSC) levels to adjoining buildings was carried out for properties directly to the south of the development at No's 1-9 St. Francis Terrace, Bow Street. These properties are orientated away from the site and the proposed development was found to have an impact that ranged from 'imperceptible', 'negligible' with three windows at No's 1 and 2 Francis Terrace experiencing a 'minor reduction' in daylight levels. In the assessment a minor reduction is defined where the VSC post development was below 27% but above 20%, or a ratio greater than 65% of the existing value. A 'moderate reduction' is defined where the VSC is below 20% but greater than 10%, or ratio greater than 50% of the existing value and a 'major reduction' is where the subsequent VSC is below 10% or the ratio is less than 50% of the existing value.
- 7.3.30. St. Francis Terrace is located to the south of the site with the houses opening directly onto Bow Street. The results for VSC to No's 1-9 Francis Terrace were all found to experience negligible impacts on daylight with all windows meeting the criteria in the guidelines. To the west of the site, the VSC results were similar for Friary Grove, apart from the upper windows on the rear of No. 8 and the three windows on the rear of No. 9, all of which would experience minor impacts on

existing levels of daylight. To the east, No's 11-14 Nicholas Avenue were found to experience negligible to minor impacts on the levels of VSC because of the development.

- 7.3.31. The properties found to have the greatest impact were No's 8, 9 and 10 Nicholas Avenue, which are on the opposite side of Bow Street to the proposed development. The windows on the gable elevation of No. 10, (Ref. 5, 6 and 7) would be the most impacted with the predicted on one window (Ref. No. 6) defined as a 'major' impact and the other two windows experiencing 'moderate' impacts. The windows to the rear of No's 8 and 9 would experience 'moderate' impacts.
- 7.3.32. All but one of the windows tested at No's 8, 9 and 10 currently experience a VSC of less than the recommended 27% as per the BRE guidelines. This was found to be window Ref. 7, which is a high-level window on the gable of No. 10 which has a VSC of 27.5%. This window would experience a 50% reduction in VSC (to 13.8%) as a result of the development. As the floor layout of the house is not available, it is unclear as to what room this window serves.
- 7.3.33. Shadow diagrams were prepared as part of the assessment. They illustrate that the properties to the west of the site would experience some overshadowing from the development in the morning hours of the March and June equinox and that the buildings on the eastern side would experience some additional overshadowing in the evening hours of the March and June equinox. Given the scale of the development currently in place on the site and the objectives of the Development Plan as they relate to development on city centre sites, this is to be expected from any redevelopment proposal.
- 7.3.34. The amenity spaces to No's 8-11 Friary Grove and No's 8-9 Nicholas Avenue were also assessed for a potential impact on the level of sunlight to the ground. All private amenity spaces were found to be in accordance with the requirements of the guidelines. All the private amenity space to the surrounding properties were assessed for sunlight in accordance with the recommendations set out in BR209:2022. On the 21st of March, all the amenity spaces will retain 2 hours sunlight over 50% of the area or will not be reduced below 80% of the existing levels.
- 7.3.35. The Assessment acknowledges that there will be a perceptible level of reduction in daylight for some windows in neighbouring properties and states that, a development

‘which would avoid having any impact outside the BRE guidance parameters to these windows would not result in an appropriate form of development of the site’. I accept this conclusion and acknowledge the difficulties in achieving high density in an urban environment with existing housing in close proximity.

- 7.3.36. The applicant is not appealing Condition No. 11 and has submitted Drawing Nos. 0204 – Plan Level 04, 0205 – Plan Level 05 Proposed, 0206 – Plan Level 06 and 0281 – Proposed Elevation, in response. Condition No. 11 is specific in its requirement that the eastern block to Bow Street should be reduced to 4-storeys ‘starting at 35m from the northeast corner of the subject site’. The applicant seems to have interpreted this measurement as 35m from the northeast corner of the 4-storey section, which is set back from the historic façade. It is unclear if this was the intention of the condition. The drawing submitted then shows levels 5 and 6 set back from the northern elevation by c. 4m with an additional set back of c. 7m (11m in total from the 4-storey elevation).
- 7.3.37. Whilst the condition is specific in its measurements, it is unclear where the measurement should be taken from. It could be assumed that, as the intention of the condition is to reduce the impact of the development on daylight to the end houses on Nicholas Avenue, the reduction in height would be commensurate with the extent of the existing houses. This has not been demonstrated on the drawings submitted and this is not the design approach taken by the applicant. Drawing 0205 and 0206 show the set back to the 5th and 6th floors aligned with a point mid-way in the gable elevation of No. 10 Nicholas Avenue. On the plan submitted, the full 6 storey elevation would directly oppose two windows on the gable of No. 10. These windows are referenced as Windows 5 & 6 in the Daylight & Sunlight Assessment and would experience a reduction in the level of VSC of 51.9% and 42.5% respectively, from the development.
- 7.3.38. Third parties submit that the reduction in height is unsatisfactory and that the applicant has not demonstrated how the amendment will change the outcome of the daylight assessment. I would agree with the third parties. In the absence of any updated assessment to demonstrate that the reduction shown in the drawings submitted in the appeal, I recommend that the wording of Condition No. 11 is amended to require the applicant to reduce the height of the building to 4 storeys at the southern end of the Bow Street structure, to an extent that is commensurate with

the length of the gable wall of No. 10 Nicholas Avenue. The reduction in height and the 4-storey element should commence at a point starting at 35m from the north-eastern corner of the historic façade (approximately 10m from the southern elevation of levels 2, 3 and 4). From the plans submitted with the appeal this would result in the loss of the two southernmost studio rooms at 5th and 6th storey level. The extent of the 7th storey element can remain as shown on Drawing 0206 – Plan L06 Proposed.

- 7.3.39. Whilst the reduction in the height of the building to Bow Street will reduce the impact of the development on existing houses, it is likely that they will experience some loss of daylight from the development. Chapter 5 of the Compact Settlements Guidelines notes that the assessment of the performance of a scheme in terms of daylight must also consider the desirability of achieving wider planning objectives such as urban regeneration or an effective design or streetscape solution. Although this guidance relates to the performance of a new scheme, a similar approach could be applied for impacts of a development on the receiving environment. In their decision, the PA acknowledged that the houses on Nicholas Avenue would experience the most impact on daylight as a result of the scheme and the scale of the building was reduced by Condition No. 11. I consider this to be a reasonable approach that would mitigate the level of impact on existing houses whilst still accommodating a development that would regenerate a large section of an urban block in the city centre with street frontage onto a Conservation Area.

Overlooking

- 7.3.40. Concerns were raised by third parties regarding the potential for overlooking from the proposed development and from the external terrace at 5th floor level on the south-western corner of the site. Given the proximity and orientation of the site, I consider the houses on Friary Grove to the west and south of the site to have the most potential for overlooking from the development. SPPR 1 of the Compact Settlements Guidelines recommends a minimum separation distance of 16m between opposing windows serving habitable rooms above ground floor level. Separation distances below 16m may be considered acceptable in circumstances where there are no

opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. It also states that there shall be no specified minimum separation distance at ground level.

- 7.3.41. The houses on Friary Grove face onto Smithfield Square and King Street North and have semi-private spaces to the rear which face onto the access road to Friary Grove. These areas are currently overlooked from the rear of neighbouring properties and from the internal access road. Windows on the upper levels of the western elevation of the proposed development would mainly serve bedrooms with a combined kitchen/living/dining (K/L/D) area positioned at each corner and in the centre of each floor. There would be no directly opposing windows between existing and proposed development. The potential for overlooking would be restricted to the overlooking of the semi-private areas on Friary Grove and the private open space to the rear of No's 7 and 8 Friary Grove and to the rear of No. 1 St. Francis Terrace.
- 7.3.42. The application states that overlooking mitigation includes the introduction of ventilation louvres on student accommodation windows to reduce the viewing angle. Although the louvres are not detailed on the application drawings, the Architectural Design Statement states that the typical window type to be used in the single rooms contain a louvre panel system to provide privacy and ventilation. These measures are noted in the report of the PO which recommends that the *'external ground floor opes are fitted with redirection and/or obviation measures that angle existing viewing cones as much as possible from directly overlooking nearest existing housing to the west, south and east'*. Condition 15(a) was attached to this effect.
- 7.3.43. The amenity spaces on Friary Grove are semi-private and are currently overlooked from neighbouring houses and from people entering and leaving the estate. I accept that the proposed development would result in an increased perception of overlooking from the scale and number of windows facing onto existing development. This would be an issue with any development on the site of an appropriate scale. However, I am satisfied that the introduction of louvres to the windows on the upper levels will restrict direct views towards the neighbouring properties and I recommend that a condition of this nature is attached should permission be granted.

7.3.44. No's 7 and 8 Friary Grove also have private amenity spaces which flank the western and southern boundaries of Brown Street North and are in close proximity to the southwestern corner of the development. Whilst the louvres on the bedroom windows could be angled to prevent direct overlooking, there is a potential for overlooking of the private amenity spaces from the L/K/D areas on the corners of the blocks and from the roof terrace at 5th floor level. In response to the 3rd party appeal, the applicant stated that opaque glazing can be introduced in the centre of the curved glazing to prevent direct overlooking to the south. The landscaping plan for the development shows planting along the boundary of the 5th floor terrace, which would mitigate against overlooking. I am satisfied that design measures to mitigate against overlooking can be incorporated into the building and I recommend that a condition to this effect be attached should permission be granted.

7.4. 3rd Party Appeal

7.4.1. The grounds of the third-party appeal relate to concerns about disturbance during the construction stage, potential damage to property and the impact of the proposal on the development potential of the adjoining site.

Access and Damage to Property

7.4.2. The appellant owns and operates a business from the adjoining site to the southeast of the development. As the proposed demolition work includes removal of the adjacent and abutting warehouse, they request that a condition is attached requiring the developer to carry out a dilapidation survey on their building prior to the commencement of development. The demolition works will expose a fully internal gable wall which separates both properties and the appellant is concerned that this wall will be exposed to the elements and at risk from water ingress. It is also requested that access to the goods entrance on Brown Street North is maintained during the construction phase.

7.4.3. A response was received by the applicant which states that the design team took account of the operational needs and the relationship of the existing structures and areas occupied by the appellant. The applicant notes that it is normal practice, inter alia, to maintain access for neighbours, to carry out dilapidation surveys and to weather exposed internal walls and parapets after demolition. They also invite the

Commission to include a condition for the preparation and agreement of a construction environmental management plan (CEMP) prior to the commencement of development.

- 7.4.4. Whilst the concerns of the appellant regarding the impact of demolition on their building are acknowledged, damage to private property is a civil matter to be resolved between the parties. In this instance, the applicant has demonstrated that they are willing to engage with the appellant and has stated that carrying out weather proofing of exposed walls and dilapidation surveys are 'normal practice'. This can be agreed between the parties.
- 7.4.5. A condition requiring the preparation and agreement of a CEMP is standard when permission is granted for a development. The CEMP sets out the management strategy for the development. It is also standard practice for a planning condition to be attached requiring a Construction Traffic Management Plan to be submitted and agreed with the PA prior to the commencement of development. This would address issues relating to access arrangements to and from the site. Should the Commission be minded to grant permission, I recommend that conditions requiring a CEMP and a Construction Traffic Management Plan are attached to the decision.
- 7.4.6. I note that third party observations also raised concerns regarding noise and disturbance during the construction stage. Whilst there will be some temporary disturbance during the construction stage, the CEMP and Traffic Management Plan will require the developer to set out the management strategy for the development which will help to minimise disruption to existing development.

Development Potential -

- 7.4.7. The appellant is concerned that the development potential of their site would be compromised by the proximity and orientation of windows facing their site. An argument is put forward in the appeal that the windows on the elevations facing the neighbouring site should be removed. This issue was addressed in the report of the PO which acknowledges the difficulty in predicting the redevelopment potential of the neighbouring site and recommends that the above-ground floor windows to the L/K/D spaces immediately to the north and east are fitted with opaque glazing to a height of 1.8m above finished floor level. The submission from the applicant states that the

response to Condition No. 11, which involves a reduction in the height of the building directly to the north of the appellants site, will address the 3rd party concerns in relation to overlooking and loss of light. The applicant is satisfied that the revised design will not impinge on the development potential of the remaining site on the urban block.

- 7.4.8. The proposed development would have combined K/L/D areas facing onto the appellants site on all levels. Condition No. 11 reduces the height of the building to 4-storeys to the north of the appellants site with setbacks on the upper floors. The windows to the shared L/K/D areas would wrap around the corners of the building and as such would only partially face directly on to the neighbouring site. The curved design of the corners would allow for the integration of appropriate design features to prevent overlooking of the neighbouring site whilst also allowing the maximum level of light to the internal spaces. Whilst I would hesitate to be too prescriptive with the details of the obviation measures to these windows, the provision of horizontal louvres or fins like the bedroom windows could be provided. I note that the applicant suggested fitting these windows with opaque glazing which would also be effective. I am satisfied that the integration of design measures on the sections of the windows facing directly towards the neighbouring site would be sufficient to prevent overlooking and that natural light would still be available from the remainder of the unimpeded windows. In my opinion the proposed development would not impinge on the development potential of the neighbouring site.

7.5. **Other Issues**

- 7.5.1. Third party submissions raised an objection to the use of the building for short-term / tourist accommodation outside of term-time. Section 15.13.1.5 of the DCDP states that, *'The use of Student Accommodation as temporary tourist accommodation will be considered outside the normal academic year'*, subject to conditions relating to the length of the short-term letting periods.
- 7.5.2. The DCDP contains a definition of student accommodation from the *Planning and Development (Housing) and Residential Tenancies Act 2016*, which defines Student Accommodation as, *'A building, or part thereof, used or to be used to accommodate*

students whether or not provided by a relevant provider (within the meaning of Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not for use (i) as permanent residential accommodation, or (ii) subject to (b), as a hotel, hostel, apart-hotel or similar type accommodation, and (b) includes residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside of academic term times (see also Planning and Development (Housing) and Residential Tenancies Act 2016)'. The definition of student accommodation in the Planning and Development Act 2024 is similar and also allows for its use as tourist or short-term accommodation outside of term time.

- 7.5.3. Should the development be used for tourist accommodation, I am satisfied that such a use would not lead to additional noise and/or nuisance or to impacts over and above those considered in the assessment of student accommodation. The applicant did not submit a management plan for the development. If the Commission are minded to grant permission for the development, I recommend that a condition is attached requiring that a management plan is submitted to the PA for written agreement prior to the first occupation of the development. The plan should contain measures for the management of all external spaces and amenity areas. A condition can also be attached to restrict the use of the roof terrace at 5th floor level from 11pm to 8am to prevent undue noise or disturbance.

8.0 AA Screening

- 8.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA (Site Code 000210) and the South Dublin Bay SAC (Site Code 004024) in view of the conservation objectives of the sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.2. This determination is based on:
- Scientific information provided in the Screening report.
 - Distance from and weak indirect connections to the European sites.

- No potential for ex-situ impacts.

- 8.3. Possible impacts identified would not be significant in terms of site-specific conservation objectives for South Dublin Bay and River Tolka Estuary SPA (Site Code 000210) and the South Dublin Bay SAC (Site Code 004024) and would not undermine the maintenance of favorable conservation condition or delay or undermine the achievement of restoring favorable conservation status for those qualifying interests or features of unfavorable conservation status.
- 8.4. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

9.0 Water Framework Directive Screening

- 9.1. The subject site is located within an urban area circa 371m away from the nearest waterbody (the River Liffey). The proposed development comprises the redevelopment of an existing urban site (0.39ha) which involves the demolition of all structures on the site and the construction of a 4-7 storey purpose-built student accommodation with ancillary accommodation. No water deterioration concerns were raised in the planning appeal. The site is serviced by public wastewater connections.
- 9.2. I have assessed the proposed development 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.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows,
- Nature, scale and location of the development.
 - Distance from nearest Water bodies and lack of hydrological connections.
- 9.4. 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. Following from the above assessment, I recommend that permission is **GRANTED** for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

11.0 Recommended Draft Board Order

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Authority Register Reference: WEBLRD6071/25-S3

Appeal by Tadhg O'Meara (Kish Fish) against the decision made on the 18th day of June 2025 by Dublin City Council to grant permission subject to conditions to Ringline Investment Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development:

- 11.1. Large-scale residential development (LRD) consisting of purpose-built student accommodation on a site of approximately 0.39 hectares which currently comprises two commercial buildings with a service yard accessed from Brown Street North, Dublin 7. The development includes a Protected Structure, No 139-149 King Street North (RPS Ref. 8790).
- 11.2. The development will comprise the following,
- Demolition of the existing structures on site, with the exception of the protected structure facades of No's 139-149 King Street North and Bow Street, which will be refurbished and integrated into the development.
 - Construction of a mixed-use purpose-built student accommodation and retail development in a 7-storey building over a partial existing basement with a setback at the 5th floor and a further significant setback at the 6th floor level.

- The proposal includes 361 no. bedspaces comprising; 62 no. studios, 291 no. single rooms & 8 no. accessible rooms.
- Internal communal amenity facilities include a library, gym, yoga studio, reception and exhibition space, laundry, games room, office/admin and luggage/parcel store.
- External amenity spaces include a central courtyard at ground level, a roof terrace at 5th floor level along Brown Street North to the south and a roof terrace at 6th floor level along King Street North.
- A retail unit of 17 sqm with frontage to King Street North and Bow Street.
- Bicycle parking spaces for residents and visitors, accessed from Brown Street North and Bow Street.
- Public realm improvements include widening the carriageway on Brown Street North, providing drop-off/pick-up car parking and loading off-carriageway; a footpath on the eastern side of Brown Street North; pedestrian friendly junction threshold at both the Bow Street and King Street North junctions; and restoring/landscaping a fenced dumping area to the south.
- ESB substation, switch room and plant room at ground level accessed from Brown Street North and refuse store area accessed from Bow Street.

Decision

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

Reasons and Considerations

In coming to its decision, the Board had regard to, and as relevant been consistent with, the following:

- a) Policies and objectives set out in the First Revision to the National Planning Framework 2040 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Dublin City Development Plan 2022-2028, including the location of the site on lands subject to Zoning

Objective 'Z5 – City Centre' – which seeks to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.

- c) Dublin City Development Contribution Scheme 2023-2026.
- d) Housing for All, A New Housing Plan for Ireland, 2021.
- e) Climate Action Plan, 2025.
- f) National Biodiversity Plan 2023-2030
- g) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- h) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- i) Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025.
- j) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- k) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- l) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- m) Development Management, Guidelines for Planning Authorities, 2007.
- n) The location of the site in a city centre location in proximity to several third level institutions and with good public transport links.
- o) The nature, scale, and design of the proposed development.
- p) The availability of a range of social, community, and transport infrastructure.
- q) The pattern of existing and permitted development in the area.
- r) The planning history at the site and within the area.
- s) The reports of the planning authority.
- t) The grounds of appeal, observation and responses to same.

- u) The responses to the grounds of appeal by the applicant.
- v) The report and recommendation of the Planning Inspector and the planning authority including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites, and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the proposed development on the environment. Regard has been had to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i), Class 10(b)(iv) and Class 15 of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on zoned lands (Zoning Objective 'Z5 – City Centre'), and other relevant policies and objectives in the Dublin City Council Development Plan 2022-2028, and the results of the strategic environmental

assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).

- c) The infill nature of the site (brownfield) and its location in urban neighbourhood area which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The planning history at the site and within the area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Preliminary Construction Environmental Management Plan, Preliminary Construction & Demolition Waste Management Plan, Structural Methodology Report on the Retained Masonry Façade and Existing Structures, Archaeological Assessment, Architectural Heritage Impact Assessment Report, Historic Building Survey, Water Supply and Wastewater Management Report, Flood Risk Assessment Report, Landscape & Visual Impact Assessment, Servicing Waste Management Plan & Road Safety Audit and Overheating Analysis.

In so doing, the Commission concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment

and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Commission considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable Objective Z5 zoning objectives and other policies and objectives of the Dublin City Council Development Plan 2022-2028, would provide a purpose built, high-density development for student accommodation at the site, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Furthermore, the Commission considered that the provision of additional cultural floorspace would materially alter the layout submitted with the application and would result in the loss of communal amenity space available for the use of residents, which could result in the minimum standards for communal space as per Section 15.13.1 of the Dublin City Development Plan 2022-2028 not being achieved. This would not be in accordance with national planning policy as set out in SPPR6 of the Section 28 Guidelines, *Planning Design Standards for Apartments (2025)*, which states that cultural/community facilities are not required on a blanket threshold-based approach in individual schemes.

The overall height of the development is in accordance with Appendix 3 of the Dublin City Development Plan 2022-2028 and the Height Strategy contained within by virtue of its city centre location and 'Z5' zoning objective which recommends the consideration of a default height of 6 storeys and the context of the site within an area where buildings range in height from 2-8 storeys.

Having regard to the design of the development which provides a physical and visual separation between the historic elevations of the protected structure at the lower

levels and the new building on the upper levels, it is considered that the articulation and de-construction of the massing in the upper levels, which include recesses and setbacks, would not result in a significant negative impact on the character and setting of the protected structure or the streetscape and as such would be in accordance with Policy BHA2 and Policy BHA 9 of the Dublin City Development Plan 2022-2028 which relate to Protected Structures and Conservation Areas.

12.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25th day of April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The proposed development shall be amended as follows: (a) The southern end of the eastern elevation to Bow Street shall be reduced in height to 4-storeys. The 4-storey element shall align with the length of the gable wall at No. 10 Nicholas Avenue with the 4-storey section beginning at a point 35m from the north-eastern corner of the historic façade (approximately 10m from the southern elevation of levels 2, 3 and 4). The remainder of the block to Bow Street can be constructed as shown on the drawings submitted with the application. (b) All above ground window openings on the western and southern elevations that face onto existing housing at Friary Grove shall be fitted with measures to prevent overlooking. (c) All above ground windows serving the combined living/kitchen/dining areas on the eastern and southern elevations and facing onto the

	neighbouring site at No's 40-42 Bow Street shall be fitted with measures to prevent overlooking of the adjoining site. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of residential and visual amenity and in the interests of the proper planning and sustainable development of the area.
3.	The development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided for under Section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The development may only be used for tourist/visitor accommodation outside of the standard academic term and shall not be used for any other purpose without a prior grant of planning permission for change of use. Reason: In the interest of residential amenity and to limit the scope of the development to that for which the application was made.
4.	The proposed development shall be implemented as follows: (a) Prior to the commencement of development, a Student Accommodation Management Plan shall be submitted for the written agreement of the planning authority. The student accommodation and complex shall be operated and managed in accordance with the agreed Student Accommodation Management Plan. (b) Student House Units / Clusters shall not be amalgamated or combined. (c) A 24-hour staff presence shall be provided on-site during out of term periods when the proposed development is in use as tourist / visitor accommodation (d) The proposed communal resident amenity spaces and laundry facility shall be reserved for the exclusive use of the residents of the development

	and shall not be sold, sublet or otherwise used independently of the proposed development Reason: In the interests of the amenities of occupiers of the units and surrounding properties.
5.	The use of the roof garden at 5th floor level on the south-western corner of the development shall not be used and/or accessible between the hours of 11pm and 8am unless authorised by a further grant of planning permission. Reason: In the interest of residential amenity.
6.	Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity
7.	Prior to the commencement of development, details of the proposed bicycle parking spaces shall be submitted to the planning authority for their written agreement and shall include the following; (a) A clear space of at least 2m in length shall be accommodated in front of all two-tier bicycle parking spaces, including all two-tier cycle parking spaces within cycle stores. (b) Cycle parking spaces capable of accommodating larger non-standard cycle parking equipment (e.g. cargo bicycles) shall be clearly identified, including details of design and type, and shall be provided at a minimum rate of 5% of total bicycle parking. (c) The location of e-charging facilities for bicycles shall be clearly identified. (d) Design, type and location of the 2no. staff cycle parking spaces within the retail unit. Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

8.	The road network serving the proposed development, including junction with the public road, footpaths and kerbs, shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination. Reason: In the interest of amenity and of traffic and pedestrian safety.
9.	The Mitigation and monitoring measures outlined in the plans and particulars submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. Reason: In the interest of protecting the environment and in the interest of public health.
10.	No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the site unless authorised by a further grant of planning permission. Reason: In the interest of visual amenity.
11.	a. Prior to commencement of the proposed development, the Applicant shall submit details to the Planning Authority for written agreement indicating the contact details of an appointed Mobility Plan Coordinator for the proposed residential development. b. The Applicant and Travel Plan Coordinator shall implement the measures detailed in the submitted Mobility Management Plan and the Student Management Plan (to be agreed) to encourage future Residents and Visitors to use sustainable travel to and from the proposed residential development. Reason: In the interest of sustainable development.
12.	Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

	Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
13.	The following Conservation requirements shall be complied with in full: a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure. b) Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority: i. A detailed landscaping plan is to be prepared and submitted to the planning authority for review and agreement prior to the commencement of the development. This landscaping plan will include detailed proposals for the reassembly and presentation of an exemplar section of the 1920's structural steel frame within the final landscape design. The submission will be accompanied by a supporting report, to be prepared by the project conservation architect, which should include a conservation-led method statement for the reconstruction of the frame, to include a detailed specification for the painting and maintenance of the reconstructed steelwork. ii. A detailed method statement for the temporary works and protection to the retained façade is to be submitted to the planning authority for review and agreement prior to the commencement of demolition work. This submission will be accompanied by a conservation-led commentary by the project conservation architect. iii. A photographic record of the demolished warehouse is to be included in the record of the existing buildings to be lodged with the Irish Architectural Archive. c) During the course of the development, the applicant shall submit for the written approval of the planning authority:

	i. At the outset of the construction works, a soft strip-out will take place on the interior of the building, to include the removal of floor finishes, suspended ceilings, lightweight partition walls and any drylining to the external walls. On completion of this strip-out the interior of the basements will be inspected by the project conservation architect and a detailed photographic record compiled. This photographic record will be submitted to the planning authority, together with an assessment of significance of the exposed fabric and a detailed method statement for the protection of the basement during the works. The photographic record and assessment of significance will separately be lodged in the Irish Architectural Archive. ii. A detailed photographic survey, compiled following the removal of the existing cement dashed render to the east façade, is to be lodged with the Irish Architectural Archive prior to the commencement of demolition works. The Conservation Section of Dublin City Council are to be contacted in the event that any significant concealed features, such as blocked openings that might be incorporated into the final elevational treatment are discovered. iii. Record drawings of the extension, together with a detailed photographic survey following the soft strip-out of the interior, are to be lodged with the Irish Architectural Archive prior to the commencement of demolition works. iv. A sample of the proposed brick to be used in facing the exposed inner (south) face of the north external façade is to be reviewed and agreed with the project conservation architect and the Conservation Section of Dublin City Council, prior to this work taking place. v. Site samples for brickwork raking, cleaning, brickwork repairs and historically accurate pointing shall be presented for the written approval of the Conservation Officer. d) The proposed development shall be carried out in accordance with the following:
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	i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair offsite shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement. ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works. iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area. Reason: In order to protect the original fabric, character and integrity of the Protected Structure at 139-149 North King Street and to ensure that the proposed works are carried out in accordance with best conservation practice.
14.	a) A representative portion of the historic steel frame of the building to be retained and reused in an interpretative display within the new development. The design and location of the frame shall be submitted for the written agreement of the archaeology section of the Planning Authority. b) The scheme shall incorporate a professionally written illustrated, copy edited, and fact checked heritage display that commemorates the Battle of North King Street in 1916 and the historic industrial heritage of 139-149 North King Street. The design and placement of the heritage display shall be submitted to the Planning Authority for written agreement and installed period to occupation of the building. c) No construction may be carried out on the site until the archaeological requirements of the Planning Authority are complied with.

	d) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering test pits, etc., carried out for this site as soon as possible and submitted to the planning authority for agreement before construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues. i. The archaeological and historical background of the site, to include industrial heritage. ii. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc. iii. The nature, extent and location of archaeological material on site by way of archaeological testing &/or monitoring of the removal of overburden. iv. The impact of the proposed development on such archaeological material. v. An impact assessment of the final foundation layout of the new development. e) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist and submitted to the planning authority for written agreement. This will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive
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	mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report. f) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the Planning Authority regarding the procedure to be adopted in the assessment. g) One digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site. h) The developer shall comply in full, with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement. i) The developer shall make provision for archaeological excavation in the project budget and timetable. j) Should archaeological excavation be required the following shall be submitted to the Planning Authority: i. A biweekly report on the archaeological excavation during the excavation and post excavation period. ii. A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation. iii. A final report on the archaeological excavations not later than twelve months after the completion of the excavation for agreement of the planning authority. k) Following submission of the final report to the Planning Authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council),
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	and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin 2. A receipt to demonstrate accession to the archive shall be submitted for agreement of the planning authority. Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.
15.	Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street 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. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name. Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames.
16.	Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development. Reason: In the interest of residential amenities, public health and safety and environmental protection.

17.	The Applicant and the developments Contractor shall develop and implement a Public Liaison Plan for the duration of the works, covering the following. a. Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns. b. Keeping local residents informed of progress and timing of particular construction activities that may impact on them. c. Provision of a notice at the site entrance identifying the proposed means for making a complaint. d. Maintenance of a complaints log recording all complaints received and follow up actions. Reason: In the interest of the proper planning and sustainable development of the area.
18.	A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Reason: In the interest of sustainable transport and safety.
19.	Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and

	disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Reason: In the interest of sustainable waste management
20.	The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. Reason: In the interest of public health.
21.	Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscape plan. Such lighting shall be provided prior to the making available for occupation of any residential unit. Reason: In the interest of amenity and public safety.
22.	The landscaping scheme as submitted to the planning authority on the 25th day of April 2025 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of residential and visual amenity.
23.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the

	site development works. Reason: In the interests of visual amenity.
24.	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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: To safeguard the residential amenities of property in the vicinity.
25.	Prior to commencement of development, an Operational Waste Management Plan (OWMP) shall be prepared and submitted to the planning authority for written agreement. The OWMP shall include specific proposals 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. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan. Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.
26.	The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis. Reason: To protect the residential amenities of property in the vicinity.
27.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning

	and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
28.	The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City – St. Stephens Green to Broombridge section, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.
29.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads,

	footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. Reason: To ensure the satisfactory completion of the development.
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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.

Elaine Sullivan
Senior Planning Inspector

23rd of September 2025.

Form 1 - EIA Pre-Screening

Case Reference	ACP-323012-25
Proposed Development Summary	LRD – Demolish existing buildings and construct purpose built student accommodation comprising 361 bedspaces and internal and external communal spaces. See Section 2.0 of the Inspectors Report).
Development Address	139-149 King Street North, Bow Street and Brown Street North, Dublin 7
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a ‘Project’. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) – 500 dwelling units

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323012-25
Proposed Development Summary	LRD – Demolish existing buildings and construct purpose-built student accommodation comprising 361 bedspaces and internal and external communal spaces. See Section 2.0 of the Inspectors Report).
Development Address	139-149 King Street North, Bow Street and Brown Street North, Dublin 7
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
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).	The proposed development is for a standalone project on a brownfield, urban site of 0.39ha in Dublin City Centre. The works will require the demolition of all structures on the site, apart from the protected façades to the north and east, which will be retained, refurbished and integrated into the new building. The subject site is surrounded by development on all sides with residential development directly to the west, south and east. Construction works would involve site clearance and demolition works. No large-scale underground excavations such as basements or additional levels will be undertaken. It would not require the use of substantial resources or give rise to significant risk of pollution or nuisance. The nature of the development does not pose a risk of major accident and/or disaster, and the development is not vulnerable to climate change. It presents no risk to human health.
Location of development (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).	The proposed development is on a brownfield site in the city centre. The site comprises land that is currently in commercial use. The site contains a Protected Structure, (RPS Ref. 8790) and faces onto a Conservation Area. The RPS designation relates only to the façades of No's 139-149 King Street North, which will be retained. The architectural and historical importance of the existing buildings were detailed in the Historic Building Survey, Battlefield Assessment and Architectural Heritage Impact Assessment submitted with the application. There are no recorded monuments within the red line boundary, but the site lies within the zone of archaeological potential for the historic city (DU018-

	020). An Archaeological Assessment was submitted with the development and recommends that archaeological test testing will be carried out prior to commencement of development. The site is not located within or adjoining an NHA, pNHA, SAC or SPA. There are no protected views or prospects across the site, and the landscape has not been designated for protection or conservation.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, which includes the demolition of existing commercial/factory buildings on a city centre site and the development of a purpose-built student accommodation development which will include the retention and refurbishment of a protected structure, works to the public realm and landscaping, its location in an urban settlement, removed from sensitive habitats and conservation sites, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 1

AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case File: ABP-323012-25	
Brief description of project	The project would comprise the demolition of existing buildings on an urban site currently in commercial use and the construction of a purpose-built student accommodation scheme comprising 361 bedspaces in a building ranging in height from single to 4-7 storeys in height, with ancillary accommodation and site development works.
Brief description of development site characteristics and potential impact mechanisms	The subject site has a stated area of 0.39 ha and is in Dublin City Centre. A full description of the development is contained in Section 2.0 of the accompanying Inspectors Report. The site is located on an urban site with a mix of commercial and residential development on all sides. Directly to the west and south are low-rise residential developments of Friary Grove and St. Francis' Terrace. To the east and north is a mix of traditional housing, commercial and apartment developments. Adjoining the site to the south-east is Kish Fish, a commercial development. The construction works would be standard in nature and would involve demolition and construction work. No large-scale excavations would be carried out to accommodate basements or undercroft car parking. The site is currently brownfield in nature and is clear of vegetation and planting. Emissions from the site would be limited to noise and emissions to air from machinery and plant, and emissions to surface and ground water because of runoff from construction activities. The development would be connected to the public mains water and wastewater services and surface water would be managed within the site prior to discharge to the public system. There are no watercourses on the site. The site is in the Liffey and Dublin Bay catchment, (ID: 09) and the Tolka_SC_020 sub catchment (ID:09_4). The River

	Liffey is approximately 380m to the south of the site. There is no direct hydrological connection between the subject site and the Liffey. The closest European sites are the South Dublin Bay and River Tolka Estuary SPA, (c.3.29km to the north-east of the site) and South Dublin Bay SAC (c. 4.5km to the south-east of the site).
Screening report	Y - A Report to Inform Screening for Appropriate Assessment was submitted.
Natura Impact Statement	N
Relevant submissions	The issue of AA was not raised in third party submissions or in submissions from prescribed bodies.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The Screening Report submitted with the application considered that a distance of 15km was appropriate to encompass all Natura 2000 sites potentially within the Zone of Influence of the proposed development.

Given the scale of the development, which would employ standard construction methods, the nature and location of the urban site and the surrounding context, I consider that the potential Zone of Influence would be limited to the subject site or the immediate vicinity.

The source-pathway-receptor model did not identify any direct connections to any European sites. There is an indirect hydrological connection to the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC via the River Liffey which is c. 371m to the south of the site. Given the urban nature of the site, the separation distance to the Liffey and the character of the built-up environment between the site and the watercourse, this indirect connection is not considered to be significant.

Therefore, I consider the most relevant sites to consider would be the nearest sites which are listed below.

European Site (code)	Qualifying interests	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
South Dublin Bay and River Tolka Estuary SPA (Site Code 000210)	Light-bellied Brent Goose Oystercatcher Ringed Plover Grey Plover Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern	3.29km	No	N

	Wetland and Waterbirds Link to details in the NPWS website - South Dublin Bay and River Tolka Estuary SPA National Parks & Wildlife Service (Sept 2025)			
South Dublin Bay SAC (Site Code 004024)	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes Link to details in the NPWS website – South Dublin Bay SAC National Parks & Wildlife Service (Sept 2025)	4.5km	No	N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

- (a) There would be no direct impacts on the European sites during the construction of operational stages of the development. Indirect impacts would be limited to noise and/or disturbance during the construction phase and emissions to air and water during the construction and/or operational phase.
- (b) The lack of a direct hydrological connection to any European site would prevent any significant impacts to water quality from polluted surface water runoff. There is an indirect connection between the site and the River Liffey which is c. 371m to the south of the site. The risk of uncontrolled surface water runoff entering the Liffey from overland flows during the construction phase is unlikely given the separation distance and the urban nature of the development between the watercourse which would restrict/block overground flows.
- (c) The site is not suitable as an ex-situ site for any of the Qualifying Interests of the SPA or any other European site, and the development would not have any impact in terms of habitat loss or degradation
- (d) The distance between the subject site and the closest European sites would prevent any impacts on air quality or habitats from air-borne construction dust and the from dust settlement.
- (e) Given the nature of the urban location and the separation distance between the sites, there will be no impact relating to noise and/or disturbance on any designated species.

AA Screening Matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: South Dublin Bay & River Tolka Estuary SPA (Site Code 00210) QI's: Light-bellied Brent Goose Oystercatcher Ringed Plover Grey Plover Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern Wetland and Waterbirds	Direct: None Indirect: Potential for temporary negative impacts on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Potential for emissions to air from construction related activity. Potential for disturbance from noise.	Direct: None Indirect: There are no direct hydrological connections between the sites. The River Liffey is approximately 371m to the south of the site. There is a potential for overland flows from the site during the construction stage. However, these effects would not be significant given the separation distance between the site and the watercourse and the physical obstructions between both sites. The site is not an ex-situ site, and the separation distance is sufficient to negate any effects from noise or air quality as a result of the development.
Site 2: South Dublin Bay SAC (Site Code 004024) QI's: Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes	Direct: None Indirect: Potential for temporary negative impacts on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Potential for emissions to air from construction related activity.	Direct: None Indirect: There are no direct hydrological connections between the sites. There is a potential for overland flows from the site during the construction stage. However, these effects would not be significant given the separation distance between the site and the watercourse and the physical obstructions between both sites. The separation distance is sufficient to negate any effects on air quality from emissions as a result of the development.

	Likelihood of significant effects from proposed development (alone): No
Step 4 - Conclusion	
I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay and River Tolka Estuary SPA (Site Code 000210) and South Dublin Bay SAC (Site Code 004024). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.	

Screening Determination - Finding of no likely significant effects In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA (Site Code 000210) and South Dublin Bay SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
