



### Development

Demolition of all light industrial buildings on site, associated boundary wall and fencing, construction of 51 no. 1 bed apartment units to provide housing for independent living for older residents (55 years plus) and all other associated site works.

### Location

42 Marrowbone Lane, Dublin 8, D08  
FY6W

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

WEB2373/25

### Applicant(s)

Real Estate Acquisitions and Sales  
Limited

### Type of Application

Permission

### Planning Authority Decision

Grant Permission + Conditions

### Type of Appeal

Third Party Normal Planning Appeal

### Appellant(s)

Real Estate Acquisitions and Sales  
Limited  
Laura Cavanagh  
Finbar O'Neill  
Simon Browne

**Observer(s)**

None

**Date of Site Inspection**

13<sup>th</sup> May 2026

**Inspector**

Kathy Tuck

## **1.0 Site Location and Description**

- 1.1. The appeal site which has a stated area of c. 975 sq.m. is situated on a corner site at the junction of Marrowbone Lane and Forbes Lane, The Liberties, Dublin 8. Marrowbone Lane is located approximately 2km to the west of Dublin City Centre.
- 1.2. The site currently comprises of 3 no. existing light industrial buildings ranging in height from 1-2 storeys, and an associated yard area to the front. The sites northern boundary extends approximately 55 metres and is bound by an existing recently constructed apartment scheme at Pim Street, and a residential development at Marrowbone Lane Court which comprises of two and three storey dwellings.
- 1.3. The eastern site boundary extends approximately 20 metres and is bound at this location by Marrowbone Lane, which connects Cork Street to the south, and School Street to the north. The sites western boundary extends approximately 40 metres and is immediately bound to the west by a 3-6 storey apartment development on the corner of Pim Street and Forbes Lane while the southern boundary extends for approximately 25 metres and is immediately bound by Forbes Lane.

## **2.0 Proposed Development**

### **2.1. Original Proposed Development**

- 2.1.1. Permission was sought for the demolition of all existing light industrial 1-2 storey buildings on the site which have a stated area of c.435.73sq.m and the construction of a 5-9 storey residential apartment building comprising 51 no. 1 bed apartment units at ground to 8th floor level ranging in size from c.45 sq.m to c. 58 sq.m, and an internal communal amenity space at ground floor.
- 2.1.2. All units are intended to provide housing for independent living for older residents (55 years plus).
- 2.1.3. The development proposes c.608 sq.m of communal amenity open space as 2 no landscaped areas, a courtyard space at ground floor level (c. 370.6 sq.m) and a landscaped terrace area at 8th floor roof level (c. 236.96 sq.m).
- 2.1.4. Permission is also sought for the provision of secure bicycle parking (51 spaces for residents and 27 spaces for visitors) and bin storage, an ESB substation, generator

room, switch room, sprinkler/break tank room, cleaners store, accessible W/C associated with the internal communal amenity space at ground floor level, hard and soft landscaping and all other associated site works and services.

- 2.1.5. The proposed building has a maximum ridge level of c.30.670m along the southern elevation as is presents to Forbes Lane, c.28.52m, popping up to c.30.3m to accommodate the service core, along the eastern elevation where it addresses Marrowbone Lane, and reduces to c.23.727mn along the northern elevation, c.18.950m along the west elevation and further to c.15.225m along same.

## 2.2. Further Information Response – Amended Scheme

- 2.2.1. In response to the concern raised by the Planning Authority with regard to the overall scale, height and massing of the building the applicant submitted revised plans which reduced the overall height from 9 to 8 storeys (omitting 1 no. floor plate) and subsequently reducing the proposed number units by 6 units to provide for a total of 45 no. 1 bed units.
- 2.2.2. The height of the building along the southern and eastern elevation is indicated as being c.25.15m and c.24.19m along the north and western elevation.
- 2.2.3. Condition no. 4 of the grant of permission requires the omission of 7 no. additional units – omitting the 7<sup>th</sup> floor plate and one unit on the 4<sup>th</sup> and 5<sup>th</sup> floor. The total of units therefore permitted by the Planning Authority was 38 no. 1 bed units.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following a request for further information the Planning Authority issued a decision to grant planning permission on the 23<sup>rd</sup> January 2026 subject to 17 no. conditions. Conditions of note are as follows:

#### Condition no. 2

A development contribution in the sum of €275, 616.90 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities

benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be

made in respect of the public infrastructure and facilities benefitting development in the

administrative area of the Local Authority

#### Condition no. 4

The development, as revised following the submission of further information on 18th December 2025, shall be further amended as follows:

- a) Unit 23 on the fourth floor (as referenced on Drawing no. PL2004; Date 15/12/25; Proposed Fourth Floor) shall be omitted in its entirety.
- b) Unit 35 on the fifth floor (as referenced on Drawing no. PL-2005; Date 15/12/25; Proposed Fifth Floor Plan) shall be omitted in its entirety.
- c) The seventh floor shall be omitted in its entirety (as referenced on Drawing no. PL-2007; Date 15/12/25; Proposed Seventh Floor Plan).

The development hereby approved contains 38 no 1 bed units with the scheme ranging in height from 4 storeys to 7 storeys. The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development.

Reason: To protect visual and residential amenity, ensure the building integrates appropriately into the streetscape, and prevent undue impact on neighbouring properties.

Condition no. 5

The occupation of the development hereby approved is restricted to age cohort 55 years and older, and shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission.

Reason: To ensure occupation of the units is restricted to older persons/ occupants.

Condition no. 6.

The development shall comply with the following requirements of the Transportation Planning Division:

- a) Prior to commencement of the development, the applicant / developer shall submit revised plans for the written agreement to provide a 1.8m public footpath along the boundary of the site on Forbes Lane. No part of the widened footpath shall be overhung by private development.
- b) Revised boundary treatment along the eastern boundary in order to prevent ad hoc parking in the open area to the front of the vehicular entrance shall be submitted for written agreement.
- c) The proposed footpath area to be taken in charge, as required by the Active Travel Programme Office, including all materials shall be agreed in writing with the Roads Maintenance Division of Dublin City Council prior to commencement of development.
- d) The footpath and kerb shall be dished and new vehicular entrance provided to the requirements of the Area Engineer, Roads Maintenance Division and the Active Travel Programme Office. The dishing shall be removed and kerb reinstated at the location of the existing vehicular entrance, as required.
- e) Details of the materials proposed in public areas is required and shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and agreed in detail with the Road Maintenance Division.

- f) Prior to the completion and occupation of the development, the applicant/developer/operator shall submit a revised Residential Travel Plan for written agreement of the planning authority, which clarifies how the gated access to the in-curtilage vehicular set down area shall be managed to ensure access to service, delivery and drop off/pick up activities.

Reason: In the interest of pedestrian and vehicular safety.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The 1<sup>st</sup> report of the Planning Officer sets out details of the site location, proposed development, planning history pertaining to the site, pre-planning consultation, the land use zoning and all relevant local planning policy, details of submissions received and internal reports received. The report also sets out an AA and EIA Screening determination.

The assessment considered that the proposal would be permissible in principle under zoning objective. However, concern was raised over the proposed scale, height and massing of the building which was considered to be overbearing in appearance and would result in a negative impact on neighbouring residential amenity in terms of overshadowing and loss of light. As such, the Planning Officer also having regard to the comments of the Transportation and Archaeological section of the Planning Authority recommended that a request for further information be sought, as follows:

Item 1 – Applicant is requested to review the proposed building height with a view to reducing the proposed height from eight / nine storeys to six/seven storeys and reducing the proposed five storey section to four storeys.

Item 2 - Transport Planning Division request the following:

- a) liaise with the Transportation Planning Division and Active Travel Office to obtain up to date information on the Active Travel Scheme and potential interaction with the proposed development prior to addressing the items below:
- I. demonstrate a set-back on Marrowbone Lane.
  - II. submit revised plans providing adequate service/delivery/drop-off facilities within the site and 1 no. accessible parking space within the

curtilage of the site. Adequate sightlines and internal turning facilities should be demonstrated. The width of the existing vehicular entrance should be reduced to limit the impact on the public road and Active Travel Scheme.

- b) provide a set back of the development to ensure a minimum 1.8m wide footpath along the boundary of the site on Forbes Lane is provided for the purposes of it to be taken in charge. No part of the development should overhang the widened footpath.
- c) submit revised cycle parking plans to include: a proportion of the long stay cycle parking provided as Sheffield stands or similar; and 2 no. adaptable/cargo bike spaces. Appendix 5 of the Development Plan and Chapter 6 of the NTA Cycle Design Manual Should be considered.
- d) Residential Travel Plan should be updated to include a service, delivery and access strategy which should demonstrate that anticipated service/delivery/drop off vehicular movements can be accommodated within the curtilage of the site.

Item 3 - City Archaeologist requests following:

- a) Consult with the City Archaeologist in preparing an Archaeological Assessment, as outlined in Section 3.6 of the Framework and Principles for the Protection of the Archaeological Heritage (1999). The assessment should document the industrial heritage of the site and provide a record and analysis of any upstanding historic walls and features.
- b) Seek to retain and conserve historic walls or features which exist within the site in the new development.
- c) Provide details of presentation and interpretation of the Liberty Basin in the new development.

Item 4 - address the matters raised within the three letters of objection dated 10th July 2025 with regards to an associated leasehold interest. Whilst the demolition of the existing structures on site are acceptable in principle, the observations on file refer to a leasehold interest, which may prohibit the design and layout of the proposal. Clarity and details on this are requested.

A response from the applicant was received on the 22<sup>nd</sup> of December 2025 and comprised of the following:

Item 1

A revised building design submitted - building height has been reduced from 9 storeys at its tallest point to now 8 storeys and maintain the 5-storey element as proposed at planning application stage – now providing for 45 no. 1 bed units.

Item 2

2(a)(i) - Design team met with members of the Dublin City Council Transportation Planning Division and Active Travel Office on the 9th of October 2025. Boundary of the area needed for the Active Travel upgrade works is shown with a green dotted line on the proposed site Ground Floor Plan, over the existing road condition. The area required by Dublin City Council to carry out these active travel upgrades will be given by the applicant to Dublin City Council to be taken in charge, subject to a grant of permission being issued for the subject development.

2(a)(ii) –

- The proposed drop off area has been removed within the Further Information scheme design.
- An undercroft drop off area is now proposed within the site redline boundary to facilitate site servicing and drop offs / deliveries.
- Transportation Section deemed that bin collection from Marrowbone Lane is acceptable.
- 1 no. accessible car parking space has also been incorporated into the proposal design to satisfy the request of Dublin City Council.
- Existing width of the site entrance has been reduced by the subject proposal to limit the impact to Marrowbone Lane and the envisaged Active Travel upgrades.
- A maximum of 2 no. vehicles can utilise the site at any one time, facilitating accessible parking, servicing and drop off needs, whilst avoiding the creation of a busy vehicular access and egress point along Marrowbone Lane.

- Auto tracking demonstrates that the proposal will have turning facilities to allow for a large car and van to enter, turn and exist the site when the development is operation.
- The sightlines for vehicles accessing and egressing the development site are considered adequate to facilitate safe vehicular movements, there is no obstruction to sightlines east or west of the site along Marrowbone Lane as shown on the Auto tracking drawings prepared.

2(b) - Set back and footpath widening along Forbes Lane would not be required agreed with Transportation Planning Division and Active Travel Office on the 9th of October 2025.

2(c) – Number of units proposed has decreased from 51 at original application stage to now 45. As a result of this, the cycle parking requirement is now 67.5 cycle parking spaces. Now proposed to provide for:

- 22 no. exterior Sheffield stands (10no. at front entrance & 12no. in rear courtyard).
- 2 no. cargo bicycle stands.
- 34 no. double stacked cycle parking spaces.
- 10 no. single stack cycle parking spaces.

34 no. cycle parking spaces of the 68-no. total provided as double stack parking. The proposed two tier bicycle racks are easily operable by able bodied persons of any age. The racks feature an assisted mechanism that lifts the front wheel of the bicycle off the ground to assist with positioning the bicycle on the upper tier of the rack.

2(d) - Residential Travel Plan for the proposal has been updated to include a service, delivery and access strategy that can be accommodated from within the curtilage of the site.

Item 3 –

3(a) - Archaeological Assessment for the subject site has been prepared and submitted and includes an assessment of the site Archaeological and Historical Context and Historic Boundaries and Walls and assesses the potential impact of the development on site.

3(b) - walls and boundaries of the site have been assessed as part of the Archaeological Assessment. concluded in this report that the only surviving wall of historic interest is therefore the lower section of the east-facing elevation of a large workshop, which forms the upstanding outer wall of the Liberty Basin. It is proposed to recycle this brick in the proposed communal open space.

3(c) - Landscape Architects have worked with Archaeology & Built Heritage Limited to present a landscape proposal at courtyard level which presents an interpretation of the Liberty Basin within the proposed scheme design. In the spirit of 'retaining and conserving historic walls or features which exist within the site, it is now proposed to adjust the design submitted for planning and introduce a design to retain c. 1200mm of upstanding masonry on the eastern side and undertake ground reduction in the region of 1000mm to the interior, adjusting the levels of the attenuation tank and the ducting for foul and surface water This will expose both the inner and outer walls of the basin, which will be repaired and repointed as appropriate.

Item 4 –

submissions lodged only raise objection to the proposed development as it would result in the existing leasehold businesses located on the site requiring to be relocated. Applicant has the necessary consents in place to make an application on the subject site from the landowner. 3 no. submissions made do not raise any concerns relating to the proposed development design.

The second report of the Planning Officer states the following:

Item 1 – The proposed reduction in height of one floor from 9 to 8 storeys does not adequately overcome concerns raised. The proposed building ranging from 5 to 8 storeys on this constrained corner site would not integrate satisfactorily with the existing area, and that it would unduly negatively impact on the character and visual amenity of the receiving environment, being overbearing and dominant. Considered reasonable to reduce the overall height and consequently reduce the density by way of compliance condition.

Item 2 - Response considered to be acceptable, subject to condition - concerns remain regarding the potential for ad hoc parking at the drop-off area (Item 2(a)) and the access arrangements to the delivery area (Item 2(d)), these issues can be addressed by way of appropriate conditions.

The second report of the transportation section sought clarification of further information be sought to address the requirement for a 1.8-metre footpath at this location, the Planning Officer noted that given the procedural timelines, there was insufficient time to request and assess a clarification response and it was considered that the matter could be adequately resolved through a compliance condition.

Item 3 - Documentation and drawings submitted are considered to be acceptable and overcome the concerns previously raised.

Item 4 – Repose considered to be acceptable.

The second report concluded that subject to compliance with the amendments set out in the conditions, it is considered that the development would not impact unduly on existing residential amenities of neighbouring properties and would not detract from the visual amenity of the streetscape and as such a recommendation in line with decision issued was made to grant planning permission.

### 3.3. **Other Technical Reports**

#### *Archaeology Section*

Report dated the 22<sup>nd</sup> July 2025 - requests that further information be sought.

Report dated the 7<sup>th</sup> January 2026 – Recommends permission be granted subject to condition.

#### *Drainage Division:*

Report dated 1<sup>st</sup> July 2025 - No objection subject to conditions.

#### *Transport Planning Division*

Report dated 28<sup>th</sup> July 2025 - requests that further information be sought.

Report dated 15<sup>th</sup> January 2026 - Recommends permission be granted subject to condition.

### 3.4. **Prescribed Bodies**

None received.

### 3.5. Third Party Observations

The Planning Authority received 3no. letters of objections which raised the following concerns:

- No notice given to the businesses on this site who are leaseholders.
- The site is occupied by three long established businesses, and the proposal will mean a direct negative impact on these businesses and their employees.

## 4.0 Planning History

### 4.1. Appeal Site

PA Ref 4567/08      Permission refused for demolition of existing light industrial buildings and the construction of a mixed use building ranging from 5 to 8 storeys in height fronting Marrowbone Lane and Forbes Lane, containing a retail commercial unit & plant room on the ground floor with 27 apartments to the upper levels consisting of 3 no. 3 bedroom units, 19 no. 2 bedroom units & 5 no. 1 bedroom units. The works will include the provision of balcony's to all floor levels and all elevations above ground floor level, roof terraces and roof gardens at fifth floor level to eighth floor roof level and the provision of 10 no. surface car parking spaces, 4 no. motorcycle parking spaces, 36 no. bicycle spaces and associated site development works.

Reason for refusal: There is an existing sewer running under the buildings proposed. It is not permitted to build over the sewer and Drainage Division will not allow it to be diverted or relocated. The proposed development would therefore adversely impact on the existing drainage infrastructure in the area, thus being contrary to the proper planning and sustainable development of the area.

### 4.2. Within the Vicinity

PA REF 4343/24 Part 8 Development on the Road Maintenance Depot Dublin City, Marrowbone Lane and Forbes Lane, Dublin 8. Permission granted for demolition of the existing sheds and garages and site clearance works and construction of 108 no. apartment units in two blocks ranging in height from 5 to 7 storeys.

PA Ref 3002/23 Permission Granted for demolition of existing derelict structures and the construction of a 9 no. storey mixed use development comprising 40 no. 1 bed apartment units and a community hub at the corner of Summer Street South and Marrowbone Lane encompassing 72 Marrowbone Lane and 3 Summer Street South, Dublin 8. Condition no. 4 stated:

*The developer shall strictly adhere to the following requirements:*

*a) The proposed development shall be used solely as an independent living residential development of 35 apartments for the elderly. b) No material change of use of any of the buildings in the proposed development shall take place without prior planning permissions. c) The occupation of the independent living units within the proposed development are restricted to the age cohort 60 years and over and shall not be sold, let or otherwise transferred or conveyed away from its residential care use without prior planning permission. d) The proposed independent living units shall remain in the ownership of the Management Company/Developer and shall not be sold to private individuals as habitable dwellings. Reason: In the interest of proper planning and clarity.*

## **5.0 Policy Context**

### **5.1. Dublin City Development Plan 2022-2028**

#### **5.1.1. Land Use Zoning**

The subject site is zoned under Objective Z1- Sustainable Residential Neighbourhoods, with a land use zoning objective which seeks to protect, provide and

improve residential amenities. Relevant open for consideration uses in Z1 areas include student accommodation and restaurant use.

The site is situated within the Liberties and Newmarket Square Strategic Development Regeneration Areas (SDRA 15).

Relevant Sections of the Development Plan:

#### 5.1.2. **Chapter 3 Climate Action**

- CA8: Climate Mitigation Actions in the Built Environment
- CA9: Climate Adaptation Actions in the Built Environment
- CA10: Climate Action Energy Statements

#### 5.1.3. **Chapter 4 Shape and Structure of the City**

- SC8: Development of the Inner Suburbs
- SC10: Urban Density
- SC14: Building Height Strategy
- SC15: Building Height Uses
- SC16: Building Height Locations
- SC 17: Building Height
- SC 18: Landmark/Tall Buildings
- SC 19: High Quality Architecture
- SC 21: Architectural Design
- SC 23: Design Standards

#### 5.1.4. **Chapter 5 Housing**

- QHSN1: National and Regional Policy
- QHSN2: National Guidelines
- QHSN3: Housing Strategy and HNDA
- QHSN10: Urban Density
- QHSNO11: Universal Design

- QHSN34: Social, Affordable Purchase and Cost Rental Housing.
- QHSN35: Diversity of Housing Type and Tenure.
- QHSN36: High Quality Apartment Development
- QHSN44: Build to Rent/Student Accommodation/Co-living Development
- QHSN45: Third-Level Student Accommodation
- QHSN47: High Quality Neighbourhood and Community Facilities
- QHSN48: Community and Social Audit

#### 5.1.5. **Chapter 6 City Economy and Enterprise**

- Policy CEE2 Positive Approach to the Economic Impact of Applications
- Policy CEE21 Supply of Commercial Space and Redevelopment of Office Stock
- Policy CEE32 Education and the City Economy

#### 5.1.6. **Chapter 8 Sustainable Movement and Transport**

- Objective SMT010

#### 5.1.7. **Chapter 9 Sustainable Environment Infrastructure and Flood Risk**

#### 5.1.8. **Chapter 11 Built Heritage and Archaeology**

- Section 11.5.5 Archaeological Heritage
- BHA26 Archaeological Heritage

#### 5.1.9. **Chapter 13 Strategic Development Regeneration Areas**

Section 13.17 - SDRA 15 – Liberties and Newmarket Square

Area 6 - Marrowbone Lane

It is considered that the SDRA should deliver the objectives for the site including:

- The council owned depot at Marrowbone Lane to be developed as a Green Infrastructure and Recreational Area.
- Extension of amenity/recreational spaces in association with St. Catherine's sports centre.
- New east-west link through the site to the south of St. Catherine's Sports Centre to link up with Allingham Street.

- New north south pedestrian and cycling route (with access for parking and deliveries only) linking Marrowbone Lane with Cork Street via Allingham Street and Marion Villas.
- Potential to provide additional connectivity from John Street South to Cork Street.
- Provision for new mixed uses onto and Summer Street South to provide definition and activity onto the street.
- Opportunities also exist for the provision of improved public open space onto Cork Street at Brú Chaoimhín and the Weir Home, subject to agreement with the HSE.

#### 5.1.10. Chapter 15 Development Standards

- Section 15.4.1 Healthy Placemaking
- Section 15.4.2 Architectural Design Quality
- Section 15.4.3 Sustainability and Climate Action
- Section 15.4.4 Inclusivity and Accessibility
- Section 15.5.1 Brownfield, Regeneration Sites and Large-Scale Development
- Section 15.5.4 Height
- Section 15.5.5 Density
- Section 15.5.6 Plot Ratio and Site Coverage
- Section 15.5.7 Materials and Finishes
- Section 15.5.8 Architectural Design Statements
- Section 15.5.9 Models and Photomontages
- Section 15.6 Green Infrastructure and Landscaping
- Section 15.7.3 Climate Action and Energy Statement

#### 5.1.11. Relevant Appendices:

- *Appendix 3: Achieving Sustainable Compact Growth Policy for Density and Building Height in the City.*
- *Appendix 5: Transport and Mobility: Technical Requirements.*

- *Appendix 9: Basement Development Guidelines.*
- *Appendix 11: Technical Summary of Dublin City Council Green & Blue Roof Guide (2021).*
- *Appendix 16: Sunlight and Daylight.*

## 5.2. National Planning Policy

### 5.2.1. National Planning Framework – First Revision (April 2025).

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure. NPOs for appropriately located and scaled residential growth include:

**National Policy Objective 2:** The projected level of population and employment growth in the Eastern and Midland Regional Assembly area will be at least matched by that of the Northern and Western and Southern Regional Assembly areas combined.

**National Policy Objective 3:** Eastern and Midland Region: approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million; Southern Region: approximately 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016-2040) i.e. a population of just over 2 million.

**National Policy Objective 4:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

**National Policy Objective 7:** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

**National Policy Objective 8:** Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and

Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

**National Policy Objective 11:** Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

**National Policy Objective 12:** Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

**National Policy Objective 22:** In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

**National Policy Objective 43:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

**National Policy Objective 45:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

### 5.3. Regional Policy

#### 5.3.1. Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

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. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

The followings RPOs are of particular relevance:

RPO 3.2: Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

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

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential

manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

#### 5.4. Ministerial Guidelines

Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

##### 5.4.1. Sustainable Residential Development & Compact Settlement Guidelines 2024

The guidelines expand on the higher-level policies of the National Planning Framework (NPF) in relation to the creation of settlements that are compact, attractive, liveable and well-designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlement.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

Of relevance to the subject application are the following:

- Residential densities of 100-300dhp for city centre sites within Dublin and Cork
- SPPR1 – separation distances of c.16m between directly opposing first floor windows.
- SPPR2 - Apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates). All residential developments are required to make provision for a reasonable quantum of public open space.

- SPPR3: In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
- SPPR4: It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. The following requirements for cycle parking and storage are recommended:
  - i. Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/ enlargement, etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers.
  - ii. Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

#### 5.4.2. **Sustainable Urban Housing: Design Standards for New Apartments 2025**

The minimum floor area for one-bedroom apartments is 45sq.m, for two-bedroom apartments it is 73 sq.m and for three-bedrooms it is 90 sq.m. Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3 sq.m storage for one-

bedroom apartments, 6 sq.m for two-bedroom apartments and 9 sq.m for three bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.

#### 5.4.3. **Urban Development and Building Heights, Guidelines for Planning Authorities (2018).**

The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.

Of particular reference within these guidelines is Section 2.8 which states:

*Historic environments can be sensitive to large scale and tall buildings. In that context, Planning Authorities must determine if increased height buildings are an appropriate typology or not in particular settings. An Initial assessment of the existing character and setting of a place will assist in a robust framework for decision-making that will facilitate increases in building height and involve an integrated understanding of place. With regards to large-scale and tall buildings in historic urban areas, an examination of the existing character of a place can assist planning authorities, and others to:*

- *establish the sensitivities of a place and its capacity for development or change and;*
- *define opportunities for new development and inform its design.*

#### 5.4.4. **Other relevant guidance:**

- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities.
- Design Manual for Urban Roads and Streets (2013).
- Smarter Travel – A New Transport Policy for Ireland (2009-2020).
- Architectural Heritage Protection Guidelines, Dept. of Arts Heritage and the Gaeltacht (2011).

- The Planning System and Flood Risk Management Guidelines (2009).

### 5.5. **Climate Action Plan, 2025**

The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. Climate Action Plan 2025 builds upon last years plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.

### 5.6. **National Biodiversity Action Plan , 2023-2030.**

The Nation Biodiversity Plan sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. The following objectives are of note:

Objective 1: Adopt a Whole of Government, Whole of Society Approach to Biodiversity.

Objective 2 - Meet Urgent Conservation and Restoration Needs.

Objective 3 - Secure Nature's Contribution to People.

Objective 4 - Enhance the Evidence Base for Action on Biodiversity.

Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

## 5.7. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The appeal site is situated c.4.816km to the west of the South Dublin Bay SAC (site code 000210), the South Dublin Bay, the River Tolka Estuary SPA (site code 004024) and the South Dublin Bay pNHA (site code 000210).

## 6.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply.

I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The Commission received a 1<sup>st</sup> Party appeal against a number of conditions attached to the decision of the Planning Authority and 3 no. 3<sup>rd</sup> Party Appeal against the decision of the Planning Authority. The grounds raised within each appeal is set out below.

#### 7.1.1. First Party Appeal

The Commission received a 1<sup>st</sup> Party Appeal on the 18<sup>th</sup> February 2026 against condition no. 2, Condition no. 4(a-c) and Condition no. 6(a) of the grant of permission issued by Dublin City Council. I have set out the exact wording of each of the conditions subject to this appeal within section 3.1 of my report above.

The grounds of the appeal are as follows:

1. Condition no. 2: Section 48 Development Contribution.

- No assessment providing a rationale for the inclusion of a financial contribution.

- Permitted development will be owned and operated by an approved housing body.
  - Planning Application was accompanied by a letter of support from North and East Housing association setting out their interest in acquiring the development.
    - Subject to final grant/contracts/funding/full compliance with legal and regulatory matters.
  - Section 10 of the adopted Dublin City Contribution Scheme 2023-2026 notes housing developments provided by recognised housing bodies are not required to pay contributions:
    - Condition no. 5 of the grant of permission restricted occupation of the units to age cohort of 55+.
  - Therefore, development should be exempt from payment of contributions on the basis of Section 10 of the adopted Dublin City Contribution Scheme 2023-2026.
2. Condition no. 4 (a)-(c) – omitting 7 no. apartment units (total 7<sup>th</sup> floor; 1 unit on 4<sup>th</sup> floor and 5<sup>th</sup> Floor).
- Consider omission of units from amended design submitted to RFI is wholly unnecessary.
  - Scheme submitted to Response to Further Information complies with all relevant national, regional, and local planning policy – clearly demonstrated within the RFI response submitted to the Planning Authority on the 18<sup>th</sup> December 2025.
    - Request that the Commission review the response document submitted to the Planning Authority.
  - Request that scheme submitted in response to the request for further information is reviewed and deemed to be most appropriate.
3. Condition 6(a) - provide a 1.8m public footpath along Forbes Lane.
- Lands subject to this condition is not in the control of applicant/red line boundary.
  - Applicant engaged with transport division of Dublin City Council prior to the RFI response lodgement:

- Agreed footpath upgrade would not be required due to existing footpath condition past the site boundary to the west.
- Forthcoming Dublin City Council Part 8 Scheme.
- Future active travel scheme along Marrowbone Lane/envisaged upgrades.
- Based on engagement it is expected that vehicular carriageway along Forbes Lane will reduce to facilitate shared surface for pedestrians/cyclists.
  - Allow for provision of 1.8m wide footpath in the future.
- Request RFI scheme is reviewed and deem upgrade not responsibility and outside the control of applicant to deliver.

### 7.1.2. Third Party Appeal

The commission received 3 no. 3<sup>rd</sup> party appeals all on the 19<sup>th</sup> February 2026, from Laura Cavanagh, Finbar O'Neill, and Simon Brown. I note that the 3 no. 3<sup>rd</sup> party appeals have all been prepared by Michael B. Doyle Architect, and all raise the same grounds which can be summarised as follows:

#### 1. Land Use Zoning

- Z1 zoning accommodates Light Industry/Live work units.
- Long standing provenance and legal interests of businesses already on site – commercial interests should have been given more consideration:
  - Accommodating mixed use development for site should have been considered.
  - Planning Authority did commence line of enquiry of consideration of existing uses.
  - Planning Authority only explored mixed use possibility to a limited extent.
- Provenance of tenancy and legal standing of existing uses were not clarified by applicant:
  - Clarification should have been sought.
  - impacts of development on on-going businesses on site were not afforded due consideration.

- Prospect of incorporation live-work units/light industry units as part of development was not adequately considered:
  - Inclusion of such would have helped achieve density design objectives of the City Development Plan.
  - Development does not meet Dublin City Development Plan density design standards.

## 2. Planning Authority Report – dated 21<sup>st</sup> January 2026

- Report confirms concerns over height of proposal.
- Notwithstanding the Planning Authority referencing Table 1 of Appendix 3 of the City Plan at pre-app stage – applicant still proposed a scheme with a density of 600 units/ha which is 2.4 times the acceptable density.
- Density evolved to 525 units/ha at RFI response.
- Compliance with conditions would reduce density further:
  - Consequent no. of units and density not clarified.
  - Calculated permitted scheme would be 390 units/ha – 1.5 times the acceptable level.
- At no point did applicant address/make a case that exceptional circumstances or make a compelling architecture/urban design rationale – similar to assessment of the Planning Authority.
- Therefore, had the developer or Planning Authority considered inclusion of light industry/ live work units – it would have contributed to improved density and potentially bring development closer to Dublin City Development Plan requirements –
  - Also contribute to 15-minute city concept.

## 3. Developers Approach

- Pre-application advice was to remove a floor.
- Subsequent permission lodged a scheme with an increased height.

- Not only disregarding pre-app advice but pursuing a building with increased height.
- Planning Authority reiterated concerns in RFI request and requested height be reduced to 4/7 stories
  - Applicant resisted direction and submitted 5/8 storey building.
- Planning Authority considered response was not sufficient to warrant new notices.
  - Planning Authority should have sought Clarification of RFI.
  - Transportation Section of Planning Authority also requested clarification of RFI.
  - Permission was granted and condition reduced in scale to 4/7 stories.
  - Removal of floor, as per condition, constituted significant further information which would warrant new public notices.
  - Substantial change made by condition was not re-notified to the public.
- Matter of reduction in scale was addressed internally by Planning Authority without revised drawings.
  - Together with unanswered queries of transportation planning section has placed assessment of scheme outside public scrutiny.
- Developers approach has led to the Planning Authority excessively conditioning the scheme.
- In the planning process a fundamental inequity is being perpetuated to the detriment of public interest of existing commercial properties/occupiers:
  - Proposal considered without due/balanced consideration having been afforded to appellants and established business interests.
  - Applicant afforded favourable consideration.

## 7.2. Applicant Response to the Third-Party Appeal

The Commission received a response from the applicant to the 3<sup>rd</sup> party appeals on the 13<sup>th</sup> March 2026 which can be summarised as follows:

- Original submission lodged to the Planning Authority related solely to issues surrounding legal interests of existing leasehold businesses operating on site:
  - Appeals now raise concern regarding zoning/density/developers approach which is considered to be disingenuous.
  - Appeals are considered to be an effort to delay final grant being issued.
  - If there was a genuine concern over these issues should have been included in objections to the Planning Authority.
- There is grounds for the Commission to dismiss these appeals under Section 138(1) of the Planning and Development Act, 2000 (as amended).

### Zoning

- List of uses associated with Z1 land use zoning is a guide to types of development that can be brought forward.
- No obligation to satisfy all within a single development.
- Residential is deemed to be permissible.
- Therefore issues relating to zoning should be disregarded.

### Leasehold

- Applicant has necessary consent – submitted letter of consent from landowners with application which consented to applicant engaging with pre-application discussions and the lodgement of a planning application.
- Acknowledged by the Planning Authority.
- Therefore, issue can be disregarded.

### Density

- Original submission – density 520units/hectare.
- Given small scale of site and units all being 1 bed units – density appears to be inflated.
- Permission granted within the vicinity under PA Ref 3295/21; PA Ref 3483/22; PA Ref 3002/23 and PA Ref 4347/23 all had a similar density .

- Development should be considered as shared accommodation when assessing density –
- Compact Guidelines, 2024 – 4 bed spaces equate to 1dwelling unit.
- Therefore:
  - original scheme density of 269units/ha.
  - RFI Scheme density of 230 units/ha
  - Permitted scheme density of 194 units/ha
- This density calculation was discussed and agreed with the Planning Authority at pre-application stage.
- Site is deemed as city centre site in Compact Guidelines – 300 unit/ha density is acceptable.
  - All densities proposed to date were acceptable
  - Also method of density calculation was accepted by the Commission under ACP-322802-25.

#### Developers approach

- Developers aim at all stages was to deliver a development that realises the sites development potential whilst respecting the surrounding residential amenity.
- Considered reduction in scale proposed at RFI stage which did not materially change the design of the building – not significant therefore not triggering requirement for new public notices.
- Planning Authority considered RFI response to be adequate to allow for a decision to be issued therefore clarification was not required.
- No concern has been raised previously by appellants relating to issues of height/mass/scale
  - No other submissions raised concern over relating to scale or provision of footpath.
  - Ground to dismiss the 3<sup>rd</sup> party appeal by the Commission are evident.

### 7.3. **Planning Authority Response**

The Commission received 2 no. responses from the Planning Authority. The 1<sup>st</sup> response dated the 20<sup>th</sup> March 2026 requests that the decision of the Planning Authority be upheld and that a condition be included requiring the payment of a Section 48 Contribution, the payment of a bond, a social housing condition, a naming and numbering condition and a management company condition.

The second response dated the 2<sup>nd</sup> April 2026 notes that the application was made by a private developer and notwithstanding the letter of support that accompanied the application from an approved housing body, there is no evidence that any voluntary or co-operative body will be delivering this accommodation. The Planning Authority is therefore satisfied that a financial contribution is applicable to this application. The response was accompanied by a breakdown of calculations of the contribution attached.

### 7.4. **Observations**

None received.

## 8.0 **Assessment**

### 8.1. **Introduction**

8.1.1. Having examined the application details and all other documentation on file, including appeal submissions, the reports of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Request to Dismiss Appeal.
- Principle of Development.
- 1<sup>st</sup> Party Appeal Against Condition 2.
- 1<sup>st</sup> Party Appeal Against Condition 4.
- 1<sup>st</sup> Party Appeal Against Condition 6(a).
- Legal Interest.

- Other Matters

## 8.2. Dismissal of Appeal

- 8.2.1. The 1<sup>st</sup> party appellant has requested that the Commission dismiss the 3<sup>rd</sup> party appeals under Section 138(1) of the Planning and Development Act 2000 (as amended) as the issues raised within the appeals differ to that raised within the original objections made to Planning Authority. It is contended that the issues raised related solely to matters of legal interest and the concerns now raised relating to density, scale and the developers' approach are disingenuous.
- 8.2.2. Section 138(1) of the 2000 Act provides the Commission a discretion to dismiss an appeal where, having considered the grounds of appeal, they are of the opinion that the grounds are vexatious, frivolous or without substance or foundation or is made with the sole intention of delaying the development or the intention of securing the payment of money, gifts, consideration or other inducement by any person.
- 8.2.3. The Act does not include for an allowance to dismiss appeals where new concerns have been raised. Therefore the 3<sup>rd</sup> party appellants are fully entitled to raise issues which were not set out within their original observation made to the planning authority. I am of the opinion having regard to Section 138(1) of the Planning and Development Act 2000 (as amended) that the 3<sup>rd</sup> party appeals should not be dismissed.

## 8.3. Principle of Development

- 8.3.1. The site is zoned 'Sustainable Residential Neighbourhoods – Zone Z1' with the objective 'to protect, provide and improve residential amenities'. 'Residential' and 'shop (local)' are permissible uses under the site's zoning. The proposed development is considered acceptable in principle subject to an assessment of the impacts of the proposed development on the surrounding area and compliance with relevant Development Plan criteria.
- 8.3.2. In order to facilitate the proposed development I note that the 3 no. light industrial units located on site would have to be demolished. These buildings are currently in use and a concern has been raised by 3<sup>rd</sup> party appellants to this appeal over the loss of the units and the leasehold agreement for such. I will discuss this issue further under

section 8.6 of my report below. The 3<sup>rd</sup> party appellants also contend that the proposed development should have included some commercial floor space to facilitate the existing operations on site.

- 8.3.3. While I note that light industry and commercial uses are listed as open for consideration under the Z1 zoning objective matrix, I accept the response from the applicant and note that there is no requirement for any proposal for development to include for all uses specified within the zoning matrix. Furthermore, I do not consider that a mix of residential use and light industry use would be complementary.
- 8.3.4. Having regard to the location of the appeal site within the city centre which is adequately served with utilities and within close proximity to a number of high frequency public transport facilities and amenities, the provision of residential development for independent living for older residents would make a more sustainable use of the appeal site than its current use given the on-going housing crises.

#### 8.4. **1<sup>st</sup> Party Appeal Against Condition 2**

- 8.4.1. Condition no. 2 of the grant of permission issued requires the applicant to pay a financial contribution in line with Section 48 of the Planning and Development Act, 2000 (as amended). The 1<sup>st</sup> party contends that as the proposed development is intended to be owned and operated by an approved housing body and that the proposal should have been exempt from a Section 48 contribution in line with Section 10 of the adopted Dublin City Contribution Scheme 2023-2026. It is further contended that the planning application was accompanied by a letter from a recognised housing body, the North and East Housing Association, which supported the development and set out their interest in acquiring the development.
- 8.4.2. The Planning Authority in their response to the 1<sup>st</sup> Party appeal state that the application was made by a private developer and notwithstanding the letter of support that accompanied the application from an approved housing body, there is no evidence that any voluntary or co-operative body will be delivering this accommodation. The response from the Planning Authority was also accompanied by a breakdown of calculations of the contribution.
- 8.4.3. Section 10 of the Dublin City Contribution Scheme 2023-2026 states that the following development will not be required to pay development contributions under the Scheme

and includes Social & Affordable (Purchase & Cost Rental) housing units provided, by a voluntary or co-operative housing body, which is recognised as such by the Council.

- 8.4.4. The planning application was made to the Planning Authority by Real Estate Acquisitions and Sales Limited which are not listed as being an approved housing body. The letter submitted with the Planning Application from the North and East Housing Association states that subject to a number of stipulations that they are interested in acquiring the Proposed Development. From a review of this letter I consider that it sets out support for the proposal and the intention that the housing body may intend to acquire the development. However, the letter does not provide certainty that they will purchase the development.
- 8.4.5. I am therefore of the opinion that the Planning Authority were correct in their inclusion of Condition no. 2 requiring a Section 48 Development Contribution as the applicant is not an approved housing body but rather a private developer and the letter provided from the North and East Housing Association is one of support rather than providing legal evidence that they will in fact deliver the development proposed.
- 8.4.6. While I note that condition no. 5 of the grant of permission stipulates that the occupation of the development is restricted to age cohort 55 years and older, and shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission, I consider that the applicant could seek permission through a separate planning application to have this condition removed.
- 8.4.7. Overall, I recommend that if the Commission intend to grant permission for the proposed development that Condition no. 2 be retained.

## 8.5. **1<sup>st</sup> Party Appeal Against Condition 4**

- 8.5.1. Condition no. 4 of the grant of permission requires an amendment to the scheme submitted to the Planning Authority on the 18<sup>th</sup> December 2025 which required a reduction in the height and unit numbers proposed. Condition no. 4(a) required the omission of unit no. 23 which was situated on the 4<sup>th</sup> floor; Condition no. 4(b) required the omission of unit no. 35 which was situated on the 5<sup>th</sup> floor; and condition 4(c) required the omission of the entire 7<sup>th</sup> floor which provided for 5 no. 1 bed units. Overall, the requirements of the condition would see the omission of 7 no. units and a reduction in scale so that the building would be part 6/part 5 and part 4 stories in height.

- 8.5.2. The 1<sup>st</sup> Party appellant contends that the reduction in units required by condition no. 4 is wholly unnecessary and that the scheme permitted in response to the further information request complies fully with all relevant national, regional, and local planning policy and this was clearly demonstrated within the RFI response submitted to the Planning Authority on the 18<sup>th</sup> December 2025.
- 8.5.3. I note to the Commission that my assessment pertains to the plans submitted as part of the response to further information lodged with the Planning Authority on the 18<sup>th</sup> December 2025 and as such have undertaken a full review of all documentation submitted on that date.
- 8.5.4. The appeal site is situated within the Liberty and Newmarket Square SDRA, where the City Development Plan states that the Council will support 6-8 storeys as a benchmark height for new developments where conservation and design considerations permit. It is argued by the appellant that the now reduced building, that is 5-8 storeys in height, sits comfortably within this benchmark height range for new developments within the SDRA. In addition, the site is also situated within the canal banks and city centre area.
- 8.5.5. The Guiding Principles map for the Liberties and Newmarket Square SDRA indicates a potential 'locally higher building' to the immediate west of the site at the corner of Marrowbone Lane and Forbes Lane. That site has an extant, Part 8, permission for a building that ranges in height from 5 to 7 stories providing for 108 residential units (PA Ref 4343/24). The adjoining site to the north, which is situated on the corner of Forbes Lane and Pim's street provides for a part 5 part 6 storey apartment building. Therefore, I consider that the prevailing height within the immediate vicinity of the site has been established at a maximum of 6/7 stories.
- 8.5.6. Table 1 of Appendix 3 of the City Plan sets out the density range of 100-250 units per ha that would be supported as a general density for developments within the canal banks and city centre area. Table 2 of Appendix 3 sets out the indicative plot ratio and site coverage for developments and recommends that for sites within the central area a plot ratio of 2.5-3.0 and site coverage of 60-90% be acceptable.
- 8.5.7. The amended scheme would provide for 45 no. 1 bed units on a site with a stated area of c. 975 sq.m resulting in a density of 463 units per hectare. The appellant in their response to the 3<sup>rd</sup> party appeals, which raise concern over the density proposed, stated that the proposed scheme would be providing for independent living for older

residents and as such in line with the Sustainable and Compact Guideline for Planning Authorities 4 bed spaces equate to 1 dwelling unit (foot note 3 page 18) and that this density calculation was discussed and agreed with the Planning Authority at pre-application stage. It is contended by the 1<sup>st</sup> party therefore that the actual density would be 230 units per hectare.

- 8.5.8. From a review of the Planning Officers report, I note that there is no mention of a density calculation based upon the shared accommodation aspect of the proposed development and same in the pre-application advice issued which is available to me on file. The advice provided at pre-application stage mirrors the concerns raised within the 1<sup>st</sup> report of the Planning Officer. The 1<sup>st</sup> Party appellant makes reference to a recent decision of the Commission, ACP-322802-25, where the assessment of the Inspector accepted the scheme should be considered as an equivalent typology to shared accommodation when assessing density.
- 8.5.9. I would share the opinion of the Inspector who undertook the assessment of ACP-322802-25 and consider that the proposed use is an equivalent typology to shared accommodation and as such the calculation method set out within the Sustainable and Compact Guideline for Planning Authorities and as such the density of 230 units per hectare is considered to be acceptable and in accordance with Table 1 of Appendix 3 of the City Plan. In the interest of clarity to the 3<sup>rd</sup> party concerns, if condition no. 4 was to be retained the proposal would generate a density of 194 units/ha.
- 8.5.10. Appendix 3 of the Dublin City Development Plan 2022-2028 further states that development proposals that align with these guiding principles for developments within SDRA as per Chapter 13 of the plan will be supported and all proposals for greater height than the prevailing context and intensification in SDRA's must demonstrate compliance with the performance-based criteria set out in Table 3 of Appendix 3 of the City Plan. The main concern raised by the Planning Officer with regard to the height proposed at RFI stage was that *"5 to 8 storeys on this constrained corner site would not integrate satisfactorily with the existing area, and would give rise to undue negatively impact on the character and visual amenity of the receiving environment, being overbearing and dominant."*
- 8.5.11. I note that the applicant has undertaken an assessment of the scheme proposed in response to the RFI request, within the RFI response document (Appendix 1), against

the criteria set out in Table 3. The assessment considered that the proposed development fully complies Key Criteria for Proposals of Increased Urban Scale & Height and include verified CGI images of the proposal to demonstrate same.

8.5.12. I have provided my own assessment against Table 3 of Appendix 3 of the City Plan below:

Table 1: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

<p>Criteria 1 – To Promote Development with a Sense of Place and Character</p>	<p>The appeal site is situated within the Liberties and Newmarket Square Strategic Development Regeneration Areas (SDRA 15) where the City Plan recognises that heights of 6-8 storeys, where conservation and design considerations permit, would be supported.</p> <p>The subject site is zoned under Objective Z1 - Sustainable Residential Neighbourhoods which seeks “protect, provide and improve residential amenities’.</p> <p>I have established that the prevailing permitted height in the immediate vicinity of the site would appear to be 6/7 stories. However, I note that the existing residential units situated to the north and north-east, within Marrowbone Lane Close, are two story and three storey in height.</p> <p>The building proposed, as per the response to further information, has a maximum height of 8 stories with a step down to 6 storeys along the western elevation and 5 storeys along the north where it addressed Marrowbone Lane Close.</p> <p>Given the emerging character of the area and having regard to the 6-storey apartment building located immediately to the west of the appeal site, the permitted part 8 – 7 storey development to the south of the site, I do accept that a deviation in height would be acceptable on</p>
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	<p>this site as consideration must be given not the existing residential units to the north.</p> <p>Furthermore, I consider that the proposed 8 storeys when viewed from Marrowbone lane, as indicated on the eastern elevation drawing submitted, appears jarring and off balance with the development as permitted on the opposing site under the Part 8 development. The scale of the buildings as constructed to the west, situated on Pims Street, which are 6 storeys in height, only exacerbate the increase height on the appeal site which is overbearing on the existing structures. Overall, I consider that given the constrained nature of the site and the permitted schemes within the immediate vicinity that the building as proposed would not be in keeping with the established sense of character and place. A reduction in height would overcome these issues to provide for a bookend to the permitted scheme on the opposing side of Forbes Lane.</p>
<p>Criteria 2 – To Provide Appropriate Legibility</p>	<p>I consider that while the proposed development would represent an improvement on the current situation of the appeal site which comprises of 1 to 2 storey commercial properties, my concern above remains and consider that a building of a reduced height which would provide for a bookmark to the scheme permitted on the opposing side of Forbes Lane (part 8 scheme) would be more appropriate in provide legibility to this corner site .</p>
<p>Criteria 3 - To provide Appropriate Continuity and Enclosure of Streets and Spaces</p>	<p>I consider that the proposal would have a detrimental impact on active street front at this location on foot of the loss of the commercial operations.</p> <p>While the elevations proposed include for window opes at ground floor elevation the lack of pedestrian movements</p>

	<p>will reduce passive surveillance. Furthermore, the inclusion of ESB /Switch Room Access along forbs street reads as being defensive to the streetscape.</p> <p>Forbes lane is narrow in width, c.3.48m, and I consider that the introduction of an 8-storey building together with the permitted Part 8 scheme on the opposing side of Forbes Lane which has a maximum height of 7 storeys would give an impression of enclosure and visual imbalance.</p> <p>Given the size of the development site and the nature of the proposed use, there is limited ability to provide any public open space.</p>
Criteria 4 - To provide well connected, high quality and active public and communal spaces.	<p>Given the size of the development site and the nature of the proposed use, there is limited ability to provide any public open space.</p> <p>I am of the opinion that the scheme may not offer any level of amenity to the wider community but will serve any future potential residents appropriately via the two internal areas of communal open space.</p>
Criteria 5 - To Provide High Quality, Attractive and Useable Private Spaces	<p>All private open spaces associated with the apartments proposed meet or exceed the standards for minimum private open space as listed in the Apartment Guidelines.</p> <p>Daylight/ Sunlight and Shadow Assessment for the scheme was completed and submitted.</p>
Criteria 6 - To Promote Mix of Use and Diversity of Activities	<p>The proposed development does not provide for a mix of activities. Permission is being sought solely for a residential development with ancillary amenity internal floorspace. The demolition of the existing uses will reduce the level of commercial offerings within the vicinity.</p>
Criteria 7 - To ensure high quality and	<p>A Climate Action and Energy Statement was prepared and lodged as part of the original application pack.</p>

<p>environmentally sustainable buildings.</p>	<p>The proposed final design submitted complies with the requirement for at least 33% dual aspect units, providing 55% of the unit total as dual aspect.</p> <p>At construction stage the applicant will be considered to ensure that a contractor is appointed that will guarantee the building is constructed using robust construction methodologies.</p> <p>A Daylight/ Sunlight and Shadow Assessment for the scheme was completed. Findings are deemed to be acceptable.</p>
<p>Criteria 8 - To Secure Sustainable Density, Intensity at Locations of High Accessibility</p>	<p>The development is appropriately located in a central, highly accessible area with excellent access to frequent public transport. The site is located approximately 400 metres to the east of Fatima Luas Stop at St James Hospital on the Trams Red Line, which provides a frequent tram service towards Tallaght Town Centre and Dublin Docklands. Dublin Heuston Station is located approximately 830 metres to the north of the development site and offers rail routes connecting Dublin to Belfast, Cork, Limerick, Galway and a number of other towns across Ireland.</p> <p>The development also provides for a large number of secure bicycle parking which are considered to be very accessible.</p> <p>However as previously stated, I consider that the development of this site needs to represent a balance between the location of the site proximate to an area of high-density development and a high-quality</p>

	transportation corridor to the traditional residential development located within the immediate vicinity of the site. I consider that the excess scale of the building in terms of height fails to achieve this balance.
Criteria 9 - To Protect Historic Environments from Insensitive Development	The proposed development is not within the immediate vicinity of any ACA's, protected structures and their curtilage or National Monuments
Criteria 10 - To Ensure Appropriate Management and Maintenance	Matters of security, management of public/communal areas, waste management, servicing and delivery can all be satisfactorily addressed by condition in the event that the Board grant permission.

8.5.13. Overall, having regard to the above I would share the concerns raised by the Planning Authority and consider that having regard to the restricted nature of the appeal site proximate to a narrow laneway (Forbes Lane) and existing 2 storey and 3 storey dwellings to the immediate north that in its current 8 storey form, the proposal would be overbearing upon the streetscape of both Marrowbone Lane and Forbes Lane and would fail to integrate satisfactorily within the area which has an established height of 7 storeys.

8.5.14. I note that the 1<sup>st</sup> part appellant was provided ample consistent advice on the overall design approach to the building both at pre-applicant and further information stage of the Planning Process by the Planning Authority which they failed to adhere to. I recommend that in the event the Commission are minded to grant permission in this instance that Condition 4(a), 4(c) and 4(b) are therefore retained.

**8.6. 1<sup>st</sup> Party Appeal Against Condition 6(a)**

8.6.1. Condition no. 6(a) requires the applicant to submit, prior to the commencement of development, revised plans for the written agreement to provide a 1.8m public footpath along the boundary of the site on Forbes Lane.

- 8.6.2. The appellant contends that the area where the footpath is required is situated outside of the redline boundary of the appeal site and as such outside the control of the developer to deliver such and that following consultation with the Transportation Section of the Planning Authority, prior to the submission of the response to further information, it was agreed that footpath upgrades would not be required due to existing footpath condition past the site boundary to the west, the forthcoming Dublin City Council Part 8 Scheme, and future active travel scheme along Marrowbone Lane/envisaged upgrades.
- 8.6.3. Item 2 (b) of the request for further information clearly requested that the applicant provide for a setback along the southern boundary of the site which is formed with Forbes Lane to provide for a 1.8m footpath. The second report of the Transportation Planning Division of the Planning Authority, in their report dated 15<sup>th</sup> January 2026 based on the response to further information, clearly states that Whilst the permitted development and future active travel route are noted, this division has concerns regarding the substandard width of the existing footpath and potential for pedestrian vehicular/cyclist conflict and that the provision of a 1.8m footpath would allow pedestrians to pass without stepping out on to the carriageway. As such, it was recommended that condition no, 6(a) be included.
- 8.6.4. Having undertaken a site visit, I would share the concerns raised by the Transportation Planning Division and consider that the footpath along the southern boundary of the site is substandard and could impact negatively upon pedestrian safety. There are significant pinch points which would make it impossible for two pedestrians to pass if travelling in the opposite direction requiring one to step out into the carriage way.
- 8.6.5. I note that the apartment building situated immediately abutting the site to the north has been constructed in a manner that it directly addresses the footpath and the inclusion of a 'step out' area to the front of this building along the footpath has overcome this concern. I consider that the applicant in this instance could provide for something similar.
- 8.6.6. While I note the concern by the 1<sup>st</sup> party appellant with regard to the area being outside the control of the applicant, a letter of consent from the Local Authority could overcome the issue. Overall, in the instance of protecting pedestrian safety I recommend that in

the event that the Commission are minded to grant permission that condition 6(a) be retained.

## **8.7. Legal Interest**

- 8.7.1. The 3<sup>rd</sup> Party Appellants have raised concern over their legal interests and the long-standing provenance of businesses which are already operating on site. It is contended that while the Planning Authority did commence a line of enquiry of consideration of the existing uses on site, clarification should have been sought and the impacts that the proposed development may have upon the on-going businesses on site were not afforded due consideration.
- 8.7.2. The applicant in response stated that they have the necessary consent to submit the subject planning application to the Planning Authority as a letter of consent from the landowners accompanied the application submitted and that this was acknowledged by the Planning Authority.
- 8.7.3. The planning application submitted was accompanied by a letter from Oliver Morgan, Frances Morgan and Micheal Morgan which gives consent to the applicant, Real Estate Acquisition and Sales Limited, to engage in pre-application and submit a planning application for residential development on the appeal site.
- 8.7.4. I would draw the Commissions attention to section 5.13 of the Development Management Guidelines for Planning Authorities that advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Furthermore, Section 34(13) of the Planning and Development Act 2000, (as amended), states that a person shall not be entitled solely by reason of a permission to carry out any development.
- 8.7.5. Therefore, I consider that the disputes between the parties in relation to land ownership or leaseholds are ultimately civil / legal issues that would be dealt with more appropriately outside of the planning process and ultimately a matter for the courts.

## **8.8. Other Matters**

- 8.8.1. Procedural Issues

The 3<sup>rd</sup> party appellants have raised concern over the approach taken by both the applicant and the planning authority. It is argued that the developer at all stages of the application process had no regard to the advice provided to them by the Planning Authority. It is further contended that the Planning Authority should have sought clarification of additional information and the inclusion of a condition to remove units would deem the amendments to be significant and would warrant revised public notices. It was argued that the matter of reduction in scale was addressed internally by Planning Authority without revised drawings.

The applicant in response states that their aim at all stages of the process was to deliver a development that realises the sites development potential whilst respecting the surrounding residential amenity.

I accept that the developers approach in this instance did not take into account the comments made by the Planning Authority and this was reflective in the request for further information and inevitably the decision issued, with a specific reference to condition no.4 of the grant of permission. However, there is no legal onus on the developer to adhere to such advice and as such they chose to proceed how they deemed fit.

Having reviewed the Planning Officers reports and the pre-application comments available to me on file I note that the concerns over the scale, in terms of height, raised by the Planning Authority remained unchanged through the process and it was considered that the response provided to the further information request did not adequately address these concerns. Given the timeframe of the application and the statutory requirement for the Planning Authority to issue a decision, I consider the inclusion of Condition no. 4, which reduced the scale of the development, was an appropriate approach and reiterated the concern raised by the Planning Authority and due consideration was given.

## 9.0 **AA Screening**

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The site is situated .4.816km to the west of the South Dublin Bay SAC (site code 000210), the South Dublin Bay,

the River Tolka Estuary SPA (site code 004024) and the South Dublin Bay pNHA (site code 000210).

- 9.2. The proposed development comprises demolition of existing commercial and residential structures and construction of 51 no. apartments ranging from 5-9 stories in one block.
- 9.3. No nature conservation concerns were raised in the planning appeal. 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 European Site.
- 9.4. The reason for this conclusion is as follows:
- The small scale and domestic nature of the works in a serviced urban area,
  - The distance from the nearest European site and lack of connections, and
  - Taking into account screening report/determination by Dublin City Council.
- 9.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

- 10.1. The subject site is located approximately c.692.7m to the west of the Poddle River. However, I note that the River Poddle is culverted until it reaches the River Liffey. The River Liffey is situated c.834m to the north of the subject site. In addition, the Camac river is situated 718m to the north-west of the site.
- 10.2. The proposed development comprises the demolition of the existing buildings on site and the construction of 51 no. apartments with all associated site works. No water deterioration concerns were raised in the planning appeal.
- 10.3. 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. 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.

10.4. The reason for this conclusion is as follows:

- The nature of the development in an urban environment.
- There are no waterbodies within the site.
- The location of the site approximately 0 c.94m to the east of the Poddle River and the lack of a hydrological connection.

10.5. 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.

## 11.0 Recommendation

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld and permission is granted .

## 12.0 Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and would accord with the requirements of the Dublin City Development Plan 2022-2028 and is therefore in keeping with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18<sup>th</sup> December 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 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 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

3. The developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 Coimisiún Pleanála for determination.

**Reason:** To ensure satisfactory reinstatement of the site.

4. The development, as revised following the submission of further information on 18th December 2025, shall be further amended as follows:

(a) Unit 23 on the fourth floor (as referenced on Drawing no. PL2004; Date 15/12/25; Proposed Fourth Floor) shall be omitted in its entirety.

(b) Unit 35 on the fifth floor (as referenced on Drawing no. PL-2005; Date 15/12/25; Proposed Fifth Floor Plan) shall be omitted in its entirety.

(c) The seventh floor shall be omitted in its entirety (as referenced on Drawing no. PL-2007; Date 15/12/25; Proposed Seventh Floor Plan).

The development hereby approved contains 38 no 1 bed units with the scheme ranging in height from 4 storeys to 7 storeys. The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development.

**Reason:** To protect visual and residential amenity, ensure the building integrates appropriately into the streetscape, and prevent undue impact on neighbouring properties.

5. (a) No material change of use of buildings in the proposed development shall take place without a prior grant of planning permission.

(b) The occupation of the units on site is restricted to persons aged 55 years and older and which shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission.

(c) The proposed accommodation units shall not be sold to private individuals as habitable dwellings.

**Reason:** To ensure occupation of the units is restricted to older persons / occupants

6. The community facility shall be used for purpose's ancillary to the main residential use on the site and shall be managed in accordance with the permitted residential development unless a further permission is granted.

**Reason:** To clarify the scope of the permission

7. Details of the materials, colours and textures of all the external finishes shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The palette of finishes to the rear elevation shall also be reconsidered with a combination of brick and render, with a greater provision of brick.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

8. The glazing to all bathroom windows and as otherwise indicated shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

9. The development shall comply with the following requirements of the Planning Authority:

(a) Prior to commencement of the development, the applicant / developer shall submit revised plans for the written agreement to provide a 1.8m public footpath along the boundary of the site on Forbes Lane. No part of the widened footpath shall be overhung by private development.

(b) Revised boundary treatment along the eastern boundary in order to prevent ad hoc parking in the open area to the front of the vehicular entrance shall be submitted for written agreement.

(c) The proposed footpath area to be taken in charge, as required by the Active Travel Programme Office, including all materials shall be agreed in writing with the Roads Maintenance Division of Dublin City Council prior to commencement of development.

(d) The footpath and kerb shall be dished and new vehicular entrance provided to the requirements of the Area Engineer, Roads Maintenance Division and the Active Travel Programme Office. The dishing shall be removed and kerb reinstated at the location of the existing vehicular entrance, as required.

(e) Details of the materials proposed in public areas is required and shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and agreed in detail with the Road Maintenance Division

(f) Prior to the completion and occupation of the development, the applicant/developer/operator shall submit a revised Residential Travel Plan for written agreement of the planning authority, which clarifies how the gated access to the in-curtilage vehicular set down area shall be managed to ensure access to service, delivery and drop off/pick up activities.

Reason: In the interest of pedestrian and vehicular safety

10.(a) The applicant/developer/operator shall undertake to implement the measures outlined in the Residential Travel Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.

(b) The proposed accessible car parking space shall be equipped with EV Charging.

(c) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access shall be required to resident bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.

(d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of pedestrian and vehicular safety and to promote sustainable transportation.

11. Prior to the commencement of the development, the applicant/developer shall comply with the following requirements:

a) Agree a methodology with the City Archaeologist for the appropriate conservation and repair of the remains of the Liberty Basin to be retained and displayed.

b) Agree the design and location of interpretative signage or artwork to commemorate the Liberty basin and communicate the history of the site.

c) The developer shall retain a suitably qualified license eligible archaeologist to advise regarding the archaeological implications of demolition and construction methodology.

d) The nature, extent, and location of sub-surface archaeological material on the site shall be determined by way of archaeological testing and/or monitoring of site

investigation works. Trial trenches shall be excavated to the top of the archaeological deposits only.

e) The developer's archaeologist shall submit their method statement for testing in advance to the Planning Authority for written agreement.

f) A report containing the results of the archaeological testing shall be submitted on completion to the Planning Authority. Where archaeological material is shown to be present through testing, a detailed Impact Statement shall be prepared. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the report.

g) The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service), shall determine the further archaeological resolution of the site to be agreed in writing. The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

12. 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.

13. 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

14. Prior to the commencement of the development, the developer shall delineate on a map those areas which are to be taken in charge for the written agreement of the Planning Authority. In relation to those areas not to be taken in charge a Management

Company shall be set up. The Management Company shall provide adequate measure for the future maintenance and repair in a satisfactory manner communal open spaces, refuse and cycle storage and all hard and soft landscaped areas, where not otherwise taken in charge by the Local Authority.

The management scheme shall include the community facility, which shall be for the use of residents within the scheme. Any changes to the overall community facility provision shall be agreed within the Planning Authority prior to the first occupation of the development.

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

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

16. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

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Kathy Tuck

Planning Inspector

20<sup>th</sup> May 2026

# Appendix 1

## EIA Pre-Screening

<b>Case Reference</b>	<b>PL-500827-DS-26</b>
<b>Proposed Development Summary</b>	Demolition of all light industrial buildings on site, associated boundary wall and fencing, construction of 51 no. 1 bed apartment units to provide housing for independent living for older residents (55 years plus) and all other associated site works.
<b>Development Address</b>	42 Marrowbone Lane, Dublin 8, D08 FY6W
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	Class 10 (b)(i) Construction of more than 500 dwelling units. Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere

<b>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)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

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

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

Appendix 2

**EIA Preliminary Examination**

<b>Case Reference</b>	<b>PL-500827-DS-26</b>
<b>Proposed Development Summary</b>	Demolition of all light industrial buildings on site, associated boundary wall and fencing, construction of 51 no. 1 bed apartment units to provide housing for independent living for older residents (55 years plus) and all other associated site works.
<b>Development Address</b>	42 Marrowbone Lane, Dublin 8, D08 FY6W
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is much bigger in terms of height compared to surrounding development, but not significantly or exceptionally so.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural	The development is situated in an urban area on a site facing the street and situated adjacent to existing residential properties and commercial premises which is not exceptional in the context of surrounding development.

<p>resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>There are a number of protected structures situated within the vicinity of the site. The localised impacts however would affect the setting and character of the protected structure and not directly impact the structure itself.</p> <p>The development is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p> <p>The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development and works constituting demolition of existing buildings and construction of 51 no. dwellings on serviced land, 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.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

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

## Appendix 3

### Screening the need for Appropriate Assessment

#### **Appropriate Assessment :Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises the demolition of existing structures and construction of 51 no. apartments and all associated site works.

The Planning Authority, within their assessment, stated that having regard to the nature and scale of the proposed development, and the distance to the nearest European site, it is considered that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

#### **European Sites**

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 5 no. of European sites are located within a potential zone of influence of the proposed development.

These are:

- South Dublin Bay SAC (site code 000210).
- South Dublin Bay, the River Tolka Estuary SPA (site code 004024).
- South Dublin Bay pNHA (site code 000210).

There are no direct natural hydrological connections from the subject site to Dublin Bay.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

**Likely impacts of the project (alone or in combination)**

It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development.

With regard to surface water, it is proposed to collect rainfall runoff within the blue roof located at roof level and at upper floor terrace areas. A small allowance of available storage space is available to the North of the site within the profile of the red line and this will consist of an oversized chamber below ground. This will also incorporate the flow control device for the ground floor sections of storage on the site before the system connects to the final foul manhole prior to connecting to the Irish Water Combined network.

All wastewater generated from the new development site is to discharge to the Irish water local wastewater drainage network. All wastewater from the upper levels of the block shall be routed by a piped network and then discharged to the final manhole on the site prior to discharging to the local network.

I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP.

Having regard to the distance separating the site to the nearby Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natura 2000 sites located within the zone of influence.

### **Overall Conclusion**

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 any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development;
- The location of the subject site within the urban context of Dublin City Centre;
- The lack of any direct connections to the nearest Nature 2000 site; and
- Taking into account appropriate assessment screening report submitted with the application.