

DEPUTY PLANNING OFFICER

APPLICATION NO. 3452/18  
PROPOSAL LAW: Planning and Development Act 2000 (as amended). Planning and Development Regulations 2001 (as amended) - Part 8. Applicant: Dublin City Council, Housing & Community Services, Block 1, Floor 3, Civic Offices, Christchurch, Dublin 8. Proposal: Pursuant to the requirements of the above, notice is hereby given of a proposed infill Housing Development including: Removal of the above ground remains of previously demolished structures and construction of a new 5-storey apartment block consisting of 1 no. 1-bed unit, 4 no. 2-bed units, common circulation areas, ancillary areas and all associated site works.

LOCATION 29/30, Fishamble Street, Dublin 8  
APPLICANT Dublin City Council Housing & Community Services Department,, Block 1, Civic Offices,, Wood Quay,, Dublin 8.  
DATE LODGED 06-Jul-2018  
ZONING  
APPLICATION TYPE LAW

**EF/GMG**  
**30/08/18**

**Site Location:**

The subject site is located at 29/30 Fishamble Street, Dublin 8. The site abuts residential buildings to the north and south, with some commercial at ground floor on Fishamble Street. The site also borders the Smock Alley Court courtyard to the east.

**Proposed Development:**

This Part 8 application seeks to develop an infill Housing Development including: Removal of the above ground remains of previously demolished structures and construction of a new 5-storey apartment block consisting of 1 no. 1-bed unit, 4 no. 2-bed units, common circulation areas, ancillary areas and all associated site works.

**Departmental Reports:**

**Drainage Department:** No objection however conditions are recommended.

**Roads:** Conditions recommended

**Archaeology:** Condition attached

**Submissions/ Observations**

*Prescribed Bodies:*

**TII:** No objections to the development, notes that the development is located within the area for an adopted Section 49 Development Contribution Scheme

*Third Parties:* A number of third party submissions have been received within the prescribed period.

Relevant issues within the observations/objections submitted include;

**Martha Rose Howard**

- Lack of Consultation with residents.
- Height and impact of development on the courtyard in Smock Alley .

- Noise and nuisance caused by new balconies.

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**Sheila McDonnell and other residents Smock Alley Court (Submission 1)**

- Impact on the heating system.

**Sheila McDonnell and other residents Smock Alley Court (Submission 2)**

- Overlooking caused by balconies and windows.
- Impact on residential amenity.

**Sheila McDonnell and other residents Smock Alley Court (Submission 3)**

- Scale of the proposal, a smaller separate building would be more suitable.
- Impact on residential amenity.
- Impact on privacy of courtyard.

**L Flynn, Smock Alley Court Block C Residents**

- Impact of development on light and residential amenity.
- Height of the development.
- Impact of Balconies on privacy of residents.
- Impact on heating, water, sewage systems.
- Noise generated.
- Impact on community garden.
- Boundary wall need to be guaranteed.
- Maintenance required on existing development.

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**Rachel Doyle**

- Lack of Consultation.
- Impact of development on light and privacy.
- Dust and Noise during Construction.

**Margaret Cullen**

- Impact of development on light and privacy.
- No light survey.
- Impact of the height of the structure on residential amenity.

**Mark Fahy**

- Impact on residential amenity.
- Impact on privacy.
- Design and scale of building.
- Impact on security.

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**Mary McKenna**

- Impact of development on light and privacy.
- Impact on residential amenity.

**Cllr Mannix Flynn**

- Anti social behaviour in the area is a major issue.
- Unsafe area for children to play due to traffic.
- Need for public realm improvement works.
- Impact on residential amenity/community.

Concerns raised are noted and have been considered by relevant internal sections. A list of those who made submissions is outlined in Appendix 1 of this report.

**Appropriate Assessment:**

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

**Development Plan Policy:**

**QH5:** To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing

appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.

**QH8:** To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

#### **16.10.10 Infill Housing**

Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed.

Infill housing should have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings. Comply with the appropriate minimum habitable room sizes. Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

#### **Assessment:**

This Part 8 application seeks to develop an infill Housing Development at 29/30 Fishamble Street, Dublin 8. The proposal will involve the removal of the above ground remains of previously demolished structures and construction of a new 5-storey apartment building consisting of 1 no. 1-bed unit and 4 no. 2-bed units. Included within the scheme are communal circulation areas, ancillary areas and all associated site works.

The content of the submissions received on this Part 8 proposal are noted and have been considered. It should be noted that this development will deliver 5 no apartments on a site which is currently a vacant plot within the city centre. Access to this apartment development will be via Fishamble Street, and whilst the building addresses the Smock Alley Courtyard to the rear (east), no access is proposed through the site to this courtyard. Although a constrained site, the development proposed maximise the potential on this site with all apartments being afforded dual aspect on an East/West orientation. It is considered that the passive supervision of the courtyard to the rear will only further animate this area from within the setting. It is not considered that any of the 5 no balconies, located on the southern aspect of the units will cause an unacceptable level of overlooking of adjacent properties.

Having regard to the aspect of the development and the existing built fabric in the vicinity of this site, it is considered that and unacceptable level of overshadowing will not arise by virtue of the provision of this development on this Brownfield site which is zoned for residential use within the city centre.

It is considered that the overall design and scale of this development is appropriate on site and will contribute towards the revitalisation of the area, whilst also securing much need housing units within the city centre.

The development accords with stated polices within the City Plan regarding housing provision and development of infill and Brownfield sites. It is further noted that a proposal of this nature will advance key objections as set out in the National Planning Framework which seeks to ensure redevelopment of sites for residential development within the existing city fabric.

#### **Conclusion:**

It is considered that the overall design and scale of the proposal is well reasoned and can be accommodated on site. Therefore, in light of stated policies and objectives in support of developments such as that now proposed, it is considered that the development proposed, in the form provided, is acceptable; the development as proposed is considered to be in accordance with the proper planning and sustainable development of the area.

**Recommendation:**

1. The following requirements of the Council's Drainage Department shall be complied with:
  - a. There is no objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).
  - b. Records of public surface water sewers are indicative and must be verified on site.
  - c. Revised surface water storage calculations must be submitted to the Drainage Division prior to commencement of construction to account for 20% Climate Change as per the "Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment".
  - d. All surface water discharge from this development must be attenuated to two litres per second (per hectare) in accordance Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
  - e. The proposal for the management of surface water as indicated on the drawings submitted shall be amended. The developer shall submit two revised copies of a detailed site plan to the Drainage Division for written approval. These plans shall be submitted not later than the submission of the commencement notice for the development. The main points to note in the revised drawings are:

Provision for storage of storm water, including details of any required attenuation tanks (which also accounts for 20% Climate Change as per the "Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment")

Any required flow restriction devices such that all surface water discharge from this development will be attenuated to two litres per second (per hectare) in accordance Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
  - f. A connection from this development to the public surface water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements. All expense associated with carrying out the connection work are the responsibility of the developer. Developers are not permitted to connect to the public surface water network without written permission from the Drainage Division. Any unauthorised connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway.
  - g. The development is to be drained on a completely separate system with surface water discharging to the public surface water system.
  - h. Discharge of groundwater to the public drainage network may be permitted during construction subject to a trade effluent discharge license being obtained from Drainage Division Council as required by the Local Government (Water Pollution) Acts, 1977 and 1990.
  - i. The development shall incorporate Sustainable Drainage Systems in the form of a green roof for the management of surface water as shown on the drawing titled "Proposed Site Layout Plan with Proposed Roof Plan", drawing number P-101. Full details of these shall be agreed in writing with Drainage Division prior to commencement of construction.
  - j. The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
  - k. All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

Reason: In the interests of orderly development

2. a) Prior to commencement of development, and on appointment of a contractor, a Construction

Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

b) Cycle parking shall be provided to serve the development and shall be secure, conveniently located, sheltered and well lit. Key/fob access should be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.

c) Unless otherwise agreed in writing with the Planning Authority doors to the refuse store shall be inward opening only or roller shutter or folding and shall not open onto the adjoining public footpath.

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.

e) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of orderly development

#### Archaeology

3.(a). No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.

(b) Archaeological levels below the 18th century cellar floors are to be preserved in situ. The design of the foundation and temporary works shall be minimal and not shall exceed a cumulative 5% impact on the overall archaeology across the footprint of the site.

(c). Any 18th century cellars and associated features to be impacted shall be archaeologically resolved by way of archaeological hand excavation.

(d) The project shall have an archaeological impact assessment of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences. The impact assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.

i. The archaeological and historical background of the site, to include industrial heritage.

ii. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc.

iii. The nature, extent and location of archaeological material on site by way of archaeological test trenches.

iv. The impact of the proposed development on such archaeological material.

(e) The archaeologist shall forward their Method Statement in advance of commencement to the City Archaeologist.

(f).Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

g.. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the City Archaeologist in advance regarding the procedure to be adopted in the assessment.

h..A written and digital report (on compact disc) containing the results of the archaeological assessment shall be forwarded on completion to the City Archaeologist. The City Archaeologist (in consultation with The National Monuments Service, Department Arts Heritage and Gaeltacht, shall determine the further archaeological resolution of the site.

i.The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

j. The developer shall make provision for archaeological excavation in the project budget and timetable.

k.Before any site works commence the developer shall agree the foundation layout with the City Archaeologist.

i. Following submission of the final report to the City Archaeologist, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council), and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin 2.

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