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**In compliance with the provisions of Section 179 of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) and in compliance with the provisions of the Local Government Act 2001 and pursuant to the requirements of the above, notice is hereby given of Dublin City Council's intention to carry out the following works:**

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**Application No:** 5387/22

**Proposal:** LAW: Planning and Development Act 2000 (as amended) Planning and Development Regulations 2001 (as amended) - Part VIII

Pursuant to the requirements of the above, notice is hereby given of:  
The phased redevelopment of the existing Constitution Hill Flats bounded by Constitution Hill, Broadstone and Catherine's Lane, in Dublin 7.

The existing 0.76 hectare site currently comprises of three five-storey housing blocks providing 89 homes and a childcare unit which form the Constitution Hill Flats social housing scheme.

The proposed development, which will be managed by Dublin City Council, comprises of:

- Provision of 124 homes (42 x one-bedroomed, 64 x two-bedroomed 18 x three-bedroomed apartments);
  - Provision of a multi-use childcare space.
  - Construction of a new apartment block to the north of the site.
  - Construction of a new apartment block to the south of the site.
  - Construction of 10 duplex mews apartments to the west of the site.
  - Deep retrofit and extension to the three existing housing blocks to include an additional floor and side bay with modifications to all elevations.
  - Building heights ranging from two to seven storeys.
  - Provision of public and private open spaces; ancillary structures and associated site infrastructure works/supporting infrastructure, landscaping, public lighting, revision to access, pavements, boundary treatments and all other necessary enabling works, roads and services.
  - Demolition of the existing substation and pump house on site.
  - Construction of new ESB substation.
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The Local Authority has concluded following a preliminary examination that there is no real likelihood of the proposed development having significant effects on the environment and therefore an EIA is not required.

**Applicant:** Dublin City Council Housing & Community Services Department

**Location:** Constitution Hill, Dublin 7

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**Site Notice:** In order 19/01/2023

**Zoning/Development Plan Policy (2022-2028)**

- The site has zoning objective Z14 – ‘To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use’.
- The site is within a zone of archaeological interest.

**Site Description**

The site is situated on the west side of Constitution Hill which is part of an arterial route leading out of the city, between Church Street and Phibsborough Road. The site is bounded to the south by Catherine’s Lane North, which has an existing five-storey apartment block on its southern side, facing the site. On the northern side there is a two-storey terraced house and two single storey cottages, known as Nos. 3-5 Constitution Hill or 3-5 Catherine’s Lane, which are situated to the southwest of the site, separated from it by an access route leading to the car parking area to the rear of the site. To the north the site is bounded by an existing link road which leads to the existing Dublin Bus depot at Phibsborough to the south and Broadstone bus garage to the north. Further west is Grangegorman TUD campus. The site faces an existing public space at Broadstone Plaza, beyond which is Broadstone Luas stop. To the west the site backs onto Phibsborough bus depot. The site faces the King’s Inns, a protected structure, and its associated open space on the east side of Constitution Hill, with Coleraine Street housing maintenance depot at its southern end. There is a difference in levels along Constitution Hill, which slopes upwards from south to north.

The site has a stated area of 0.76ha (7,600m<sup>2</sup>). The site is occupied by three existing five-storey residential blocks which are in the ownership of Dublin City Council. The blocks were constructed in the 1960s, and have a predominantly red brick façade, with flat roofs with chimneys above, interspersed along a raised copper clad ridge. Each block consists of a small studio type residential unit at ground floor level with two duplex residential units above, with c.30 units per block (a total of 88 units). To the rear is a hard surfaced area running parallel with Constitution Hill. This includes an extensive surface car parking area with perpendicular spaces. Towards the northern end of the area is a children’s play area which comprises a mix of hard and soft landscaping. Entrances to the blocks are from the existing internal courtyard/car parking area, with the individual apartments accessed via walkways at first and third floor levels. The three blocks are arranged in a staggered format with each being angled to face east/southeast to the front and west/northwest to the rear.

The blocks on the site are elevated above Constitution Hill. To the front the blocks are separated from the public footpath at Constitution Hill by an area of soft landscaping, with a low plinth wall and railing above at the site boundary and a further soft landscaped area and a row of trees between the boundary and the footpath. To the south is an overgrown area

which forms part of the site. The site boundary, consisting of a painted brick wall with railing above, partly surrounds this area, with part of the boundary consisting of an outer wall, while there is also an inner wall with railing above. Behind the blocks is a red painted brick wall, which separates the blocks from a footpath and vehicular route, part of which is within the site area, with a palisade gate at the entrance to the car parking area which runs behind the blocks. The site also includes part of the access route leading to the gate.

### **Proposed Development**

This is an application under the Planning and Development Act 2000 (as amended) and the associated Planning and Development Regulations 2001 (as amended) - Part 8, for the phased redevelopment of the existing Constitution Hill flats bounded by Constitution Hill, Broadstone and Catherine's Lane. The existing 0.76 hectare site currently comprises of three five-storey housing blocks providing 89 residential units and a childcare unit which form the Constitution Hill Flats social housing scheme.

The proposed development, which will be managed by Dublin City Council, comprises of:

- Provision of 124 homes (42 x one-bedroomed apartments, 64 x two-bedroomed apartments and 18 x three-bedroomed apartments).
- Provision of a multi-use childcare space.
- Construction of a new apartment block to the north of the site.
- Construction of a new apartment block to the south of the site.
- Construction of 10 duplex mews apartments to the west of the site.
- Deep retrofit and extension to the three existing housing blocks to include an additional floor and side bay with alterations to all elevations.
- Building heights ranging from two to seven storeys.
- Provision of public and private open spaces; ancillary structures and associated site infrastructure works/supporting infrastructure, landscaping, public lighting, revision to access, pavements, boundary treatments and all other necessary enabling works, roads and services.
- Demolition of the existing substation and pump house on site.
- Construction of new ESB substation.

The proposal is for the deep retrofit and extension of the three existing residential blocks on the site, to include an additional floor and side bay with alterations to all elevations, and construction of two new apartment blocks and ten two-storey duplex residential units, described as mews apartments, adjacent to the western boundary. The proposal provides for a total of 124 dwellings on the site.

It has previously been noted that the proposal provides for two phases of development, with the first phase comprising the amalgamation and redevelopment of the existing Block 1 (i.e. the block closest to Broadstone depot), with addition of one storey to provide for a six-storey building, construction of a new seven-storey apartment block at the northern end of the site and construction of two new duplex units, providing a total of 49 residential units. The second phase provides for the redevelopment of the remaining two blocks on the site, with addition of one storey to provide for two six-storey buildings, construction of a new seven-storey apartment block to the south of the site and construction of eight duplex units, providing an additional 75 new dwellings.

The proposal provides for a total of 42 one-bedroomed apartments, 54 two-bedroomed apartments, 18 three-bedroomed apartments and 10 two-bedroomed duplexes, with the proposed height ranging from two to seven storeys, together with a multi-use childcare facility. The proposal also provides for improvements to the public realm, including areas beyond the site boundary at Constitution Hill, to include a new landscaped garden, footpaths and planted areas, together with car and bicycle parking. An ESB substation is proposed at the southern end of the terrace of duplex units adjacent to the western boundary of the site.

## **Planning History**

The site has no known planning history.

## **Pre-Part 8 Consultation**

Pre-Part 8 consultation was undertaken and a pre-Part 8 assessment was carried out by the planning authority prior to lodgement of the application.

## **Observations**

Three third party observations have been received; two from residents of Catherine's Lane and one from the Land Development Agency. Issues raised in the observations include:

- The hours of work between 7am and 6pm on weekdays and 8am to 2pm on Saturdays will result in significant disruption to homeowners on Catherine's Lane;
- Issues with rodents – previous issue during works at Morning Star Avenue has only just been resolved;
- Due to its height, the proposed new building to the south will result in loss of sunlight to all three houses on Catherine's Lane and no skyline assessment has been carried out;
- Overlooking and loss of privacy to residents of Catherine's Lane by windows in the south block;
- Access points to new building, increased footfall and issues with traffic and parking for the southern block, which will restrict access to Catherine's Lane and create additional traffic and noise pollution;
- Devaluation of properties on Catherine's Lane;
- Noise pollution from wind turbines;
- Damage to houses on Catherine's Lane due to the construction of foundations for the southern block;
- Reference to revisions to the existing entrance on Catherine's Lane to include gated pedestrian and vehicular entry – concern in relation to proposal for gated pedestrian access at Catherine's Lane;
- Request to meet with agents to discuss concerns;
- LDA submission is supportive of the redevelopment of the Constitution Hill flats, provided this is considerate of the regeneration potential of the wider Grangegorman and Broadstone area, in particular that of Phibsborough Garage. The interface between the two is at the western edge of the subject site, where a retaining wall runs the length of the boundary. The redevelopment of one parcel of land should not unduly restrict the ability of an adjacent parcel of lands to be developed - locating buildings at the western boundary of the site will require buildings on the adjacent site to be set back from the boundary to ensure privacy and amenity and avoid overlooking and this would result in a significant reduction in the redevelopment potential of the garage site. There is particular concern in relation to the development on the northwestern corner of the subject site due to the siting and design of the proposed new apartment block; the need to offset from the boundary should be shared with adjoining sites.
- A Masterplan led approach would be required to ensure the optimum use of all state lands in the SDRA - the LDA would be happy to work with existing landowners, including Dublin City Council, to ensure that all state lands in the area are optimised to their full potential and ensure delivery of a high quality neighbourhood. Further detailed consideration of the interface between the two sites would not prevent the upgrading of the flats; however, the LDA would welcome further engagement with Dublin City Council to consider the implications of the proposal on the wider redevelopment of the area.

These observations are noted.

## **Interdepartmental Reports**

*Drainage:* Report received; no objection subject to conditions.

*Transportation:* Not received.

*Archaeology:* Report received; note that the site is partially within the zone of archaeological constraint for recorded monument DU018-020 (Historic City) which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994; the site is also within the Historic City as shown on Map L of the current development plan; note development plan policy BHA26 (Section 11.5.5) to protect and preserve monuments, including to protect and preserve sites and zones of archaeological interest which have been identified in the Record of Monuments and Places (RMP) and the Historic Environment Viewer, to protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed and to seek the preservation in situ (or, where this is not possible or appropriate, by record) of all archaeological monuments included in the RMP; the site is on the western side of Constitution Hill which is likely to reflect the position of a routeway of some antiquity; the site was developed prior to 1847 but construction of the existing buildings in the 1960s would have removed much of the historic fabric; however, development from the seventeenth to the nineteenth century may survive at subsurface level as highlighted in the recent excavation of a cobbled and metalled surface dating from the late nineteenth century on the site at Broadstone Plaza to the north of the site; note submitted archaeological assessment which notes the potential for archaeological remains to survive below the surface; including foundations, cellars, street surfaces, plot boundaries etc, so the site is considered to have moderate archaeological potential; as the site is located partially within a recorded monument and the potential for subsurface archaeological material to exist on the site, recommend attaching a condition requiring an archaeological assessment.

*Environmental Health:* Report received; conditions recommended.

## **External Consultees/Interested Parties**

Irish Water

Not received.

Transport Infrastructure Ireland

Received : No observations to make

National Transport Authority

Not received.

Department of Housing, Local Government and Heritage

Not received.

## **Appropriate Assessment**

Under Article 6 (3) of the EU Habitats Directive and Regulation 30 of SI NO.94/1997 "European Communities (Natural Habitats) Regulations (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177(U) of the Planning and Development Act 2000 (as amended).

A pre-Part 8 screening report has been carried out by the applicant and submitted as part of the application. The purpose of this is to determine whether it is necessary to carry out a full Stage 2 Appropriate Assessment. The report notes that the site is not located within, or

adjacent to, any Natura 2000 site including Special Area of Conservation (SAC) or Special Protection Area (SPA). It is concluded that no significant effects are likely to arise to any of these sites as a result of the proposed development, either in itself or in combination with any other plans or projects, and that a Stage 2 Appropriate Assessment/Natura Impact Statement is therefore not required. The Planning Department concurs with this finding.

### **Environmental Impact Assessment**

A preliminary examination and EIA screening were carried out by the applicant. The screening exercise has determined that the characteristics of the proposed development are considered not significant due to the scale and nature of the proposed development and its footprint, which is confined to an area of less than one hectare, the characteristics and sensitivities of the receiving environment and design and mitigation measures that will be implemented as during the construction and operational phases of the proposed development.

It is concluded that, given the scale and nature of the proposed development, and taking account of all available information, the overall probability of impacts on the receiving environment arising from the proposed development (either during the construction or operational phases) is considered to be low, and that no significant environmental impacts will occur once the mitigation measures outlined are implemented. These mitigation measures are representative of standard industry environmental management that are implemented to minimise the impact of projects to the environment. The overall conclusion of the screening appraisal is that, having considered the appropriate criteria, EIA is not required for the proposed development.

Having reviewed the submitted screening information, the planning authority considers that, given the nature and scale of the proposed development, there will be no significant impacts on the environment and an EIAR is therefore not required in this instance.

### **Assessment**

The proposal provides for the phased redevelopment of the existing Constitution Hill Flats, to include a deep retrofit and extension to the three existing housing blocks with provision of additional floor and side bay to each block and alterations to all elevations, construction of a new apartment block to the north of the site, a new apartment block to the south of the site and a block of ten own-door duplex apartments, also referred to as mews dwellings, to the west of the site, with provision of a multi-use childcare space.

The proposal would result in a total of 124 dwellings (42 x one-bedroomed apartments, 54 x two-bedroomed apartments, 10 two-storey own door duplex units and 18 x three-bedroomed apartments) with heights ranging from two to seven storeys. The proposal also includes provision of public and private open spaces, ancillary structures and associated site infrastructure works/supporting infrastructure, landscaping, public lighting, revision to access, pavements, boundary treatments and all other necessary enabling works, roads and services. The proposal also provides for demolition of the existing substation and pump house on site and construction of a new ESB substation.

### National Policy

An objective of the National Planning Framework, which is part of Project Ireland 2040, is that at least half of the future growth of the main cities will be delivered within their existing built-up areas through infill and brownfield development. This should take place in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities. Objectives of the National Planning Framework relate to growth in cities (NPO 2(a)), brownfield redevelopment targets (NPO 3(a), (b) and (c)), provision of attractive, well-designed liveable neighbourhoods (NPO 4), scale and quality of urban development (NPO 5) and increasing residential population and employment in urban areas (NPO 6). In providing for the regeneration and extension of an existing housing site

adjacent to the city centre and to a range of public transport options, the proposal is considered to be in keeping with the objectives of the National Planning Framework.

### Development Plan Policy and Compliance

#### Zoning

Under the current Dublin City Development Plan (2022-28) the site has zoning objective Z14 – ‘to seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use’. Section 14.7.13 of the plan states that Z14 zoned areas are areas where proposals for substantial, comprehensive development or redevelopment have been, or are in the process of being, prepared. A number of these areas relate to important public housing regeneration areas and others relate to former brownfield lands with capacity for significant redevelopment. A number of sites that are zoned Z14 are also identified as Strategic Development Regeneration Areas (SDRAs) and development principles to guide the development of these are set out in Chapter 13. Z14 areas are capable of accommodating significant mixed-use development, of which residential would be the predominant use; developments must therefore include proposals for additional physical and social infrastructure/facilities to support this.

The proposal is for residential development, which is permissible in principle within the zoning, subject to compliance with other development plan standards and with national guidelines for residential development. A multi-use childcare facility is also proposed which is consistent with the zoning.

The site is part of SDRA8 (Grangegorman/Broadstone), which includes the Grangegorman TUD campus and HSE lands and other adjoining lands, including the Dublin Bus garage lands which are zoned Z10 (inner suburban mixed use). The guiding principles for the SDRA, as set out in Section 13.10 of the development plan, are as follows:

- Planning scheme will create a vibrant, high-quality and legible urban quarter, with a clear sense of place.
- Deliver the requirements of the HSE, Department of Education and TU Dublin in an integrated fashion.
- Respect and celebrate the heritage of Grangegorman.
- Reach out to and embrace the existing local community and the future students, service users and staff of Grangegorman.
- Sustainability is a core requirement and the quarter must be both responsive to its current context and development needs, and adaptable to its future context and development needs.
- The quarter will be a centre for innovation and creativity.
- Contribute to the regeneration of the inner city.
- Provide a dynamic new economic engine for the city and region

Section 13.10 also notes that Broadstone is currently a transport hub catering for Dublin Bus maintenance requirements and also maintenance for future vehicle specifications; While there are no proposals to redevelop these lands at present, it is recognised that they have significant potential if some or all of the existing uses were to relocate. Where redevelopment proposals are considered for the site, a Masterplan should be prepared having regards to the constraints, strengths and opportunities of the site and this must be sensitive to the significant built heritage of the lands and the historic urban context surrounding the lands. It is stated that there is potential for two or three locally higher buildings. Development should seek to deliver sensitively designed and sited compact growth with appropriate range of community and recreational spaces.

While the guiding principles relate mainly to the Grangegorman lands which are also the subject of an SDZ planning scheme and there is no specific guidance in relation to the subject site, development on this site can complement the development and regeneration of the Grangegorman campus and other adjoining lands, provide high quality housing and contribution to the regeneration of the area. The site is at the eastern edge of the SDRA and the proposed development would therefore act as a gateway into a new urban neighbourhood.

#### Site Development Standards

The development plan allows for a density of between 100 and 250 residential units per hectare will generally be supported in the city centre and canal ring, with a general presumption against developments of over 300 units per hectare.

The proposal provides for 124 dwellings on a site of 0.76 hectares, which results in a density of 163 dwellings per hectare and is therefore within the range set out in the development plan. Having regard to the location within walking distance of the city centre and c.700m from the north city retail core, and the proximity to a range of public transport modes, including bus (existing bus corridor and proposed BusConnects) and Luas cross city (Grangegorman stop) the proposal is considered to provide for a sustainable residential density.

Indicative standards for plot ratio and site coverage are set out in Appendix 3 of the development plan. The indicative plot ratio is 2.5 – 3.0 in central areas and 1.5 to 3.0 in regeneration areas, while indicative site coverage is 60-90% in city centre areas and 50-60% in regeneration areas. The proposal provides for a stated plot ratio of 2.1 and site coverage of 40%. This accords with the indicative plot ratio for regeneration areas and is below the indicative site coverage for regeneration areas, while also being below the indicative plot ratio and site coverage standards for central areas. In this regard the constraints posed by the existing layout on the site are noted, while the proposal increases the existing site coverage by extending the three existing blocks and providing two new ones, together with a 'mews block' containing ten units.

#### Residential Standards

Section 15.9 of the plan states that all apartment developments should make a positive contribution to the local area in terms of public open space and/or public realm improvements and should provide long term living environments for future residents through quality communal amenity spaces and attractive and sustainable internal units. The departmental guidelines 'Sustainable Urban Housing: Design Standards for New Apartments' (December 2020, as amended) set out specific planning policy requirements for apartment developments, including standards for unit mix, aspect, room sizes and layout, internal storage and private and communal open space.

The minimum floor area for a one-bedroomed apartment as set out in the Guidelines is 45m<sup>2</sup>, for a two-bedroomed apartment is 73m<sup>2</sup> and for a three-bedroomed apartment is 90m<sup>2</sup>. In developments of 10 units or more, the majority of all units must exceed the minimum floor area by 10%. In certain circumstances, a two-bedroomed, three-person apartment with a minimum floor area of 63m<sup>2</sup> may be permitted.

In suburban or intermediate locations it is an objective that there will generally be a minimum of 50% dual aspect apartments in a single scheme. At least 33% of units should be dual aspect in more central and accessible, and some intermediate, locations, defined as on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design. Where there is a greater freedom in design terms it is an objective to have a minimum of 50% dual aspect apartments, while any three-bedroomed apartments should ideally be dual aspect. Where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. Living spaces in apartments



should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. Particular care is needed where windows are located on lower floors that may be overshadowed by adjoining buildings. Dual aspect apartments can include corner units.

It is also a specific policy requirement that the maximum number of apartments per floor per core in apartment developments should be 12. This may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.

The Guidelines require private open space of 4m<sup>2</sup> per unit in the case of studio apartments, 5m<sup>2</sup> per unit for one-bedroomed apartments, 7m<sup>2</sup> for two-bedroomed apartments and 9m<sup>2</sup> for three-bedroomed apartments. A further 4m<sup>2</sup> of communal open space per unit is required in the case of studios, 5m<sup>2</sup> per unit in the case of one-bedroomed apartments, 7m<sup>2</sup> for two-bedroomed apartments and 9m<sup>2</sup> for three-bedroomed apartments. A minimum depth of 1.5m is required for balconies. Internal storage of 3m<sup>2</sup> is required for studio and one-bedroomed apartments, 6m<sup>2</sup> for two-bedroomed apartments and 9m<sup>2</sup> for three-bedroomed apartments with individual storage rooms not to exceed 3.5m<sup>2</sup>.

It is stated that, where an applicant cannot fully meet all of the requirements of the daylight provisions set out, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting. This may arise due to a design constraints associated with the site or location and the balancing of that assessment against the desirability of achieving wider planning objectives.

In relation to unit mix, Section 15.9.1 notes that the Guidelines state that 'housing developments may include up to 50% one-bedroomed or studio type units (with no more than 25% of the total proposed development to be studios). There is no minimum requirement for apartments with three or more bedrooms unless specified as a result of a Housing Need and Demand Assessment (HNDA) carried out by the planning authority as part of the development plan process.

A HNDA has been carried out for the city, which has identified two areas of the city where a different unit mix to that set out in the Guidelines is required, i.e. Liberties and North Inner City, the latter of which includes the subject site. In these areas a minimum of 15% of units are required to have three or more bedrooms, while a maximum of 25-30% of units may be one-bedroomed or studio units. In the case of Part 8 or Part 10 residential developments a different mix may be permitted depending on the specific needs of the Housing and Community Services Department.

#### Public Open Space

Section 15.8.6 notes that all residential development is required to provide for public open space (i.e. external landscaped open space which makes a contribution to the public domain and is accessible to the public and local community for the purposes of active and passive recreation, including relaxation and children's play, in addition to providing for visual breaks within and between residential areas and facilitating biodiversity and the maintenance of wildlife habitats). The public open space requirement for residential developments remains at 10% of the overall site area, with the exception of developments on lands with Z12 and Z15 zoning objectives where a total of 25% public open space is required.

Public open space is normally required to be located on-site, however, in some instances it may be appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. In such cases financial contributions may be proposed towards the provision and

enhancement of open space and landscape in the locality, as set out in the City Council Parks Programme.

### Proposed Layout and Block Configuration

The proposal provides for an additional storey and single bay side extension to each of the three existing blocks, in addition to two new blocks, one at each end of the site and a proposed new 'mews' block on the opposite side of the internal courtyard/walkway, providing a total of 124 residential units. All ground floor units have own-door access, with defensible space comprising planting between the units and public areas to allow for privacy and security.

All of the proposed apartments in the three refurbished blocks are dual aspect 'through' units. Own-door access to ground floor units is from Constitution Hill, with private terraces facing the proposed new central courtyard. Duplex units are proposed at first and second floor levels, replacing existing duplex units which would be refurbished and in some cases amalgamated to provide larger units. Existing walkways/access decks at first floor level facing the internal courtyard are proposed to be widened to provide access to the units, with balconies and terraces fronting onto Constitution Hill. Existing duplexes at third and fourth floor levels are also refurbished, with an additional storey added to provide interlocking duplexes, of which those at third and fourth floor levels are accessed from the existing access deck at third floor level and those at fourth and fifth floor level are accessed from a new fifth floor level access deck.

The staggered layout of the three blocks results in the ground floor units in each block fronting onto a new triangular paved area fronting Constitution Hill, which would provide a more active frontage in this area and help to animate the public realm. Refuse and bicycle stores are also provided at ground floor level in each of the three blocks, with 'through' access.

In the new block to the north of the site the proposed apartments are all corner type units with four per floor, each with a corner balcony. The main entrance to the block faces Constitution Hill at upper ground floor level, fronting a small paved area between the side gable of Block 1 and the northern boundary. A separate entrance leads to the proposed childcare facility at upper ground floor level, with a play area provided in the inner courtyard adjoining this. A car parking area is retained in the courtyard, situated between the proposed play area and the western boundary of the site and accessed via a ramp leading through the northern block. It is stated that the car park is to replace existing residents' car parking. The ramp would also provide access to a bicycle parking area in this block. To the north the block faces Broadstone and the new public space at Broadstone Plaza.

The proposed new southern block has accommodation at lower ground floor level due to differences in levels on the site, with the lower levels of three duplex apartments being situated at this level facing Catherine's Lane North, with plant to the rear. It is stated that these are intended to replicate the pattern of the two-storey houses further west on Catherine's Lane. The lower levels also accommodate plant and bicycle and refuse storage. An entrance at esplanade level leads into the same core as the double height entrance at Constitution Hill, allowing the two levels to be connected.

The southern block projects forward of the building line of Block 3 which is the most southerly of the existing blocks, forming a triangular area within the site boundary which provides access to entrance cores in block 3 and the southern block at ground floor level. It is noted that, following the Pre-Part 8 consultation, the block was repositioned 500m (0.5m) north of its previously proposed position to provide a 1.5m setback from the red line boundary. This setback provides defensible space to the duplex units fronting onto Catherine's Lane. The proposed new block abuts the site boundary with Constitution Hill, with windows providing informal surveillance onto the street and also onto Catherine's Lane.

There is also an access leading directly to Constitution Hill from the southern block at lower ground floor level. At ground floor level, the southern block contains the upper levels of the own-door duplexes and one corner one-bedroomed apartment facing the internal courtyard. Above this the block has four dual aspect corner type units at each level, each with a corner balcony.

The proposal also provides for ten own-door duplex units in a terrace, referred to as the 'mews block', which extends along the western boundary of the site, separated from the boundary by a narrow strip between the block and the boundary wall, which is stated as being for maintenance access only and is accessed via a pedestrian gate. These units are considered as duplex apartments rather than houses, and as such are assessed under the standards for apartments.

The proposed duplex units in this block are all single aspect. Although predominantly east facing, the sawtooth type design to the front allows for side windows facing south at the upper level. Balconies/terraces are situated to the front and also have a south facing element. All of these units are two-bedroomed four person units. Bedroom accommodation is at the lower level and living accommodation at the upper level. Rooflights are provided above the living/kitchen accommodation, which allow for additional natural light without impacting on the development potential of the adjoining Dublin Bus lands.

#### Compliance with Standards

The proposal provides for 124 residential units of which 42 (33.8%) are one-bedroomed apartments, 64 (51.5%) are two-bedroomed apartments or duplexes and 18 (14.5%) are three-bedroomed apartments. This broadly complies with the requirement for the north inner city area as set out in the HNDA. Although the proportion of one-bedroomed apartments at 33% is marginally above the 25-30% specified, this can be permitted having regard to the nature of the proposal as a social housing development involving the refurbishment and extension of an existing social housing development. No studio units are proposed and the provision of three-bedroomed apartments is welcome in this location.

It is noted that a number of two-bedroomed, three person apartments are proposed. These are duplex units situated in the refurbished blocks and are therefore constrained by the existing layout, having a double and a single bedroom. Overall these units have floor areas in excess of the minimum requirement for a four person apartment, and can be considered having regard to the nature of the proposed development as a social housing scheme, the requirements of the applicant in this regard and the constraints posed by the existing layout.

The details submitted confirm that all of the proposed apartments meet or exceed minimum floor area requirements, while 101 of the 124 units (81%) have floor areas which are 10% or more. A number of minor shortfalls are noted in relation to room sizes in the refurbished blocks. As an example, the twin bedroom in the three-bedroomed five person unit 1 is 12.5m<sup>2</sup> while the minimum requirement is 13m<sup>2</sup>. These shortfalls can be considered in the context of the constraints posed by the refurbishment of the existing blocks, where a degree of flexibility is permitted, in addition to the overall floor area and the quality of accommodation provided.

All of the units in the proposed new north and south blocks meet minimum overall floor area requirements. In the case of two of the unit types (the universal design one-bedroomed two person apartment in the north block and the three-bedroomed five person type unit, also in the north block) the floor area of the main bedroom falls slightly short of the minimum requirement; however, overall floor areas exceed the minimum requirement and the apartments are considered to provide for an acceptable quality of accommodation overall. There is also a marginal shortfall in the aggregate living/dining/kitchen areas in two of the two-bedroomed four person type units; however, this is not a concern due to the minor nature of

the shortfall and it is noted that, overall, these units exceed the minimum floor area requirement.

The proposed two-bedroomed duplex apartments in the proposed mews building all have floor areas of 89.8m<sup>2</sup> which exceed minimum requirements.

#### Private Open Space

Private open space is provided to all of the proposed units in the form of balconies or terraces. The majority of these exceed the minimum area requirement. In the refurbished blocks, the three-bedroomed five person Type 3 duplex units have 6.3m<sup>2</sup> balconies which fall short of the 9m<sup>2</sup> required, while the two-bedroomed three-person Type 5 duplex units have 5.3m<sup>2</sup> balconies which fall short of the 6m<sup>2</sup> required. Having regard to the constraints posed by the existing layout and the overall quality of the accommodation provided, some flexibility can be applied in this instance. The remainder of units in the refurbished blocks and all of the units in the proposed new blocks meet or exceed the minimum balcony size requirement. All of the units in the proposed mews block have 7.3m<sup>2</sup> balconies at first floor level which meet the minimum requirement for a two-bedroomed apartment.

#### Communal Open Space

Under the departmental guidelines the communal open space requirement for the proposed development is 820m<sup>2</sup>. Communal open space is provided by way of the proposed internal courtyard/walkway. This is a semi-private courtyard, gated at both ends, which runs parallel to Constitution Hill and separates the refurbished block from the mews block.

The proposed courtyard is 1,672m<sup>2</sup> in area with a maximum width of 13.8m. The space comprises a mix of hard and soft landscaping, circulation and a number of children's play areas, including a gated toddler play area, in addition to the play area for the proposed childcare facility. A 91m<sup>2</sup> ball court, to replace an existing court on the site, is also shown. Excluding the area for the childcare facility, the play areas total c.280m<sup>2</sup>.

Two car parking areas are shown, one accessed from Broadstone through the northern block and one with access from Catherine's Lane North. The submitted documentation states that car parking, waste management and fire tender access have been designed to protect the privacy and amenity of the internal landscaped courtyard.

#### Public Open Space

Section 16.10.3 of the development plan also states that 10% of the site area should be reserved for public open space (i.e. amenity space which is publicly accessible and contributes to the city's network of public spaces). While this should normally be located on site, it is noted that in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity; this would include cases where it is not feasible, due to site constraints, to provide the space on the site, or where the needs of the population would be better served by the provision of a new park elsewhere in the vicinity. In such cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the Dublin City Council Parks Programme.

The proposal is for the refurbishment and extension of an existing social housing development. In these circumstances, where the layout of the proposed development does not allow for the provision of public open space, the refurbishment of the existing social housing blocks and provision of additional units is considered to provide for planning gain to the area and the provision of a contribution in lieu of public open space would therefore not be required. Three new triangular areas of public realm are proposed between the refurbished blocks and Constitution Hill. These would animate the previously dead frontage of the blocks and are considered to be a welcome addition to the public realm.

### Design and Scale

The submitted architect's report notes that the existing buildings on the site, which are to be retained, date from the late 1960s and comprise a mix of red brick and concrete, with mosaic tile embellishment on balconies. The blocks have a stepped design, but are all aligned to face the King's Inns across the street. The existing blocks are described as 'somewhat iconic' social housing in the city, which are landmark structures clearly visible when travelling into or out of the city along Constitution Hill; however, they turn their backs on the street and do not engage with the surrounding historic buildings including the King's Inns and the former Broadstone Railway Station. The proposal provides an opportunity to address this, using the change in levels on the site to provide new areas of public realm and break up the linear nature of the existing development, while providing a new building at either end which bookends the development. The housing blocks will front onto the public street and have main entrances from Constitution Hill, reversing the existing situation where the blocks are accessed from the rear and have unused soft landscaping and boundary railings to the front. Level access is provided to the cores from a raised esplanade, which is further activated by ground floor residential units with their own front doors.

The key design parameters are set out as follows:

- Extension of the height and length of the existing blocks
- New north block with a height of seven storeys and four units per core, situated perpendicular to Block 1 but further north, in order to define the street edge and address the corner at Broadstone
- New south block which is also seven storeys high and has four units per core; this is aligned with the site boundary and at an angle to the existing blocks to widen the gap with Block 3
- Two-storey mews dwellings are aligned with the boundary wall with the Dublin Bus garage, resulting in activity and passive surveillance of the garden;
- Esplanade providing pedestrian access to blocks 1, 2 and 3 and to the southern block
- Private shared open space for residents
- Separate areas of parking provided to the north of the site accessed via an archway at street level of the northern block and via a gate at Catherine's Lane to the south of the site.

The proposed new shared space within the development has a southwesterly aspect, can link up with other green spaces in the vicinity, including those at the King's Inns and on the Grangegorman lands.

A high quality of materials is proposed with a predominantly brick finish in keeping with the brick finish of the existing buildings on the site. The proposed new north and south blocks have brick facades with plaster and stone reveals and surrounds to the windows and a continuous string course extending below the windows on each floor.

### Building Height

The planning authority's height policy is set out in Appendix 3 of the development plan. This notes the provisions of the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) with accompanying Metropolitan Area Spatial Plan (MASP) in relation to urban consolidation and the delivery of new homes and employment opportunities within existing settlements, including on brownfield lands. NPO 13 of the NPF is that:

*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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*

NPO35 promotes: 'increased 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 and increased building heights'.

The development plan aims to ensure consistency with these objectives and with the Urban Development and Building Height Guidelines for Planning Authorities (December 2018) and the specific planning policy requirements (SPPRs) contained within these. These Guidelines favour a performance-driven approach to building height, with no maximum height standard. The guidelines set out specific planning policy requirements (SPPRs) in relation to building height, together with assessment criteria for buildings taller than the prevailing height in an area.

The guidelines recognise the role that height plays in the achievement of compact cities and densification. They note that increased height is a significant component in making the optimal use of sites in urban areas where public transport, employment, services and retail development can achieve a requisite level of intensity for sustainability, and that increased building height is also a factor in assisting modern placemaking and improving the overall quality of our urban environments. The guidelines set out both an area based and performance criteria driven approach. The achievement of height is linked to increasing densities, although it is recognised that increased height does not necessarily mean higher densities. Key locations will include brownfield infill opportunities, old industrial areas, docklands, low density suburban shopping centres and public transport corridors. For sites larger than 2ha a master planning exercise regarding their future development may be required. In driving general increases in building heights, planning authorities shall also ensure appropriate mixture of uses.

Section 3.1 of the development plan states that the main determining factor in considering appropriate heights is the need to create exemplar urban development with attractive streets, spaces and public areas that integrate successfully with the surrounding area. The key factors that will determine height will be:

- Impact on adjacent residential amenities
- The proportions of the building in relation to the street
- Creation of appropriate enclosure and surveillance
- Provision of active ground floor uses
- Provision of a legible, permeable and sustainable layout.

At a European level, best practice examples indicate that appropriate density and layouts that create appropriate street scale and enclosure are achieved with mid-rise typologies of buildings 4 to 8 storeys in height. Scope for taller or landmark feature buildings is generally limited to marking key areas of note. At a strategic level, Dublin City has an intrinsic quality as a predominantly low rise city. There is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. In particular, development proposals must be sensitive to the historic city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic squares and the canals. It is important to protect the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city and create opportunities for place making and identity. Opportunities for height will be promoted on identified sites and in accordance with the performance criteria set out in Tables 3 and 4.

In identifying areas suitable for increased height and density, the general principle is to support increased height and higher density schemes in the city centre, SDRAs, key urban villages, areas close to high frequency public transport and some other areas (as identified) considered

as suitable for increased intensity of development. The Guidelines state that, within the canal ring in Dublin, it would be appropriate to support the consideration of building heights of at least six storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of certain criteria. In considering locations for greater height and density, all schemes must have regard to the local prevailing context within which they are situated. This is particularly important in the lower scaled areas of the city where broader consideration must be given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height. As a general rule, the development of innovative, mixed use development that includes buildings of between 5 and 8 storeys, including family apartments and duplexes is promoted in the key areas identified. Greater heights may be considered in certain circumstances depending on the site's location and context and subject to assessment against the performance based criteria set out in Table 3.

Key criteria which must be demonstrated in all proposals for increased scale and height include:

- Potential contribution to the development of new homes, economic growth and regeneration in line with the compact urban growth principles set out in the NPF and Project Ireland 2040.
- Proximity to high quality public transport connectivity, including key public transport interchanges or nodes.
- Proximity to a range of employment, services and facilities.
- Provision of adequate social and community infrastructure.
- The availability of good walking, cycling and public transport infrastructure.
- Appropriate mix of uses, housing typologies and tenures.
- The provision of high quality public open space and public amenities.
- The resilience of the location from a public access and egress perspective in the event of a major weather or emergency or other incidents.
- That the ecological and environmental sensitivities of the receiving environments have been adequately assessed and addressed.
- Appropriate design response that considers the characteristics of the site, any development constraints and prevailing character.
- Adequate infrastructural capacity.

In general, and in accordance with the Guidelines, a default position of six storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics, heritage/environmental considerations, and social considerations in respect of sustaining existing inner city residential communities. Where a site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities. Proposals for increased height within key sensitive areas of the city including the city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic Georgian core and squares and the canals etc. must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. Heights greater than six storeys within the canal ring will be considered on a case by case basis subject to the performance criteria set out in Table 3. These criteria relate to both enhanced density and scale.

SDRAs are to be the focus of compact growth over the plan period with the objective to facilitate ongoing intensification, infill and compaction. A series of guiding principles has been set out for each SDR (Chapter 13) which promote appropriate heights and local landmarks depending on the SDR location and context. Development proposals that align with these guiding principles will be supported. All proposals for greater height than the prevailing context and intensification in SDRAs must demonstrate compliance with the performance based criteria set out in Table 3. Grangegorman/Broadstone is one of a number of areas which are

considered particularly appropriate for higher buildings and density as per the guiding principles and framework plans set out in Chapter 13. In the case of the Grangegorman/Broadstone SDRA the potential for a 'locally higher building' is shown on the Broadstone bus depot lands to the northwest of the site.

There is also recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors including BusConnects/Core Bus Corridors (CBCs), Luas, Metrolink and DART. It is acknowledged that many sites along such transport corridors are smaller infill sites. Particular regard must be had to ensure that proposals are of a coherent scale and provide a sustainable and viable extension to the existing urban fabric.

Assessment criteria which broadly align with those in the departmental Guidelines have been developed for the city and are set out in Table 3 of Appendix 3. Not all of the criteria would apply to the proposed development, which is within the five to eight-storey range considered appropriate in the SDRA. Criteria which could be considered relevant include:

1. Promote development with a sense of place and character.
2. Provide appropriate legibility.
3. Provide appropriate continuity and enclosure of streets and spaces.
4. Provide well-connected, high quality and active public and communal spaces.
5. Provide high quality, attractive and useable private spaces.
6. Promote a mix of use and diversity of activities.
7. Ensure high quality and environmentally sustainable buildings.
8. To secure sustainable density, intensity at locations of high accessibility.
9. Protect historic environments from insensitive development.
10. Ensure appropriate management and maintenance.

#### Compliance with Height Policy

The site is in an inner city location as defined in the development plan. The proposal provides for a maximum height of 25.1m in the case of the proposed new seven-storey northern block. The proposed new apartment blocks to the north and south of the site are both seven storeys high, while the three existing blocks, which are currently five-storey, would have one additional storey added and would therefore be six-storey, while the proposed new own-door duplex apartments would all be two-storey. Therefore, with the exception of the two new seven-storey blocks, the proposed development would not exceed the default six-storey height within the city, and is within the five to eight storey range set out for identified areas including SDRAs.

It is accepted that the proposed density is not excessive and that many of the performance criteria which apply to both increased height and density are not relevant in this instance. The site is on a public transport corridor (BusConnects) and adjacent to a Luas station (Broadstone) and additional height can be considered on this basis, subject to the requirement that the proposal is of a coherent scale and provides a sustainable and viable extension to the existing urban fabric. It is also considered that the proposal, in refurbishing an existing social housing development with new larger apartment units, replacing dead frontage with entrances and providing frontage to new public spaces, while exploiting the different levels on the site, would make a positive contribution to placemaking and to the regeneration of the area. The



proposal provides for high quality residential units with a shared open space which has a southwesterly aspect. A new childcare facility is also proposed.

The submitted design statement notes that the proposed north block, which is seven-storey in height and 25.1m high, plays a key role in the proposed development by addressing two key historic buildings, i.e. the neo-Egyptian style Broadstone Station and the Gandon designed King's Inns building, with the height of the proposed building relating to the cupola of the King's Inns. The building also addresses the new public space at Broadstone Plaza and helps to give definition to this space. The building will also allow for a transition in height between the existing buildings and the proposed new buildings in the Grangegorman SDZ area, including gateway buildings with heights of five to eight storeys and ten to twelve storey landmark buildings.

The proposed south block is also seven-storey and is 24.65m high. The overall height of the building is lower due to level changes on the site and the design statement notes that it mediates the level change between street level and the proposed esplanade which sits c.3m above ground level at this part of the site.

Contextual elevational drawings and photomontages have been submitted showing how the proposed development, including new and refurbished blocks, would integrate into the surrounding context, including the historic built environment which incorporates the King's Inns, former Broadstone railway station, Royal Canal Harbour and Western Way. It is considered that the proposal will integrate well into its surroundings. The scale and massing as set out in the Masterplan for the Grangegorman SDZ area will have a significant impact on the surrounding context. This includes provision for heights of five to eight storeys with ten to twelve storey tower elements.

#### Sunlight and Daylight

A Sunlight and Daylight Assessment has been submitted demonstrating the impact of the proposal on the surrounding area and setting out whether the proposed new and refurbished units comply with the relevant guidance in relation to sunlight and daylight access to rooms and amenity spaces. The impact on existing dwellings and amenity spaces in the vicinity of the site is also assessed. It is noted that this assessment was carried out prior to the amendments made to the position of the southern block following the pre-Part 8 process. The impact of these amendments is discussed in an appendix to the assessment

The assessment concludes that 93% of residential units meet recommendations for sunlight access. It should be noted that the proposal provides for refurbishment and extension of existing residential blocks, the orientation of which would remain unchanged. Many of the rooms assessed which fall below the minimum recommendation are in the existing blocks. It is noted that all of the proposed residential units in the refurbished blocks are dual aspect, as are most of the units in the two new blocks. The proposed new own-door mews units are predominantly east facing; however, as previously noted, the provision of high level or obscure glazed kitchen windows in the west elevation will help to increase access to evening sunlight without resulting in overlooking.

71% of proposed amenity spaces would meet the recommendation for sunlight access. This is also in the context of the refurbishment and extension of the existing development where the configuration of the main blocks is unchanged. The assessment also notes that the advice given is not mandatory, and is intended to assist rather than constrain the design of the proposed development.

There are currently no residential units immediately to the north or west of the site, while the site faces the King's Inns Park to the east across Constitution Hill, while also facing the junction with Coleraine Street. The closest dwellings to the site are to the south and southwest of the

site at Catherine's Lane North (including Nos. 3-5), Morning Star Avenue and the New Hardwicke apartment development, and to the southeast at Coleraine Street/Linenhall Terrace. The impact on these in respect of visible sky component (VSC) is assessed.

The assessment concludes that in most cases the proposal would have a negligible impact on surrounding residents, while there would be a minor adverse impact on some windows at Nos. 3-5 Constitution Hill and Morning Star Avenue, a minor adverse impact on ten units in the New Hardwicke and a moderate adverse impact on one unit in the New Hardwicke, which is a single aspect, north facing unit. As set out in Section 6.2 of the assessment, the figure for the New Hardwicke applies following the repositioning of the building on foot of the Pre-Part 8 process. The revised figures for the New Hardwicke are set out in an appendix to the assessment. This shows that, while overall the number of units experiencing a minor or moderate adverse impact would remain the same, there would be an improvement in the VSC figure for a number of the units within these categories following repositioning of the block.

In relation to Nos. 3-5 Catherine's Lane North (also referred to as 3-5 Constitution Hill) it is stated that there would be an impact on skylight levels to two of the seven windows assessed due to their location and orientation. The remaining five windows would continue to meet the minimum requirement. There would be no perceptible impact on the amenity spaces assessed.

It is stated that there would be a minor adverse impact on Morning Star Avenue, with an impact on the VSC to two windows, both of which serve a tv room. This room has two other windows which are not significantly impacted on. In all other cases the impacts were found to be negligible.

It is also noted that all of the proposed residential units would meet minimum requirements for clear quality glazing, 100% of typical rooms would meet the minimum requirement for horizontal view angle and 100% of rooms meet the minimum requirement for greater than 6m obstruction distance. 93% of units also meet minimum requirements for exposure to sunlight and 88% of relevant rooms meet the minimum target illuminance recommendation for dwellings in dense urban areas.

#### Other Impacts

The submission from the Land Development Agency raises the issues of the impact on development potential of adjoining lands to west as a result of the proposed northern block in particular.

The proposed development has been designed to preserve the development potential of adjoining lands. In this regard the considerable potential of the adjoining Z10-zoned bus garage site to provide social and affordable housing is recognised. The two-storey duplex block backing onto the site boundary has been designed to have no windows at upper levels facing the boundary. Rooflights are proposed in the western roof plane to provide additional light to living and kitchen areas but these would not result in direct overlooking of the adjoining site.

The northern block (Block A) is a seven-storey block situated in the northwestern corner of the subject site. The block is angled relative to the site boundary, with the separation ranging from 1m to 3m. The block's west elevation, which faces the garage lands, is c.17.4m long and includes two balconies and a number of windows at each level. The balconies are corner balconies and appropriate screening can be provided at the elevation facing west to ensure no overlooking onto the garage lands. Two windows are also provided to the kitchen/dining areas of dual aspect corner units which wrap around the balconies. These windows are secondary windows with the main windows to these rooms facing either north or south. The windows can therefore be obscured to prevent overlooking. There is also one bedroom

window at each level which would overlook the garage lands with a separation of c.2m from the boundary. While this window could not be obscured it is considered that, having regard to the scale of the garage lands, any new development on those lands could be designed to avoid having windows or amenity areas directly facing these windows, without unduly impacting on the overall development potential of the lands.

While Section 13.10 of the development plan refers to the requirement for a Masterplan for the existing lands at Broadstone, referred to as a transport hub, this requirement would appear to relate to the garage sites at Phibsborough and Broadstone, but not to include the lands at Constitution Hill, and there is therefore no requirement for a Masterplan for the redevelopment of the subject site.

### **Conclusion**

Overall the proposal to provide new and refurbished residential units on the site is welcome and in keeping with both national policy and development plan objectives. The proposal provides for a high quality new residential development incorporating refurbishment and extension of the existing 1960s blocks and construction of two new north and south blocks and a two-storey block of own-door units, resulting in a high standard of residential amenity with a sustainable mix of unit types catering for a range of household sizes. The proposal would reverse the existing configuration of the blocks which turn their backs on the public street at Constitution Hill, and would provide frontages to new streets and spaces, including new spaces within the site boundary and the recently developed Broadstone Plaza. It is considered that the proposal is of an acceptable scale and would integrate well into the existing built environment and provide for an acceptable transition in scale between the existing blocks and the scale of new development proposed in the Grangegorman/Broadstone SDZ area and possible future developments on the Phibsborough and Broadstone garage sites. The proposal will also provide new private and communal open spaces and a childcare facility.

The submitted sunlight and daylight assessment shows that some adverse impacts would occur to existing daylight levels on nearby dwellings, including apartments at the New Hardwicke, windows at existing dwellings on St. Catherine's Lane and existing windows at Morning Star Avenue. Having regard to the urban context, it is inevitable that the redevelopment of the site would result in some impacts of this type; however, the proposed design has attempted to minimise such impacts and in the majority of cases the impacts identified are minor or negligible. It is also considered that, subject to mitigation measures, the proposed development would not prejudice the possible future redevelopment for housing of the adjoining Phibsborough garage site.

Having regard to the above, it is considered that the proposal is in keeping with development plan provisions, and with the proper planning and sustainable development of the area.

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development, subject to compliance with the requirements:

### **Recommendations**

1. The following archaeological requirements shall be complied with:
  - a) No construction or site preparation work may be carried out on the site until all archaeological requirements of the Planning Authority are complied with.
  - b) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering

test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues:

- i. The archaeological and historical background of the site, to include industrial heritage.
  - ii. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc.
  - iii. the nature, extent and location of archaeological material on site by way of archaeological testing &/or monitoring of the removal of overburden.
  - iv. The impact of the proposed development on such archaeological material.
- c) The archaeologist shall forward their Method Statement in advance of commencement to the Planning Authority.
- d) 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.
- e) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the Planning Authority in advance regarding the procedure to be adopted in the assessment.
- f) One hard copy and one digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.
- g) 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.
- h) The developer shall make provision for archaeological excavation in the project budget and timetable.
- i)
  - i. Should archaeological excavation occur the following shall be submitted to the Planning Authority:
  - ii. A bi weekly report on the archaeological excavation during the excavation and post excavation *period*.
  - iii. A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation.

- iv. A final report on the archaeological excavations not later than twelve months after the completion of the excavation
  - j) Before any site works commence the developer shall agree the foundation layout with the Planning Authority.
  - k) Following submission of the final report to the Planning Authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council), 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

2. The following environmental health requirements of the Air Quality Monitoring and Noise Control Unit shall be complied with:

- a) It is noted that an outline **Construction Management Plan** has been submitted, but that section 4.2 *Dirt* within the Part 8 Construction & Demolition Management Plan written by Arup states that the Bergerhoff method will be used. This is unwarranted as the report also states that real-time dust monitoring will be in effect and real-time monitoring is considered to be adequate in relation to monitoring for particulate levels. The Construction Management Plan should be revised to take note of this. The plan shall be submitted to, and agreed in writing, by the Planning Authority and the **Air Quality Monitoring and Noise Control Unit**, prior to commencement of development. The unit also welcomes the commitment to ensure the development adheres to this unit's **Good Practice Guide for Construction and Demolition** produced by the **Air Quality Monitoring and Noise Control Unit** of Dublin City Council and the measures implemented for "High Risk" sites.
- b) The outline Construction Management Plan submitted mentions in section 4.4 *Vibration* that criteria adopted for the prevention of cosmetic damage are given in the tables, but this unit's good practice guidance document states that vibration levels must be kept below 1.0 mm/sec (PPV) where possible. Where levels are expected to exceed this value residents must be warned and an explanation given. This should be included in the CMP.
- c) A full asbestos survey of the existing buildings to be demolished should be conducted.

REASON: In the interests of residential amenity and public health.

3. The following requirements of the Engineering Department (Drainage Division) shall be complied with:

- a) The developer shall comply 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. The developer must carry out a comprehensive site survey to establish all public surface water sewers that may be on the site. If surface water infrastructure is found that is not on public records the developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed "as-constructed" drainage layouts for all diversions, extensions and abandonment of public surface water sewers; in both hard and soft copy in an approved format are to be submitted by the developer to the Drainage Division for

- written approval. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- c) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Irish Water's combined sewer system.
  - d) The development shall incorporate Sustainable Drainage Systems (SuDS) in the management of surface water. The proposals contained in the Arup "Drainage and Watermain Planning Report", dated 11 November 2022, shall be implemented in full, and confirmed in writing with Drainage Division prior to the commencement of construction.
  - e) The surface water discharge rate from this development shall be in accordance with the proposals contained in the Arup "Drainage and Watermain Planning Report", dated 11 November 2022.
  - f) An appropriate petrol interceptor shall be installed on the internal drain from the car park unless demonstrated that the permeable paving will provide at least an equivalent level of surface water runoff treatment.
  - g) The surface water collector sewer and associated manholes within the site shall be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. Please refer to SI26 in Chapter 9- Sustainable Environmental Infrastructure and Flood Risk in the Dublin City Development Plan 2022-28.

REASON: In the interests of orderly and sustainable development.

The Central Area Committee as appropriate were informed of the initiation of the Part 8 planning process for the proposed development and the recommendation of the Planning Department at its meetings on the 8<sup>th</sup> November 2022 and 14<sup>th</sup> March 2023 respectively.

The project is being funded by the Department of Housing, Local Government and Heritage.

It is envisaged that construction of Phase 1 will begin in early 2024, with Phase 2 commencing onsite mid-2025, with full project completion and delivery of 124 new homes completed by end of year 2027.

**Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development.**

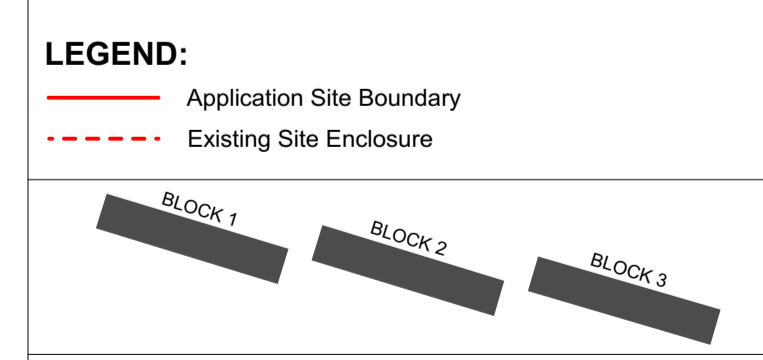
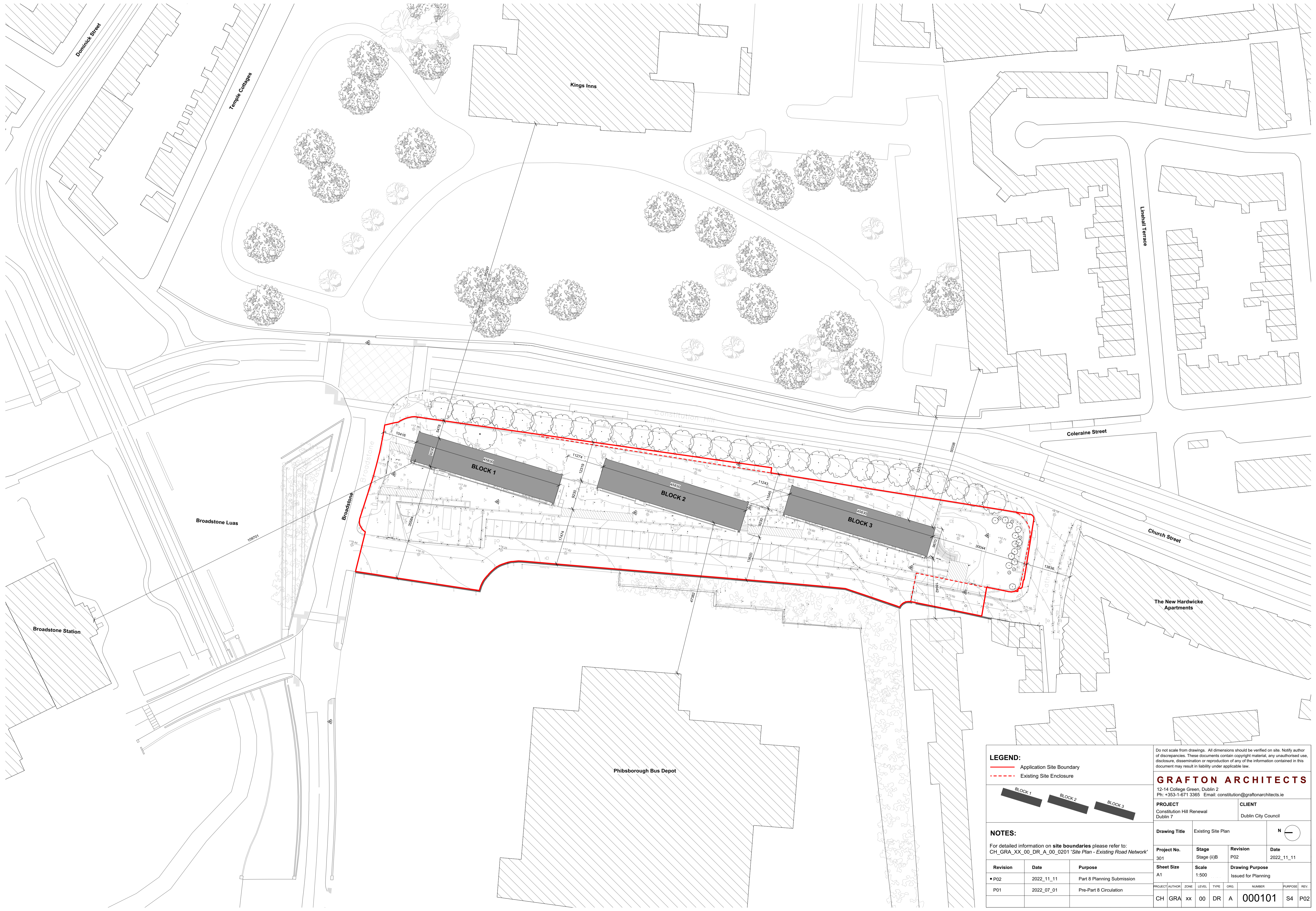
This report is submitted to the City Council pursuant to Section 179 of the Planning and Development Act, 2000 (as amended).

**Resolution:**

That Dublin City Council notes the contents of Report No. 92/2023 and hereby approves the contents therein.

**Owen P Keegan**  
**Chief Executive**  
**22<sup>nd</sup> March 2023**





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**GRAFTON ARCHITECTS**  
 12-14 College Green, Dublin 2  
 Ph: +353-1-671 3365 Email: constitution@grafftonarchitects.ie

<b>PROJECT</b> Constitution Hill Renewal Dublin 7	<b>CLIENT</b> Dublin City Council
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**NOTES:**

For detailed information on **site boundaries** please refer to:  
 CH\_GRA\_XX\_00\_DR\_A\_00\_0201 'Site Plan - Existing Road Network'

<b>Drawing Title</b> Existing Site Plan	<b>N</b>
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<b>Project No.</b> 301	<b>Stage</b> Stage (ii)B	<b>Revision</b> P02	<b>Date</b> 2022_11_11
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<b>Revision</b>	<b>Date</b>	<b>Purpose</b>	<b>Sheet Size</b> A1	<b>Scale</b> 1:500	<b>Drawing Purpose</b> Issued for Planning
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• P02	2022_11_11	Part 8 Planning Submission
P01	2022_07_01	Pre-Part 8 Circulation

PROJECT	AUTHOR	ZONE	LEVEL	TYPE	ORIG.	NUMBER	PURPOSE	REV.
CH	GRA	XX	00	DR	A	000101	S4	P02