



An
Bord
Pleanála

Inspector's Report

ABP-321833-25

Development

Change of use from school building to 9 apartments and all associated site works.

Location

Rear of 115-117 The Coombe, to the rear of BIMM Music Institute, Dublin 8.

Planning Authority

Dublin City Council South.

Planning Authority Reg. Ref.

WEB2522/24.

Applicant(s)

Minehill Partnership.

Type of Application

Planning Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party.

Appellant(s)

Minehill Partnership.

Observer(s)

1. Geraldine Gough.
2. BOM St. Brigid's National School.
3. Deirdre Cronin.
4. BIMM Music Institute Dublin.

Date of Site Inspection

16th day of May, 2025.

Inspector

Patricia M. Young.

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1.0 Site Location and Description

- 1.1. The rear of No.s 115 to 117 The Coombe, the appeal site is an irregular rectangular shape and has a stated 0.059ha area with a north south orientation. It lies behind a collection of buildings in use by the British & Irish Modern Music (BIMM) building, in the inner Dublin neighbourhood of The Liberties, Dublin 8. The site is accessed from the public domain of The Coombe (R110) from a restricted in width laneway that runs alongside the western boundary of the larger site of No.s 115 to 117 The Coombe to the immediate east of the R110's junction with Saint Luke's Avenue, c118m to the west of its junction with the R137 and is c1km to the south west of Dublin's historic centre.
- 1.2. The said laneway provides access to the main BIMM building and lies to the immediate east of tall period boundary wall that provides separation from St. Brigid's Primary School campus which lies to the immediate west of the larger plot associated with No.s 115 to 117 The Coombe.
- 1.3. At the time of the site inspection the site was in use by Pallas Projects/Studios with the main building predominantly subdivided into a number of studio spaces and with WC's/storage accommodated in a single storey block attached to the south western corner of the main two storey building. This latter structure provides access to a modest overgrown rear yard area. The main two storey flat roofed brick period building is attractive and despite the additions on its western elevation is highly intact. These additions consist of various projecting structures including a single storey structure which is integrated with an enclosed staircase providing separate connection to its upper floor level through to projecting canopies.
- 1.4. The building which was previously part of St. Bridget' Primary School campus and internally maintains a highly intact built form including a number of its original features from period staircases, panelling, architraves, and the like. The interior spaces associated with its current use comprise of non-permanent physical separation to accommodate several workshops for artists with the tall wide windows providing qualitative internal light into these spaces particularly at first floor level.
- 1.5. The eastern elevation adjoins the rear courtyard of the mainly six storeys in built form but graduating to include a single storey rear addition Hyatt Centric Hotel. At this point, the eastern elevation contains attractive tall and wide period windows overlooking this

adjoining courtyard space. These windows together with that contained in the southern elevation have views also onto the residential scheme of New Row Place. The north and south elevations are modest in their depth with both levels containing window openings. The southern elevation and western elevation have views onto the adjoining residential scheme of New Row Place, New Row Square, and the new campus of St. Brigid's Primary School.

- 1.6. The space between the western elevation and the said modest two storey brick building to the north as well as the attached single storey WC/Storage building is surfaced with tarmac. There are some *ad hoc* natural features contained in the rear yard area but the main spaces within the site are covered with non-permeable surfaces. Of note the western boundary wall, which provides separation with the adjoining St. Brigid's National School campus, is tall and solid. Though painted over it is like the mainly stone material composition of the western perimeter boundary wall and is likely to be of significant age.
- 1.7. Access to the site is via a modest in width pedestrian tall solid gate which opens onto the end of the laneway. At this point there is a storage structure which appears to function in providing storage of bins.
- 1.8. The surrounding area has a mixed use character though the land use to the south of the urban block that the site forms part of is predominantly residential in its functional use.

2.0 Proposed Development

- 2.1. Planning permission is sought for the refurbishment, extension and change of use of the former school building to accommodate 9 no. own-door apartments. The proposed development includes:
 - A second-floor roof level extension increasing the building from 2 to 3 storeys (Note: Additional height will be a maximum of c.2.45m above the existing parapet).
 - Residential accommodation comprising of 1 no. 1-bedroom and 8 no. 2-bedroom units (Note: the given density of this scheme is 152 units per hectare). The following table sets out the unit mix in further detail:

Table 1

Unit Labelled:	No. of Units	No. of Bedrooms	Unit Floor Area (m ²)
1 Ground Floor	1	1	58.7
2 Ground Floor	1	2	79.9
3 Ground Floor	1	2	81.4
4 to 9 located at 1 st and 2 nd Floor Levels	6	2	81.2

- 3 no. ground floor units with private gardens and 6 no. duplex units at first and second floors with balconies accessed via 3 no. new external stairs. The proposed new external stairs would provide direct access to the upper-level units via new balconies attached to the first floor.
- Pedestrian and cycle access via the existing shared access laneway adjacent to BIMM Music Institute.
- Demolition of existing non-original ground floor extensions, canopies, and stairway.
- Reinstatement of original fenestration configuration with some alteration of openings to accommodate apartment entrance doors.
- Communal open space, bin, bicycle storage (Note: 22 spaces), PV panels and all associated site development works and services.

- 2.2. According to the submitted planning application form the gross floor space of existing buildings on site is 535m²; the gross floor space of proposed works is 317m² (Note: notes that this is in existing 'Art Studio' use); the gross floor space of work to be retained is 475m² and the gross floor space of demolition is 60m². It also sets out that the communal private open space would consist of a mainly grassed area 50.4m², a secondary grassed areas 32m², a barbeque and seating area; no car parking spaces are proposed, a new connection to public mains water and foul drainage is proposed and surface water drainage would be via the public sewer/drain.
- 2.3. This application is accompanied by an Architectural and Development Report, a Planning Report, and a Drainage Design Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 14th day of January, 2025, Dublin City Council refused permission for the proposed development for the following stated reasons:

- “1. *The proposed residential apartments do not have any relationship to the existing function or operational viability of the primary institutional/social/community use on these lands. The applicant has failed to demonstrate therefore that the proposed development is required in order to maintain or enhance the function/ operational viability of the primary institutional/social/community use on the lands. It is considered that the site would therefore not be in accordance with the objectives and requirements set out in Section 14.7.14 of the Dublin City Development Plan 2022-2028 for residential development on lands zoned for Community and Social Infrastructure under Land-Use Zoning Objective Z15 and as such is contrary to the proper planning and sustainable development of the area.*
2. *It is policy of Dublin City Development Plan 2022-2028 (Policy CU2) to ensure the continued development of Dublin as a culturally vibrant, creative and diverse city with a broad range of cultural activities provided throughout the city, underpinned by quality cultural infrastructure. Furthermore, it is an objective of the Plan that where applications are seeking to demolish or replace a cultural space/use, the development must re-accommodate the same or increased volume of space/use or a similar use within the redevelopment (Objective CU026). The applicant has failed to demonstrate how the existing cultural use at this location can be re-accommodated. The proposed development would therefore set an undesirable precedent for other similar developments and as such, would, be contrary to the proper planning and sustainable development of the area”.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority's Planning Officer's report (03.01.2025) is the basis of the Planning Authority's decision. It includes the following comments:

- The use of the site is linked to the educational use of these 'Z15' lands.
- Residential development is only considered in 'Z15' zoned lands in highly exceptional circumstances which this proposed development does not demonstrate.
- The proposed residential scheme would not have any relationship with the primary institutional/social/community use of this parcel of 'Z15' zoned lands.
- The primary use on the land within the red line boundary is cultural use and the proposed development would give rise to a loss of cultural space within the city. Whereas the Development Plan seeks to protect such spaces within the city.
- Where applications are made to replace a cultural space/use, the development must re-accommodate the same or increased volume of space/use or a similar use within the redevelopment. This is not provided for in this scheme.
- The quality of the units and the associated open spaces in terms of daylight and sunlight received is not quantified.
- No AA or EIA concerns arise.
- Recommends refusal.

3.2.2. Other Technical Reports

Transportation Planning Division report dated the 13th day of December, 2024, included the following comments:

- The intensification of vehicular use of the laneway serving the site is not supported. This is based on traffic hazard, substandard nature of the land and restricted sightlines onto the public road network.
- Measures to restrict vehicular access on the laneway should be provided.
- It is not clear if adequate fire tender access is possible.
- Though the quantum of cycle spaces is acceptable their quality is substandard.

- Given the constraints of the access laneway, it is not clear that the proposed construction works associated with the proposed development can be safely delivered.
- Concludes with a request for further information.

Archaeology Section Report, dated the 9th day of December, 2024, included the following comments:

- The proposed development is within the zone of archaeological constraint for the Recorded Monument (RMP) DU018-020 (Historic City) which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994.
- The site is within the 'Historic City as depicted in Map L of the Development Plan.
- Archaeological excavations at No.s 118-128 The Coombe, uncovered significant archaeological material dating from the 11th to 13th centuries, preserved below the post-medieval buildings and gardens that once occupied the site.
- Given the level of preservation of archaeological material found on the neighbouring sites, the archaeological potential of the subject site would be considered high, however, minimal nature groundworks are proposed, therefore the potential archaeological impact is low.
- No objection is raised subject to the imposition of a recommended archaeological condition.

Engineering Department - Drainage Division (03.12.2024): No objection, subject to standard safeguards.

3.3. Prescribed Bodies

- 3.3.1. **Transport Infrastructure Ireland (TII):** This submission request that if permission is granted that a Section 49 Luas Line Levy be imposed.

3.4. Third Party Observations

- 3.4.1. 6 No. Third Party Observations received. I consider that the core issues raised in these submissions correlate with those raised by Third Party Observers in their submissions to the Board which are summarised under Section 6 of this report below.

4.0 Planning History

4.1. Site – Recent and/or Relevant

P.A. Ref. No. 0002/22: On the 31st day of January, 2022, the Planning Authority issued a Declaration that the proposed development is **NOT EXEMPT** from the requirement to obtain planning permission under Section 32 of the Planning & Development Act 2000 (as amended) for the following reason: *“the works which comprise the conversion of former school building to 6 no. apartments are not deemed exempted development within the meaning of the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. 30 of 2018) amends Article 10 of Planning & Development Regulations 2001 (S.I. 6000 of 2001)”*.

P.A. Ref. No. E0633/18 (Enforcement): Alleged change of use of rear yard to music venue - case closed.

4.2. Setting – Recent and/or Relevant

P.A. Ref. No. 3683/16 - No. 115-117 The Coombe, Dublin 8: On the 3rd day of November, 2016, permission was **refused** for the erection of a double sided back-lit sign fixed to front elevation of the building. The main reasons for refusal considered that the proposed development would adversely effect on the established character of an historic structure and that it would set a precedent for the provision of excessive projecting signage on commercial buildings in a manner contrary to the proper planning and sustainable development of the area.

ABP- PL29S.246728 (P.A. Ref. No. 2564/16) - No.s 118-128, The Coombe, Dublin 8 (Note: this site bounds the southern boundary of the appeal site): On appeal to the Board permission was **refused** for the demolition of existing structure and construction of 263 bed hotel and ancillary works to include repair to Fallon’s pub (Protected Structure) on the basis of the overdevelopment, visual amenity, built heritage and residential amenity reasons and considerations. Decision date: 12/10/2016.

ABP 310755-21 (P.A. Ref. No. 2587/21) – No. 72 to 74 Francis Street, Dublin 8 (Note: this site is located c85m to the north east of the main appeal site area as the bird would fly): On appeal to the Board permission was **refused** for the demolition of No. 73-74 Francis Street and No. 72 Francis Street with the exception of

the façade, which is to be refurbished. Construction of a replacement facade of 74 and 73. Seven storey over basement level mixed-use building comprising 24 apartments. The primary concerns set out in the two given reason and considerations for refusal related to built heritage concerns arising from the proposed development. Decision date: 02/09/2022.

5.0 Policy Context

5.1. Development Plan

5.1.1. The **Dublin City Development Plan, 2022-2028**, is the operative plan, under which the site forms part of a larger parcel of land zoned 'Z15 - Community and Social Infrastructure'. The stated objective for 'Z15' zoned land is: *"to protect and provide for community uses and social infrastructure."* Permissible land uses include 'residential institution' and 'assisted living/retirement home'.

5.1.2. Section 14.7.14 of the Development Plan sets out in detail the vision for 'Z15' zoned land and provisions for what is deemed to be appropriate development thereon. It indicates that the Council are: *"committed to strengthening the role of Z15 lands and will actively discourage the piecemeal erosion and fragmentation of such lands. The following paragraphs sets out the criteria for: A) Development on Z15 lands B) Development Following Cessation of Z15 use"*. The following is noted:

- A: Development on Z15 Lands: *"Limited residential/commercial development on Z15 lands will only be allowed in highly exceptional circumstances where it can be demonstrated by the landowner/applicant that the proposed development is required in order to maintain or enhance the function/ operational viability of the primary institutional/social/community use on the lands. The following criteria must also be adhered to:*
 - *In proposals for any limited residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.*
 - *Any such residential/commercial development must demonstrate that it is subordinate in scale to the primary institutional/social/community use.*

- *Where appropriate, proposals should be subject to consultation with the relevant stakeholder e.g. Department of Education/Health Service Executive.*
- *The development must not compromise the open character of the site and should have due regard to features of note including mature trees, boundary walls and any other feature(s) as considered necessary by the Council.*
- *In all cases, the applicant shall submit a statement, typically in the form of a business plan, or any other relevant/pertinent report deemed useful and/or necessary, as part of a legal agreement under the Planning Acts, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands.*
- *In all cases the applicant shall be the landowner or have a letter of consent from the landowner”.*
- *Of further note: the Development Plan indicates that the above criteria do not apply to residential institution use or assisted living/retirement home.*
- *B: Development Following Cessation of Z15 Use: The Development Plan states: “the cessation of an existing Z15 institutional/social/community use on a site or change in land ownership does not extinguish/ negate the purpose of these lands for community and social infrastructure use. It is the objective of the Council that such lands should be retained for a use in accordance with the zoning objective unless exceptional circumstances prevail”. It also states: “in such circumstances, (i.e. cessation of use on a Z15 site or disposal of all or part of a Z15 site), a variation or material contravention to the development plan will be required to develop such lands for residential/commercial purposes”.*
- *Masterplan Requirement: The Development Plan states: “in either scenario A or B, it is a requirement that for sites larger than 1ha that a masterplan is provided. The masterplan must set out the vision for the lands and demonstrate that a minimum of 25% of the overall development site/lands is retained for open space and/or community and social facilities. This requirement need not apply if the footprint of existing buildings to be retained on the site exceeds 50% of the total site area”. It also states: “the 25% public open space shall not be split up, unless site characteristics dictate otherwise, and shall comprise mainly of soft landscaping suitable for recreational and amenity purposes and should contribute to, and create linkages with,*

the strategic green network. Development proposals must incorporate landscape features that contribute to the open character of the lands and ensure that public use, including the provision of sporting and recreational facilities which would be available predominantly for the community, are facilitated”.

- 5.1.3. Section 15.8.6 of the Development Plan under Table 15-4 sets out the public open space requirements for residential development for ‘Z15’ zoned lands at a minimum shall be 25%.
- 5.1.4. Section 15.9.8 of the Development Plan deals with the matter of Communal Amenity Space and states that: *“all new apartment developments are required to provide for communal amenity space externally within a scheme for the use by residents only. Communal open space provision is in addition to any private or public open space requirements”*. It states that: *“communal amenity space must be clearly defined and distinguished within a scheme and clearly identified as part of any planning application. The communal amenity areas should be of high landscape quality and provide for adequate daylight and sunlight access throughout the year. The communal amenity area should be functional and usable to a range of activities”*. In relation to refurbishment or infill sites it sets out a requirement of up to 0.25 ha communal amenity space. However, it indicates that the communal amenity requirements may be relaxed on a case-by-case basis. Additionally, this section of the Development Plan also states in relation to private amenity that the minimum areas are set out in Appendix 1 as well as Section 4.10 to 4.12 of the Sustainable Urban Housing: Design Standards for New Apartments.
- 5.1.5. Figure 13-15 of the Development Plan shows that the site is within the SDRA 15 Liberties and Newmarket Square boundaries.
- 5.1.6. Section 13.17 of the Development Plan sets out that this SDRA 15 corresponds to the area defined by the Liberties Local Area Plan 2009 and that this SDRA seeks to incorporate relevant elements of this now expired LAP, as appropriate. It states: *“while considerable urban consolidation and regeneration of the Liberties area has occurred in recent decades, significant opportunities for regeneration and enhancement still exist, as identified in the guiding principles for this SDRA”* and that *“it is an objective of the plan to recognise the unique role the Liberties plays in Dublin’s character and to ensure that regeneration safeguards the Liberties’ strong sense of community*

identity and cultural vibrancy into the future". This section of the Development Plan also sets out the guiding principles for this SDRA.

- 5.1.7. Policy BHA24 of the Development Plan states that: *"City Council will positively encourage and facilitate the careful refurbishment of the historic built environment for sustainable and economically viable uses and support the implementation of the National Policy on Architecture as it relates to historic buildings, streetscapes, towns and villages, by ensuring the delivery of high quality architecture and quality place-making"*.
- 5.1.8. Chapter 3 'Climate Action' sets out a strategic approach to integrate climate mitigation and adaptation principles to ensure Dublin becomes a low carbon and climate resilient city.
- 5.1.9. Policy CA6 of the Development Plan seeks *"to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible."*
- 5.1.10. Policy QHSN10 of the Development Plan sets out that the Planning Authority will seek to promote sustainable densities with consideration for design standards and the surrounding character. It refers to Appendix 3 of the Development Plan which it sets out provides guidance on urban density, compact growth, building height, plot ratios and site coverage.
- 5.1.11. Section 15.9.14 of the Development Plan states out that: *"all residential developments should include a building lifecycle report that sets out the long term management and maintenance strategy of a scheme"*.
- 5.1.12. Section 4.5.3 of the Development Plan states that: *"there will be continued consolidation of the city to optimise the efficient use of urban land"; "the goal is to provide for a compact city with attractive mixed-use neighbourhoods, a variety of housing types and tenure, adequate social and community infrastructure and adaptable housing, where people of all ages will choose to live as a matter of choice"; and: "there will also be an increased focus on creating an enhanced green infrastructure network as a key mechanism for addressing climate change and providing for quality recreation, biodiversity, sustainable drainage and decarbonisation as an integral part of the city form and structure"*.

- 5.1.13. In keeping with this Policy SC11 of the Development Plan seeks to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands which are appropriate to their context and respect the established character of the area.
- 5.1.14. Policy SC12 of the Development Plan states: *“to promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods”*.
- 5.1.15. The Development Plan includes several policies addressing and promoting apartment developments. These include policies: QHSN36, QHSN37, QHSN38 and QHSN39.
- 5.1.16. Chapter 6 of the Development Plan states that: *“the focus of the strategy for the inner city and its immediately surrounding neighbourhoods within the canals will be to encourage balanced economic investment with an increased focus on liveability, enhanced public realm and mobility measures. The city centre will retain and build upon its existing role as one of Ireland’s most important employment areas with a mix of office, retail, residential, tourism related and cultural activities”*. This chapter includes the following policies:
- CEE20 – Vacant Sites: *“(iv) To promote and facilitate the use, including the temporary use, of vacant commercial space and vacant sites, for a wide range of enterprise including cultural uses”*.
 - CEE34 – Craft Enterprises: *“... to promote Dublin city centre as a destination for such creative industries and for the cultural and artistic sectors”*.
- 5.1.17. Chapter 12 of the Development Plan deals with the matter of Culture. Section 12.1 states: *“as recognised in the Government policy document Culture 2025, participation in cultural activities can contribute to social cohesion, reduce isolation and enrich all our lives. Cultural infrastructure is a key social asset that must be planned for in the same way as we do for our water supply, our transport, our parks and our built heritage”*. Additionally, Section 12.3 states: *“the impact of both local gentrification and City wide economic growth, creates demand for spaces and raises the cost of land. This can have negative impacts on the affordability to live in the city for those in the creative arts and also in relation to affordability and accessibility to larger type spaces needed to undertake art and cultural expression”* and that: *“there is a challenge in protecting the arts and cultural assets of the city whilst allowing sustainable growth;*

and in expanding the range of spaces and places available to allow the pace of cultural growth match our population growth". The following policies are noted:

- CU1 - Shared Vision for Culture: *"To lead and support the development of a shared vision for culture in the city in collaboration with cultural institutions and other cultural bodies in recognition of their key role and contribution to the cultural life of the city"*.
- CU2 - Cultural Infrastructure: *"To ensure the continued development of Dublin as a culturally vibrant, creative and diverse city with a broad range of cultural activities provided throughout the city, underpinned by quality cultural infrastructure"*.
- CU4 - Cultural Resources: *"To support the development of new and expanded cultural resources and facilities within the city that enrich the lives of citizens and visitors"*.
- CU7 - Cultural Clusters and Hubs: *"To support existing, and encourage the growth of, emerging cultural clusters and hubs within the city"*.

5.1.18. Chapter 12 also includes objective CUO12 which states that the City Council in relation to cultural spaces in Dublin 8 will seek: *"to deliver a number of new cultural spaces and artists workspaces in the Dublin 8 area"*. (Note: In relation to Dublin 8 Chapter 12 states: that: *"the south central area of the city, with its wealth of historical, industrial, crafts and military heritage, has grown in importance as a cultural cluster within the city. A number of recent projects have and are being delivered in the area, making important interventions to support the growth of this area as an emerging cultural hub"* and that: *"the area also contains a number of high profile cultural and tourism destinations"*. The following objectives are also noted:

- CUO14 - Dublin 8 Regeneration: *"To ensure that the wider regeneration of Dublin 8 contributes to the cultural assets of the community with new spaces"*.

5.1.19. Section 12.5.3 of the Development Plan deals with the matter of supporting cultural vibrancy in the city. It includes the following objectives:

- CU16 - Temporary Use for Cultural Provision: *"To facilitate the temporary use of underused sites or buildings for artistic or cultural provision"*.
- CUO26 - Demolition or Replacement of a Use of Cultural Value: *"Where applications are made seeking to demolish or replace a cultural space/use, the*

development must re-accommodate the same or increased volume of space/use or a similar use within the redevelopment. Cultural uses include”... “artist studios”.

5.1.20. Other relevant sections of the Development Plan include the following:

- Chapter 2 sets out the Development Plans Core Strategy.
- Sections 4.5.5 and 4.5.6 of the Development Plan -Urban Design, Architecture, and the Public Realm.
- Section 9.5.1 – Water Supply and Wastewater.
- Section 9.5.4 – Surface Water Management and Sustainable Drainage Systems.
- Chapter 11 of the Development Plan deals with Built Heritage.
- Section 15.4 – Key Design Principles.
- Section 15.5 – Site Characteristics and Design Parameters.
- Section 15.9 – Apartment Standards.
- Section 15.9.15 – Operational Management and Maintenance.

5.2. Other – Development Plan Appendices

5.2.1. The following are relevant:

- Appendix 1 sets out the Housing Strategy.
- Appendix 3 ‘Achieving Sustainable Compact Growth’.
- Appendix 5 ‘Transport and Mobility’ expands on the Sustainable Movement and Transport Framework.
- Appendix 16 outlines guidance and standards in relation to ‘Sunlight and Daylight’.

5.3. Regional Policy

- Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy, 2019-2031, (EMRA-RSES): This Strategy supports the implementation of The National Planning Framework (NPF). The RSES provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), through to Climate Action Strategy. Of note:

- Dublin MASP is an integrated land use and transportation strategy for its metropolitan area.
- Regional Policy Objective (RPO) 3.2: Promotes compact urban growth, targets at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 3.3: sets out that Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill/brownfield regeneration sites including the provision of increased densities in keeping with national policy.
- RPO 4.3: supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area as well as to co-ordinated such development with the delivery public infrastructure.

5.4. National Policy

- Project Ireland 2040 - National Planning Framework (NPF), 2018-2040, as revised. This document sets out the Governments strategic national plan for shaping the future growth and development of Ireland for the period up to 2040. Of note National Strategic Outcome 1 (NSO 1 - Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up urban areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.
- Housing for All – A New Housing Plan for Ireland to 2030, 2021: The government’s housing plan to 2030. It aims to improve Ireland’s housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024.
- Architectural Heritage Protection Guidelines for Planning Authorities, 2011.

- Climate Action Plan, 2025.
- National Sustainable Mobility Policy, 2022.
- Places for People – the National Policy on Architecture, 2022.
- Culture 2025 - A National Cultural Policy Framework.
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, 2003.
- National Biodiversity Action Plan, (NBPA), 2023-2030.
- Cycle Design Manual, NTA, 2023.

5.5. Built Heritage

5.5.1. Setting

There are two NIAH listings relating to No. 116 The Coombe, both buildings together with their surviving curtilage bound the northernmost red line area of the site. Their NIAH details are provided below:

- **BIMM Dublin, No. 116 The Coombe - NAIH Reg No. 50080640.**

Rating: Regional

Categories of Special Interest: Architectural, Historical and Social

Description: *“Attached gable-fronted three-bay three-storey former convent with attic accommodation, built 1895, having two-bay three-storey west elevation. Now in use as college. Pitched slate roof with raised barge to front (north) elevation having dressed stone coping and carved stone cross finial to apex. Moulded brick eaves course to west elevation. Recent rooflights. Red brick laid in Flemish bond to walls, with granite plinth course. Square-headed window openings with flush granite lintels, bull-nosed reveals and red brick block-and-start surrounds. Sills set within continuous flush granite sill courses to first and second floors and chamfered*

granite sill course to ground floor. Sill courses carried across western elevation in yellow brick. Tudor-arched porch opening with carved granite surround, label moulding and steps, having granite crest over. Tudor-arched door opening set within porch, having moulded surround and timber battened door with decorative strap hinges. Wrought-iron railings with cast-iron heads on granite plinth wall continuing around front site.”

Appraisal:

“This former convent is part of a well-built group of religious and educational buildings at the junction of the Coombe and Cork Street. The building now functions as a college, the convent having moved to the north side of the Coombe. Constructed to the designs of William Henry Byrne, the foundation stone was laid in 1895. It is an important contributor to the street’s historic character having survived significant road improvements and other developments along this stretch of the Coombe. The granite dressings and Tudor Revival detailing to the porch and entrance door used to enliven the brick façade are typical of religious buildings of late nineteenth-century date”.

- **Saint Brigid's Convent, No. 116 The Coombe – NIAH Reg. No. 50080639.**

Rating: Regional

Categories of Special Interest: Architectural and Social

Description: *“Attached double-pile two-bay three-storey house, built c.1820. Previously also in use as convent. Pitched slate roofs having cast-iron rainwater goods and brick chimneystack hidden behind brick parapet with granite coping. Painted brick walls, laid in Flemish bond with rendered plinth course to front*

(north) elevation. Cement rendered walls to east and west elevations. Square-headed window openings with brick voussoirs and reveals, painted stone sills and six-over-six pane timber sash windows. Segmental-headed door opening with timber surround on block bases and plain glass fanlight”.

Appraisal:

“This house is one of the few early-nineteenth-century survivors on the Coombe and is a significant part of the street's architectural heritage. It retains its multiple-pane sash windows and segmental-headed fanlight which add to its historic character. The first edition Ordnance Survey map indicates it is an isolated survivor from a terrace. It became part of a complex of religious and educational buildings at the junction of the Coombe and Cork Street founded by the Sisters of the Holy Faith when two houses were purchased by the community in the late nineteenth century, and the 1901 Census records that No.116 was occupied by Julia O'Donovan, Senior Directress, and five other teachers. By 1911 this house and neighbouring buildings were occupied by a convent and school under the directorship of Sr. Mary Anselm Burke”.

5.6. Natural Heritage Designations

- 5.6.1. None within the zone of influence of the proposed project.
- 5.6.2. The closest Natura Site, part of the Natura 2000 Network, is South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located c.3.6km to the northeast of the site and South Dublin Bay SAC (Site Code: 000210) which is located c.4km to the east at their nearest point respectively.

5.7. EIA Screening

- 5.7.1. See completed Forms 1 and 2 below. In summary these forms conclude having had regard to the nature, scale and extent of the proposed development as set out under Section 2 of the report above for a modest brownfield serviced site located to the rear of No.s 115-117 The Coombe, Dublin 8, a location where infrastructural services have the capacity to absorb the additional demands generated by such a development. In this case there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal seek that the Board overturn the decision of the Planning Authority for the proposed development on the basis that it is consistent with the proper planning and sustainable development of the area. It can be summarised as follows:

Site & Setting

- The applicants purchased the site in 2011 following the replacement and relocation of St. Brigid's Primary School on the adjoining site in 2008.
- The applicants are in ownership of the blue lined area with the buildings thereon leased to the BIMM.
- The subject building was leased to Pallas Art Studios from 2012 on a rolling short term basis. Prior to this it was used as part of St. Brigid's Primary School.

Land Use

- The zoning of the site was changed in the recent Development Plan from 'Z4' to 'Z15', though the change in ownership predated this.
- This proposal will have no impact on the functioning or viability of the adjoining school and would not result in a material contravention of the Development Plan.
- The proposed development compliments other land uses in this location.

- The Planning Authority's determination of this application makes no reference to the planning status of the artist studios despite their entire decision being based on protecting the existing and future viability of this use.
- The authorised pre-63 use of the subject building is educational, with this use having ceased in 2008, and in the intervening time there has been no legal or functional relationship between the current use and the adjoining primary school.
- The current cultural use is not one that is authorised by a grant of permission.

Reasons for Refusal

- The Planning Authority's reasons for refusal are flawed and cannot be sustained.
- The history of use and zoning on the site is such that the proposal does conform to the development scenarios 'A' and 'B' for 'Z15' sites as provided for under the Development Plan.
- The primary institutional use of St. Brigid's Primary School has not ceased on the 'Z15' plot, and its future has been guaranteed by the construction of the modern primary school in 2008.
- The site is located within the boundary of Strategic Development Regeneration Area (SDRA) 15 and it is contended that it is ideally located to deliver on its objectives as well as those set out in National Planning Framework in relation to residential development.
- Dereliction and population decline are recognised as major issues in the inner city, and they have sought to prevent further dereliction of this building by providing it with a temporary use.
- The proposed development will ensure the longevity of this structure, a building which is contended to require significant refurbishment works.

6.2. Planning Authority Response

- 6.2.1. Their response seeks that the Board uphold their decision, however, should the Board be minded to grant permission it requests that the following conditions be imposed: Section 48 development contribution; Section 49 Luas X City development

contribution; payment of a bond; payment of a contribution in lieu of the provision of open space; and a name/numbering.

6.3. Observations

6.3.1. The Board received the following Third-Party Observations:

- Board of Management St. Brigid's National School (06.03.2025).
- BIMM Music Institute Dublin (07.03.2025).
- Deirdre Cronin (10.03.2025).
- Geraldine Gough (10.03.2025).

The above Third-Party Observers in their submissions to the Board seek that the Planning Authority's decision is upheld. Given that there are overlapping key concerns raised by these parties in the submissions received by the Board I have decided for clarity and for the purposes of avoiding repetition to collectively summarise them under the following broad headings below:

Principle of the Proposed Development

- The principle of the proposed development is contrary to the Development Plan provisions for 'Z15' zoned lands and for cultural spaces within the city.

Compliance with Local Planning Provisions

- Development on 'Z15' zoned lands are required to demonstrate compliance with the criteria set out under Section 14.7.4. The applicant has failed to demonstrate such compliance.
- No exceptional circumstances have been demonstrated for the residential sought.
- The applicant has failed to demonstrate that the proposed development would not compromise the future needs of the educational facility to which this 'Z15' zoning relates.
- The removal of this site from primary land uses associated with 'Z15' zoned lands would be unjustifiable in an area with a significant number of children where there is a lack of amenities for them educationally as well as in terms of open space.

- 'Z15' zoned lands within the city have come under increased pressure from residential developments and the Development Plan actively discourages their erosion as well as fragmentation.

Loss of Cultural Space within the City

- The Development Plan seeks to ensure the continued development of Dublin as a vibrant, creative, and diverse city with a broad range of cultural activities underpinned by quality cultural infrastructure.
- The proposed development would be contrary to Policy CU026 of the Development Plan.
- Cultural infrastructure is a key social asset within the city and if such uses are displaced cultural hubs like this area will be undermined.

Civil

- The land was donated to the Holy Faith Sisters for the benefit of the poor children of the Coombe in 1887 with St. Brigid's School operating from this site and the adjoining BIMM building up until the opening of the new school building on a redeveloped former derelict site to the west. This new school premises has limited open space and space for expansion. The Holy Faith Sisters sold this property in 2008 when it should have been used for its original intention.
- The implications on Third Party properties are not clarified despite the constrained nature of the site.
- If permitted, the proposed development would be highly reliant on Third Party lands particularly during the construction phase, yet the applicant fails to demonstrate any Third Party consents.

Access

- The access serving the site is inadequate for large vehicles including emergency service, general servicing through to maintenance vehicles.
- The applicant has not engaged in any consultation with adjoining properties, including the school which has children accessing it three times a day, at a location where there is a bend on the road which places higher risk, who would be particularly

impacted during construction phase from the vehicle movements generated by the proposed development.

- There is an issue of no effective enforcement of construction traffic in the city.
- The laneway serving the site is substandard and unsuitable for use by the proposed development. The primary function of this lane is accommodating pedestrian and cyclist access to the BIMM building and the arts studio to the rear. This access is securely gated closed after the last person leaves these premises.
- This laneway is also used for deliveries to the BIMM.
- During the construction works the vehicle traffic generated, and their associated movements would put pedestrians and cyclists using this lane as well as those on the adjoining public domain at risk.
- There is no turning area on the site and vehicles. Therefore, vehicles would be required to reverse out onto the public road to exit the site and such movements would generate additional traffic hazard and road safety issues for road users as well as those using the laneway for access to the BIMM building.
- The width of this laneway is unsuitable to cater for larger vehicles.
- The traffic generated during operational phase would give rise to servicing, waste management and other types of traffic generation on the lane as well as at the lane's entrance onto the public domain which would give rise to obstruction and road safety/traffic hazard issues for its users.

Overlooking

- The proposed development would give rise to undue overlooking of the school playground, and this will be further added to by the additional floor level, the nature of the use and the limited separation distance between the residential building and the adjoining school premises.

Communal Open Space Provision

- The standard of communal open space provision is inadequate and is not consistent with required standards. Such spaces should be functional and useable with adequate levels of sunlight/daylight access during the year.
- The communal open space is cramped and there is poor passive surveillance of it.

Existing Building & Wall

- The existing structures on site are old, with particular concern raised that there is potential for structural and integrity issues to arise to the boundary wall between the site and the school. In relation to this concern if this wall became structurally unsound and collapsed there is potential for it to harm children playing in the adjoining school yard.

Residential Amenity

- Three of the proposed apartment units are single aspect.
- The design of the scheme would give rise to poor future amenities for occupants and existing residential properties in its vicinity. In this regard concern is raised that three of the apartments are single aspect and the scheme includes windows that would diminish the privacy of private garden spaces of properties in its vicinity.
- The bin stores and stairwells overhang as well as encroach onto apartment unit's balconies. These structures would further diminish daylight and sunlight to the private amenity spaces proposed.

Other

- It would not be feasible to carry out day-to-day school activities of the adjoining Primary School during construction works. If permission is granted it is requested that construction works occur outside of school hours and that works are subject to a noise and dust management plan.
- The BIMM raise concerns that the construction phase will result in disruption to classes as well as other undue general disturbances for its users.
- The Board of Management of St. Brigid's Primary School contend that there is a strong relationship with Pallas Studios and that the children regularly engage in workshops here.
- The proximity of artist space to a primary school is hugely valuable in bringing arts and creativity to children's as well as young people's lives in general.
- There is a need for additional social and community infrastructure in this part of the city and the retention of this existing community/social space is imperative.

7.0 Assessment

7.1. Preliminary Comment

7.1.1. Having carried out an inspection of the site and its setting, examined the application details and all other documentation on file, including all of the submissions and responses received by the Board, having regard to the planning history of the site and its setting together with having regard to the relevant local through to national policies and guidance, I consider that the key issues in this appeal relate to the Planning Authority's two given reasons for refusal of permission and also the matters raised by the Third Party Observers in their submissions to the Board. I therefore propose to assess this case under the following broad headings:

- Civil Matters
- Procedural Matters
- Principle of the Proposed Development
- Design and Layout
- Other Matters Arising

7.1.2. The above headings in my view encapsulate the issues raised by parties in this appeal case; however, I note that the matter of 'Appropriate Assessment' also requires examination. This matter I propose to address at the end of my assessment below.

7.2. Civil Matters

7.2.1. The Third-Party Observers in this appeal case raise a number of civil related matters of concern with these ranging from the historical gifting of these lands to the religious institution for the running of an educational facility for the benefit of children in The Coombe locality through to the lack of consent from any Third-Party landowners bounding the site to interfere with their properties as part of carrying out the proposed development, particularly during construction. Additionally, concern is also raised in relation to the potential for adverse impacts to arise on the structural integrity of period-built features bounding and in the vicinity of the site, particularly during construction works. With significant concern raised in terms of the period boundary walls which I note physically separate this site from the adjoining St. Brigid's Primary School campus located to the west of the site and to the west of the laneway serving the site.

- 7.2.2. In relation to these concerns, I note the provisions of Section 34(13) of Planning and Development Act, 2000 (as amended) relating to 'Permission for Development', which states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Therefore, in the event permission is granted, there may be other legal considerations that apply, and which the landowner may need to address outside of the planning system.
- 7.2.3. Additionally, Section 5.13 of the Development Management Guidelines also states that the planning system is not designed as a mechanism for resolving disputes about title to land, or premises, or rights over land. These are ultimately matters for resolution in the Courts. However, the Applicant must be certain under civil law to ensure that they have all rights in relation to the land for which they intend to implement any grant of planning permission.
- 7.2.4. In this case I note that the Planning Authority in their validation of this subject planning application raised no concerns over the applicant's ownership of the site and the access laneway which serves the site forming part of the larger landholding outlined in blue in the accompanying Site Location Maps.
- 7.2.5. I am cognisant that this access is highly constrained in terms of both facilitating any safe construction and operational access for any type of vehicle, a matter that is discussed separately in the assessment below.
- 7.2.6. I also accept that there is a lack of clarity in the documentation provided with these phases of the proposed development if permission were to be granted and therefore it is not possible to determine what extent of Third-Party land interference may arise or be required to facilitate the proposed development and as such it is unclear if Third Party consents may be required. Nonetheless I acknowledge that no Third Party consents have been provided with this application.
- 7.2.7. In relation to any infringement of Third-Party lands, including any instances of damage to, or interference with, Third Party property attributable to the proposed development, including the period stone wall, this would essentially be a civil matter for resolution between the parties concerned and, in this respect, I again refer to the provisions of Section 34(13) of the said Act set out above. Therefore, any grant of permission for the subject proposal would not in itself confer any right over private property and there would be a requirement on the developer/applicant to carry out any development

works in compliance with all relevant building codes which include health and safety requirements.

- 7.2.8. Conclusion: Though I am satisfied, based on this information, that the applicant has demonstrated sufficient legal interest to make this application should the Board be minded to grant permission I recommend that it include as a precaution an advisory note setting out the provisions of Section 34(13) of the said Act. I also consider it would be appropriate that a bespoke condition is provided to appropriately deal with any interferences between the proposed development with adjoining properties in particular in terms of the eastern elevation which immediately bounds the Hyatt Centric hotels courtyard and the perimeter period boundary wall which demarcates this site. The latter is a period feature of interest that may also be vulnerable from structural integrity issues during construction works.

7.3. Procedural Matters

- 7.3.1. The Appellant in their grounds of appeal to the Board raise procedural concerns in relation to the Planning Authority's handling of this planning application, in particular, concerns are raised on the scope of the planning assessment and what matters were considered in the determination of this planning application.
- 7.3.2. In relation to this concern, I would point out for the purpose of clarity that the development proposed is considered by the Board "*de novo*". That is to say that the Board considers the proposal having regard to the same planning matters to which a Planning Authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application.
- 7.3.3. Conclusion:
- I have considered the information available on file and I am satisfied that together with my site inspection that there is adequate information available to carry out a *de novo* consideration of this First Party appeal. I therefore do not propose to comment further on this matter.

7.4. Principle of the Proposed Development

7.4.1. As set out under Section 2 of this report the proposed development seeks permission for the change of use of the subject building on site as part of the residential scheme consisting of 9 apartment units, with this including demolition, refurbishment, alterations, and extension of the main two storey building on site. I therefore propose to the separate components of the proposed development as follows.

7.4.2. ***Demolition – Shed Structure & Non-Original Extensions***

7.4.2.1 First of all the main demolition proposed in this application relates to a modest in poor condition and of no architectural merit single storey shed type building that includes WC's, storage, and access to the modest yard space in the southern corner of the site. In addition, the proposed demolition includes later non-original additions to the western elevation of the main two storey period brick building on site. These additions project from this elevation and comprise of an attached covered external stair, canopies, through to an additional ground level porch. They are later additions to this building.

7.4.2.2 Having carried out an inspection of the site I observed that collectively these structures are of varying quality of construction and in a poor state of condition. The documentation on file indicate that they have a combined given floor area of 60m². Collectively I consider that these structures detract from the legibility and integrity of the main two storey building on site, particularly in terms of appreciating its principal elevation which I consider is its western elevation.

7.4.2.3 I am cognisant that the general principal of the reuse of existing buildings and structures as opposed to their replacement is supported by the climate action measures provisions, particularly those set out under Chapter 3 of the Development Plan. These measures include but are not limited to Policy CA6. This policy promotes and supports the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible.

7.4.2.4 With this approach further supported under Section 15.7.1 of the Development Plan. It is also in a context whereby this site which forms part of Strategic Development and Regeneration Area 15 under the Development Plan where the role of historic buildings and structures are recognised as forming an important part of the identity and legibility of its urban structure (Note: Chapter 13).

7.4.2.5 As part of the consideration for demolition it is of relevance in the context of the larger plot of No.s 115 to 117 The Coombe, which the site forms part of, that it is comprised of a larger collection of buildings, structures, and spaces. In proximity to the north of the site is a circa 1895 Victorian attached gable-fronted three-bay three-storey former convent with attic accommodation (Note: No. 116 and 117 The Coombe) which was extended to the rear. This building also consists of a two-bay three-storey west elevation building and the attractive period two storey building that demarcates part of the northern boundary of the site. The main building that fronts onto the southern side of The Coombe, its principal as well as western façade which includes qualitative period rear additions form an important period built insertion. This building and its later extension are visually prominent insertion to the east of the R110's junction with Saint Luke's Avenue, with more limited views within this setting of the subject building to which this application relates.

7.4.2.6 I note that these adjoining buildings are located within the blue lined area as indicated in the accompanying Site Location Plan with the c1895 building listed in the NIAH where it is given a 'Regional' rating and its categories of special interest are identified as 'Architectural', 'Historical' and 'Social' (Note: NIAH Reg. No. 50080640). This building is not afforded any protection under the Development Plan as a Protected Structure. Notwithstanding, I note that Chapter 11 and Policy BHA 5 of the Development provides a level of protection for NIAH listed buildings that are given a regional or higher rating.

7.4.2.7 In relation to the circa 1895 building which is now occupied by the BIMM it is of note that the NIAH describes it as forming part of a group of religious and educational buildings at the junction of the Coombe and Cork Street constructed to the designs of William Henry Byrne. It also appraises it as being an important contributor to the street's historic character having survived significant road improvements and other developments along this stretch of the Coombe.

7.4.2.8 The NIAH appraisal does not provide a specific breakdown of what building layers within the listing of Reg. No. 50080640 are of importance within the collection of buildings referred to as group.

7.4.2.9 Within this context it is also of note that the adjoining two-bay three-storey terrace house circa 1820s to the east of No. 115/116 The Coombe that also

fronts onto southern side of the R110's streetscape scene is also NIAH listed (Note: NIAH Reg. No. 50080639). This listing indicates that it is 'Regionally' rated with its categories of special interest identified as 'Architectural' and 'Social'. Alongside it notes that the name of this building was previously Saint Brigid's Convent. This building is not afforded any specific protection but as said there is a level of protection provided for such buildings in the Development Plan.

7.4.2.10 Against this context the demolition of non-original extensions to the main building, the accompanying canopies, and stairs through to the removal of the single storey shed structure would allow for the positive reinstatement of the original envelope of the main building on this site. As collectively these additions to the subject building result in unsympathetic visual clutter to it. I also consider that the structures that are to be removed are of limited built quality and not viable for repurposing as part of any qualitative design scheme which balances the period attributes alongside untapping any of this building and its associated space potential for redevelopment on what is a highly accessible serviced urban location within a central Dublin city neighbourhood that forms part of SDRA lands.

7.4.2.11 On this point I note that Section 13.1 of the Development Plan considers such lands as being capable of delivering significant quantities of homes and employment for the city, subject to safeguards, and alongside the land use zoning of the site. Also, its immediate setting as 'Z15' zoned lands which the Development Plan seeks to protect and facilitate its ongoing use for community and social infrastructure purposes.

7.4.2.12 Conclusion: Based on the above considerations, I am satisfied that the demolition of buildings and structures indicated in the accompanying documentation as part of facilitating the proposed redevelopment of this site is acceptable, subject to safeguards. In relation to safeguards, should permission be granted they should include appropriate conservation measures during demolition to safeguard the structural integrity of the main two storey building and the period stone boundary wall that adjoins it. Both of which positively contribute to the surviving integrity of built features on site and within its sensitive to change setting.

7.4.3. Demolition – Other

7.4.3.1 The proposed development includes the refurbishment of the existing two storey period brick building on site (Note: 475m² floor area) with this including modest levels of demolition of its surviving built fabric from its interior and exterior as part of facilitating nine apartment units within its retained floor area and in its additional floor area of 317m². The maintenance of this building as part of the proposed apartment scheme for this backland site is in my view consistent with Policy CA6 of the Development Plan which I have previously referred to in the assessment above.

7.4.3.2 I consider that this proposals retention and retrofitting of the two-storey building on this site would also be enhanced by the already discussed removal of unsympathetic later additions to its exterior alongside the limited demolition that is associated with its main built envelope. This approach is consistent with Section 15.7.1 of the Development Plan, which indicates that the City Council will encourage the reuse and repurposing of buildings for integration within redevelopment schemes where possible.

7.4.3.3 This Development Plan approach aligns with the Regional, Spatial and Economic Strategy for the Eastern and Midland Regional Area, which under Regional Policy Objective 7, supports the retro fitting of existing building stock and the National Policy on Architecture – People and Places which supports the reusing, repairing, adapting, and upgrading buildings in preference to their demolition. This approach is also consistent with the current Climate Action Plan and Places for People – National Policy on Architecture.

7.4.3.4 I also consider that the level of loss of surviving built fabric particularly in terms of its exterior envelope is modest and subject to sensitive construction methodologies including repair of damage arising from the later additions to its western elevation many of the interventions to it could be carried out so that they are reversible. With this including the blocking up of windows from part of its eastern elevation through to the provision of fire stairs and the proposed new projections to the western elevation could be constructed as self-supporting structures with minimal interference with this building's surviving period structural envelope whose capacity to accommodate additional loading is unclear.

7.4.3.4 To this I note that the existing roof structure over is flat roof in its design and as such it is not a dominant visual feature to this main building as it survives. Its loss as part of facilitating an increased height to accommodate an additional level of habitable accommodation as opposed to the addition of an extension to this building where the only viable location would be alongside its principal western elevation is in my view preferable and is a common solution for the provision of additional floor area on constrained sites like this that contain attractive in their own right surviving period buildings.

7.4.3.5 I also consider that despite the limited views from the public domain towards the main building given its backland position in an urban block that the refurbishment of this building will support the legibility and integrity of both NIAH listed buildings. Particularly as appreciated in their surrounding streetscape scene and as part of this Strategic Development and Regeneration whose character is in part informed by its surviving array of period buildings and structures.

7.4.3.6 Despite the subject two storey building on site not being afforded any specific Protected Structure designation under the Development Plan's Record of Protected Structures when regard is given to its individual built heritage merits alongside the collection of period buildings and structures at No.s 115 to 117 The Coombe it is retention, retrofitting and refurbishment particularly given its poor state of condition is an approach that accords with proper planning and sustainable development as provided for under local through to national level planning provisions.

7.4.3.7 It would however be appropriate and reasonable in my view that any grant of permission ensures the following by way of condition:

- Interventions in terms of demolition and loss of original built fabric are limited to that indicated in the submitted documentation with this application.
- Works are carried to this building accord with best conservation practices to ensure that its surviving built integrity is not unduly diminished or lost during the overall construction phase.
- In the interest of promoting sustainability that the provision of retrofitting energy efficiency measures that such works be carried out in accordance with best conservation practices. On this last point for clarity these specific works should accord with the Irish Standard publication ISEN 16883:2017: 'Conservation of Cultural

Heritage, Guidelines for Improving the Energy Performance of Historic Building', 2017. Such an approach would accord with Section 11.5.4 and Policies BHA 21, BHA 22, and BHA 23 of the Development Plan. The provision of sustainable energy solutions accords with Chapter 3 of the Development Plan through to the current Climate Action Plan sustainable development measures.

7.4.3.8 In addition to the above, I note that having inspected the site and the main building thereon I raise a concern that the main building on site is in a poor state of upkeep and repair. This is unfortunately impacting upon its surviving intactness and the general principle of the scope of demolition works, the refurbishment through to the addition of a floor level over setting aside the functional use of the same would help secure this buildings future despite this building not in itself being afforded any specific protection but does form part of a collection of buildings referred to by the NIAH in its appraisal of the c1895 building.

7.4.3.9 In conclusion: I am satisfied that the level of demolition relating to the main envelope of the two-storey building is minimal and that the design approach maintaining this building as part of the proposed scheme accords with the proper planning and sustainable development of the area, subject to safeguards.

7.4.4. *Change of Use & Land Use Zoning*

7.4.4.1 The proposed development includes the change of use of the existing building on site. The retained floor area is given as 475m² in the accompanying documentation and its established use is given as educational having formed part of St. Brigid's Primary School up until 2008.

7.4.4.2 According to the information provided on file between 2008 to circa 2012 the subject building was not in use and during this time it suffered from vandalism. The appellant indicates that in 2012 it was leased on a rolling contract as art studio and workshop spaces.

7.4.4.3 The given description of the proposed development sought under this planning application seeks to change its established educational use to residential use. This would be facilitated by way of minor demolition works which I have previously discussed above, alongside the refurbishment, alterations and extension of the two-storey building on site.

7.4.4.4 Collectively these works would result in the subject building containing 9 apartment units that would be served by an existing right-of-way that extends northwards from the north western portion of the red line site area along the western side of the BIMM building to the public domain of The Coombe.

7.4.4.5 Though I am cognisant that local through to national planning provisions as well as guidance generally support the provision of viable new uses for existing buildings, including where they add to the built heritage of the site and its setting. Notwithstanding, the site forms part of a small pocket of land within the Liberties area of Dublin city that is subject to the 'Z15 - Community and Social Infrastructure' land use zoning under the current Development Plan. In terms of permissible land uses on such zoned land Section 14.7.14 of the Development Plan indicates that limited residential uses in the form of limited residential institution (and ancillary residential institution accommodation for staff) are permissible, subject to safeguards.

7.4.4.6 Section 14.7.14 of the Development Plan further sets out that residential and commercial developments will only be considered in highly exceptional circumstances subject to demonstration of compliance with its identified safeguards.

7.4.4.7 To this I note that the Planning Authority's first given reason raises concern that the proposed residential apartments do not have any relationship to the existing function or operational viability of the primary institutional/social/community use on these lands. They indicate that the applicant has failed to: *"demonstrate therefore that the proposed development is required in order to maintain or enhance the function/ operational viability of the primary institutional/social/community use on the lands"* and for these reasons they considered that the proposed development would not accord with Section 14.7.14 of the Development Plan and as such would be contrary to the proper planning and sustainable development of the area.

7.4.4.8 Though the Third Parties in this appeal case support the Planning Authority's given reason for refusal the First Party appellant indicates in their submission to the Board that the site has no function with the primary institutional/social/community use to which the 'Z15' land use zoning relates. They also indicate that any connection with this use has ceased before the 'Z15' land use zone was adopted for this site and its setting under the current Development Plan. They further contend that the site is not needed for such purposes including by the

BIMM who lease the building in their ownership that is indicated in the blue line area adjoining the site.

7.4.4.9 In relation to the stated land use objective for 'Z15 – Community and Social Infrastructure' zoned lands Section 14.7.14 states that it is: *“to protect and provide for community uses and social infrastructure”*. This section of the Development Plan also indicates that these lands often consist of long-established complexes of institutional/community buildings and associated open grounds and that: *“such facilities are considered essential in order to provide adequate community and social infrastructure commensurate with the delivery of compact growth and the principle of the 15-minute city”*.

7.4.4.10 Against this context Section 14.7.14 of the Development Plan indicates that it is the policy of the Council to promote the retention, protection, and enhancement of the city's Z15 lands on the basis that they contribute to the creation of vibrant neighbourhoods, healthy placemaking and a sustainable well-connected city.

7.4.4.11 Alongside Section 14.7.14 of the Development Plan recognises that these zoned lands are under increased pressure from residential development. In this context this section of the Development Plan indicates it is City Councils intention to protect and facilitate their ongoing use for community and social infrastructure as well as strengthen their role and actively discourage their piecemeal erosion and fragmentation. This section of the Development Plan therefore sets out considerations for development on land zoned 'Z15' which seek to achieve this land use vision. Given the nature of the proposed change of use from an *albeit* ceased educational functional use to residential functional use it is appropriate to assess whether the proposed development is consistent with the criteria where residential development may be considered acceptable. I therefore propose to examine Criteria A and B in turn below.

7.4.4.12 Criteria A:

This criterion indicates that limited residential/commercial development will be permitted on 'Z15' zoned land and clarifies that it will only be allowed in highly exceptional circumstances where it can be demonstrated by the landowner/applicant that the proposed development is 'required' in order to maintain or enhance the

function as well as operational viability of the primary institutional/social/community use on the lands.

In this regard I acknowledge that the site has a long history of functional use as part of the buildings and spaces associated with St. Brigid's Primary School, as well as connectivity during this time with the religious order who ran this educational facility. Notwithstanding its use as educational floor space associated with this school ceased in circa 2008. In circa 2011 the site was sold with the adjoining lands outlined in blue to the applicant who has leased the subject building to Pallas Projects/Studios since their lease commenced in 2012. This is a not-for-profit artist-run organisation that includes the provision of artist studios/workshops and exhibition space.

Third Parties to this appeal indicate that this organisation has forged a synergistic relationship with the adjoining St. Brigid's Primary School and is seen as an important resource as well as neighbour to this school as well as within cultural activities within the larger SDRA lands the site forms part of.

There is no planning history relating to any change of use in the intervening time and as said the proposed development seeks permission for the change of use of the buildings established use as part of the educational buildings associated with St. Brigid's Primary School which now operates from a site bounding the western boundary of the subject site and the access laneway serving the site as well as the BIMM. The campus associated with this school on these adjoining lands are constrained in their overall land area as well as their proximity to The Coombe and Saint Luke's Avenue junction through to being also bound to the south and west by other Third-Party lands.

It is also of note that the BIMM Institute of Dublin who also lease the adjoining buildings associated with the adjoining blue line area in the applicant's ownership to the north is as noted by the appellant a Third Level College affiliated with TU Dublin. It also forms part of a larger institute that also appears to operate from basis in the UK and Europe.

The limited in size campus occupied by St. Brigid's Primary School results in a likely situation where it has limited capacity for any future expansion should it's needs require. With this limitation in a context where Dublin 8 and the larger parcel of SDRA 15 lands being recognised has having rapidly growing and expanding population. It is

also against a context where it is contended by Third Parties that are related to the operations of this school indicate that they are under strain to accommodate the demand for primary school spaces within this locality and the limited supply of other such educational facilities within the Liberties.

I acknowledge that it is also the case that past and recent Development Plans recognise Dublin 8's scope for further significant opportunities for further regeneration and enhancement at scale. This I note is provided for under SDRA 15 of the Development Plan.

Against this context I accept that the established educational use of the site has been abandoned for over a decade and that its use over the last decade is one that could be considered as being culturally related and synergistic with permissible 'Z15' land uses. It also is presented by Third Parties that the existing use of the subject site has forged strong synergies with St. Brigid's National School and with educational art related institutions within the city. Against this context it is in my view that the cultural use of the existing building, i.e. with the Development Plan recognising cultural uses as including artistic spaces, having overlapping educational synergistic relationship with the adjoining primary school and other educational facilities within the wider city context.

Within this context the existing use of the subject building and its associated spaces together with the BIMM could be considered to have maintained functionally synergistic educational and community and social infrastructure which supports the land use function of 'Z15' lands at this locality.

In applying Criteria A, it is of concern that the applicant in their application as lodged and as part of their appeal submission to the Board has failed to demonstrate that the educational facility, in particular, St. Brigid's National School, do not require any further lands in order to maintain or enhance the function as well as operational viability of the primary institutional/social/community use on the lands. This I note with cognisance that this school now operates from a purpose built educational campus to the west of the site and against a context where the religious institutional former owners of the rear of No.s 115 to 117 The Coombe sold the site and the lands to the north of it in c2011.

The Development Plan's land use zones are not determined by ownership but rather they set out what is deemed to be the appropriate land use function of lands including

their established through to future uses. As such a land use zone is a mechanism which regulates the use of land within the administrative area for which a Development Plan has been prepared and sets out for example allowable uses with Chapter 14 of the Development Plan setting out the general land use, zoning policies and objective alongside an explanation of the land use categories and the zoning objectives which apply. In this regard Section 14.7.14 clearly sets out that the land use objective for 'Z15' zoned lands is *"to protect and provide for community uses and social infrastructure"*.

It would also appear from the Third-Party observation submissions received by the Board that St. Brigid's Primary School is under pressure to meet the growing demands placed upon because of it forming part of a locality where recent residential developments are characterised by their higher densities and non-traditional dwelling unit formats.

Realistically I consider that there is only limited and modest scope on the lands now occupied by St. Brigid's Primary School for any meaningful expansion to meet its growing demands should that be required in the future.

Against this context I have no evidence that would support that the subject 'Z15' site if residentially developed would not compromise the future expansion needs of this school if they were to arise nor is there any clarity on where the displacement of the cultural educational functions of this building would be displaced too. With Section 14.7.14 setting out that the proposed development is required to maintain or enhance the functional as well as operational viability of the primary use of these 'Z15' zoned lands. There is no evidentiary proof that this is the case even though the provision of additional apartment units in this locality could place additional demands on the adjoining educational facility.

I also consider that the educational functions on this 'Z15' zoned land is additionally informed by the BIMM who occupy the historical main buildings associated with the St. Brigid's School. There is also no evidence provided that this music institute/college future expansion needs would be compromised by the proposed residential development sought under this application.

Of further concern in relation to compliance with Criteria A the applicant in their application as lodged and in their appeal submission to the Board have not

demonstrated any exceptional circumstance whereby this residential commercially led development is required, that is to say essential, to maintain or enhance the function/operational viability of the primary use on this particular parcel of 'Z15' zoned lands.

To this I note that Section 14.7.14 set out a number of other sub criteria for consideration. They are each examined in turn below:

- *In proposals for any limited residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.*

As discussed above, the applicant has not demonstrated that this would be the case.

- *Any such residential/commercial development must demonstrate that it is subordinate in scale to the primary institutional/social/community use.*

Given the backland nature of this site through to the quantum and type of dwelling units sought, I am not satisfied that this development would be subordinate in its scale to the primary use of these 'Z15' zoned lands in terms of its land use function. This is on the basis that the nine apartments would give rise to a land use function that is not confined to the largely business hours/days as it would be by its nature a 24-hour 7 day a week use and would generate on additional demands as well as impacts on the primary use of the 'Z15' zoned lands which is educational related in land use function. Additionally permissible land uses on 'Z15' zoned lands include cultural and educational land uses and only list residential institution (and ancillary residential accommodation for staff) which is not the nature and function of the residential units sought under this application.

- *Where appropriate, proposals should be subject to consultation with the relevant stakeholder e.g. Department of Education/Health Service Executive.*

The applicant has failed to evidentially demonstrate that they engaged in consultation with relevant stakeholders. In particular, the Department of Education in relation to St. Brigid's School to the west and the BIMM on the adjoining land to the north.

- *The development must not compromise the open character of the site and should have due regard to features of note including mature trees, boundary walls and any other feature(s) as considered necessary by the Council.*

This development would not compromise the open character of this site or indeed its setting given that it does not have an open character in its existing circumstance and the removal of existing structures at ground floor level with the indication of additional green space would marginally soften the character of the site.

Additionally, the site as previously discussed above does include features of note that add to the interest of the two NIAH listings to the north of the site. Subject to safeguards the proposed development would not result in any physical undue damage to any built features associated with the NIAH listing through to the retention of the subject two storey period building would help maintain a sense of connectivity and place for this site as part of the collection of period buildings of interest at No.s 115 to 117 The Coombe.

- In all cases, the applicant shall submit a statement, typically in the form of a business plan, or any other relevant/pertinent report deemed useful and/or necessary, as part of a legal agreement under the Planning Acts, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands.*

None provided.

- In all cases the applicant shall be the landowner or have a letter of consent from the landowner.*

Not relevant, on the basis that the applicant is the landowner of the appeal site and the access laneway for which the proposed development is dependent on.

Section 14.7.4 also indicates that the above criteria do not apply to residential institution use, including ancillary staff accommodation or assisted living/retirement home and that student accommodation will only be considered in instances where it is related to the primary use on the Z15 lands. This is not the case as the applicant is not a residential institution and the apartment units proposed under this application are not associated with any residential institutional use but rather form part of a commercially led private endeavour.

Further to the above and Criteria A, Section 14.7.14 of the Development Plan, indicates that any proposed development for 'open for consideration' uses on part of the Z15 landholding, which indicates in relation to residential will be required to accord

with the highly exceptional circumstances set out under Section 14.7.14 of the Development Plan.

In relation to this consideration, I am not satisfied that the applicant has demonstrated how the proposed change of use as part of the residential development proposed secures the protection and provision of the main community and/or social infrastructure uses of this particular parcel of 'Z15' zoned lands or that there is any exceptional circumstance given that accords with the land use zoning objective set out under Section 14.7.14 of the Development Plan.

On this point and in relation to the current use of the building, though as said the description of the proposed development change of use relates to educational to residential, I note that case law including *Redmond v. An Bord Pleanála* [2020] IEHC 151 (Unreported, High Court, 10th March, 2020), at paras. 55 and 56. Simons J said that: *"[t]his established use and designation is not lost by dint of a transfer of ownership. Rather, it remains until such time as planning permission is granted for an alternative use, such as, for example, residential use"*.

I also consider that whilst the Development Plan places a high level of land use control over 'Z15' zoned lands Section 14.7.14 it also sets out other type of land uses that are deemed to be permissible on such lands, subject to safeguards.

This includes but is not limited to cultural uses and includes other synergistic land uses that support the land use objective and Development Plan vision for these lands given that they are lands that are recognised as being under significant pressure for residential developments.

Further, the Development Plan makes significant provision for residential developments throughout the city under its land use zoning objectives including in the immediate context of the site as part of the SDRA 15 lands. As such I consider that the current Development Plan is in terms of land use future looking in terms of the land uses it lists under Section 14.7.14 as being permissible and open for consideration, subject to safeguards, for 'Z15' zoned lands. With this alongside a context where lands that have a transitional zonal character being also provided for under Section 14.6 of the Development Plan.

Conclusion in relation to Criteria A: I am not satisfied that the applicant has demonstrated that the proposed development would assist the securing the aims of

the 'Z15' zoning objective and that it would as a development preserve, maintain or enhance the existing social and community functions of these lands.

7.4.4.13 Criteria B:

This criterion relates to the cessation of an existing 'Z15' institutional/social/community use on a site or change in land ownership.

It states that it: *"does not extinguish/ negate the purpose of these lands for community and social infrastructure use. It is the objective of the Council that such lands should be retained for a use in accordance with the zoning objective unless exceptional circumstances prevail"*.

Though I accept that the site does not form part of the St. Brigid's Primary School campus the applicant in their application as lodged and in their appeal submission has alongside not demonstrated that the proposed development would be one that would assist the securing the aims of the 'Z15' zoning objective but also they have failed to examine the site's suitability for other deemed permissible land uses listed as permissible or open for consideration under Section 14.7.14 of the Development Plan.

In this regard they have not provided with this application a detailed community and social infrastructure audit which demonstrated why this land is not viable or suitable for such synergistic other land uses on 'Z15' zoned lands. Alongside how the loss of the existing use of the site would impact on the community infrastructure within Dublin 8 and these SDRA 15 lands.

Against the context of SDRA 15 as provided for under Section 13.17 of the Development Plan identifying several guiding principles including but not limited to under 'land use and activity': *"to support the delivery of the Liberties Creative Cluster and other initiatives to strengthen the arts within the Liberties"* and to recognise the need for community uses and spaces to complement the emerging development in recent decades. It also states: *"to support the provision of community/ cultural uses"*.

To this Criteria B sets out that cessation of use on a 'Z15' site or disposal of all or part of a 'Z15' site that a variation or material contravention of the Development Plan will be required to develop such lands for residential/commercial purposes.

It further adds that: *"any such variation/material contravention would need to be supported by a detailed community and social infrastructure audit which should clearly*

demonstrate why the land is not viable/ suitable for social and community use (defined as the physical infrastructure necessary for successful communities, i.e. community infrastructure such as schools, libraries, community centres, cultural spaces, health centres, facilities for the elderly and persons with disabilities, childcare facilities, parks, and other facilities and spaces for play and recreational activity) in accordance with the zoning objective”.

This application as said does not provide this audit in support of this residential commercially led residential development of this ‘Z15’ zoned site by way of an evidenced based analysis of this matter as part of providing assurances that this modest residential scheme would not compromise the existing and/or future provision of social and community uses.

There is also no variation of the Development Plan adopted in relation to the cessation of use on this ‘Z15’ zoned site and in this context arguably the proposed development is one that, if permitted, would result in the material contravention of the Development Plan given that it proposes development that is residential/commercial in its functional land use purpose. As such it does not accord with the land use zoning objective for ‘Z15’ zoned lands.

While I note that the Planning Authority’s first given reason for refusal considers the proposed development to be contrary to the ‘Z15’ land use zoning objectives and does not reach a determination that it would materially contravene the ‘Z15’ land use objective of the Development Plan.

I also note that the Planning Authority’s second reason for refusal raised concerns that the proposed development would be contrary to Policy CU2 and Objective CU026 of the Development Plan.

For clarity Policy CU2 of the Development Plan, relates to the City Councils policy of ensuring the continued development of Dublin as a cultural vibrant, creative, and diverse city with a broad range of cultural activities. Additionally, Objective CU026 of the Development Plan, indicates that applications seeking to replace cultural space/use must re-accommodate the same or increase the volume of space/use or a similar use within the development. They further considered that to permit the proposed development would set an undesirable precedent for other similar

developments alongside would be contrary to the proper planning and sustainable development of the area.

The proposed development would give rise to a loss of a cultural land use at this location, a land use that has synergies with arts related education and research. Against this context I consider that the Planning Authority's second reason for refusal adds to the land use concerns arising from the proposed development sought under this application.

Moreover, it is a fact of the proposed development that, if permitted, it would give rise to the loss of cultural space/use that is not demonstrated would be re-accommodated on this site or elsewhere and as such there is a legitimate planning concern that the existing cultural use of the site would be lost as well as not accommodated elsewhere. As such the proposed development would be contrary to the Policy CU2 and Objective CU026 of the Development Plan. Notwithstanding, there is no grant of permission relating to the current and past use of the building since it ceased use as part of St. Brigid's National School.

Further, the matter of whether the existing use of the building is unauthorised is a matter for the Planning Authority to deal with as they see fit and there is no history relating to any enforcement of the existing use of the building on site or any Section 5 referral on the question of whether this use is exempted development. There is I note enforcement history relating to a different use at the subject site, i.e. music venue.

In my view what is of importance in this case is the nature, extent and scope of the development sought in terms of the change of use component, i.e. the change of use from a stated educational use to residential and not from cultural to residential.

In determining this I consider the definitions set out under Appendix 15 of the Development Plan are of relevance in the consideration of this proposed developments change of use component relative to the 'Z15' zoned land use zoning objective through to the site forming part of SDRA 15 lands as provided for under the Development Plan. I therefore note to the Board the following functional land use definitions:

Education: *"The use of a building, or part thereof, or land as a school, college, technical institute, academy, lecture hall or other educational function. Such activities may be controlled in*

particular land use zonings regarding hours of operation. Where a building, or part thereof, on the same site as an educational use or on an adjoining site, is designed for use or is used as a residence for staff or pupils, such a use is regarded as educational”.

Residential: *“The use for human habitation of a building, or part thereof, including houses, apartments, studios and residential mews buildings. The definition of house and habitable house in Section 2 of the Planning and Development Act 2000 (as amended) shall apply”.*

Residential Institution: *“A building, or part thereof, or land used as a residential institution and includes a monasteries and convents”.*

Cultural Uses: *“A building, or part thereof, used for cultural/ recreational purposes to which the public may be admitted on payment of a charge or free of charge” and including: an art gallery but not for the sale or hire of works of art.*

Cultural, Creative and Artistic Enterprises and Uses (Creative Industries):

“Those industries which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property. It includes the creative sectors of” ... arts (including artists’ workspaces).

Social and Community Infrastructure: *“Is the physical infrastructure necessary for successful communities, i.e. community infrastructure such as schools, libraries, community centres, cultural spaces, health centres, facilities for the elderly and persons with disabilities, childcare facilities, parks, and other facilities and spaces for play and recreational activity”.*

Having regard to definitions set out under Appendix 15 of the Development Plan I am not satisfied that the proposed development change of use to residential component

as proposed on the basis of the information provided would, if permitted, extinguish any existing tangible connection with the primary use of these 'Z15' zoned lands and the future viability of its 'Z15' land use with this land use zoning objective providing an important land use and activity function in terms of the vibrancy of the larger SDRA 15 lands.

I also consider that the proposed change of use would result in a nature of land use that would negate the purpose of the 'Z15' zoned lands for community and social infrastructure use against a context where the area of land associated with this parcel of 'Z15' is highly constrained and with such land uses important to the overall successful function of this SDRA 15 urban neighbourhood, with Section 13.17 of the Development Plan that it: *"is an objective of the plan to recognise the unique role the Liberties plays in Dublin's character and to ensure that regeneration safeguards the Liberties' strong sense of community identity and cultural vibrancy into the future"*. Through to the guiding principles for it include recognising its varied and historic land-use mix that contributes to the character of the Liberties area through to recognise the need for community uses to complement the emerging development in recent decades.

Conclusion of Criteria B: I consider that the proposed change of use would result in a material contravention of 'Z15' land use zoning objective as provided for under the Development Plan.

7.4.4.14 Masterplan Requirement

Section 14.7.14 of the Development Plan under the heading of Masterplan requirement sets out that in either scenario of Criteria A or B that there is a requirement that for sites larger than 1ha that a masterplan is provided, with this setting out the vision for the lands. This is not applicable given that the site area at a given 0.059ha significantly falls below this stated threshold.

7.4.4.15 Principle of the Proposed Development Conclusion: Having regards to the above I consider that whilst the general principle of demolition and keeping this historic building on site in active viable use through to the provision of more compact and consolidated development in this highly accessible inner city location is acceptable, notwithstanding, residential developments are only deemed to be permissible in exceptional circumstances subject to compliance with the land-Use

zoning objective of protecting and providing for community uses and social infrastructure in a manner consistent with Section 14.7.14 of the Development Plan.

In this case I am not satisfied that the proposed development is one that is consistent with the types of developments permissible on such zoned land, particularly the exceptional circumstances that residential developments like this, may be deemed to be acceptable, subject to safeguards.

The proposed development as a result of the nature of the land use proposed and its lack of consistency with the objectives of 'Z15' zoned land would, if permitted, result in a material contravention of this land use zoning as well as it would result in diminishment of the community and social land use function of these zoned lands as well as would result in similar diminishment to the larger parcel of SDRA 15 lands it forms part of. I am therefore of the considered opinion that the proposed development would not be consistent with healthy placemaking as provided for within the Development Plan for this urban neighbourhood.

7.5. Design and Layout

7.5.1. In the following subsections I propose to examine under a number of subheadings the acceptability of the overall design and layout of the proposed development sought under this application.

7.5.2. *Interventions to the Main Building:*

I consider that the subject building for which retention, refurbishment, alterations and additions are sought despite the *ad hoc* clutter arising from the later built structures attached to its western elevation and the adjoining single storey link to the north as well as the placement of a single storey structure to its south western corner; notwithstanding sits in a harmonious and respectful manner with the mixture of period to more contemporary buildings that adjoin and neighbour it within its urban block.

As a structure it is harmonious with later additions to the rear of the NIAH listed period buildings that front the plots of land that are comprised of No.s 115 to 117 The Coombe.

In terms of its height and built form it is in general subservient to the main period building that is now occupied by the BIMM with its long rectangular built form echoing

built aesthetic, the design attributes through to the palette of materials of the later additions that have occurred to the rear of this building.

In relation to the principle of providing a viable reuse of this building I generally concur with the Planning Authority's Planning Officer that the main building on site has the capacity to absorb the proposed alterations, refurbishment, and additions to it subject to safeguards. With I note the additional floor level being distinguishable as a new building layer of its time that would in terms of its overall height not overtly dominate the main buildings built attributes.

This approach in my view is preferable to the provision of a comparable in floor area by way of extension to the ground and first floor level of this building. Given that the only viable place that could cater for such an addition is the space located to the west of this building's principal façade and the western boundary of the site. Extending the first and/or ground floor level of this period building would result in several additional impacts.

For example, it would result in the potential loss of the appreciation of this buildings principal façade and overall built form aesthetics as appreciated in the round and as part of the collection of buildings to the rear of No.s 115 to 117 The Coombe. It would also potentially result in the existing setback that exists between the subject building and the two storey period brick building whose attractive rear gable faces into the courtyard of this site would no longer be as legible and in turn further diminish the surviving collection of built structures that are of built heritage on the larger plot of No.s 115 an 117 The Coombe which are listed by the NIAH. It would also have the potential to likely give rise to additional daylight, sunlight, overshadowing and privacy impacts on properties in its vicinity through to building in proximity to the period boundary walls could materially impact upon their structural stability.

For the most part I am satisfied that a contemporary approach to the additional floor level over the subject building is acceptable, despite the concerns raised in terms of the heaviness of its eastern elevation through to the lack of harmony of its vertical glazing layout on its western elevation, subject to safeguards.

The additional floor level would in my view give rise to a similarity in height with the original convent c1895 building to the north of the site, notwithstanding, it would not overtly dominate views towards this building. This I note is against the context that

the NIAH listed buildings to the north of the site including the said c1895 building is not afforded any specific protection individually or in combination with any collection of buildings, structures, and spaces.

The addition of a third-floor level I also consider is consistent with the building heights and staggered roofline of buildings within the adjoining south eastern, southern, and south western perimeters of the irregular in shaped urban block the site forms part of.

In particular, it is consistent in its height with the residential scheme of New Row Place to the south/south east and residential scheme of New Row Square to the south/south west. Through to within this urban block there is a varied pattern of building heights which includes the neighbouring six storey fronting onto Hyatt Centric Hotel building which the subject building adjoins on the eastern boundary of the site.

Moreover, the backland location of this building through to the orientation of this site means that the provision of an additional floor level to this building would result in it being marginally more visible from the public domain of The Coombe and Saint Luke's Avenue junction. Within this setting it is common for redevelopment of brownfield land to seek more compact forms of development that includes additional floor levels to existing buildings and with the immediate rooflines having a graduated harmony in height as well as catering for taller built insertions like the Hyatt Centric Hotel building.

The restoration of this building together with the additional floor level has the potential to positively contribute to maintaining this building unique sense of place as part of the evolution of buildings at No.s 115 to 117 The Coombe in a manner consistent with local through to national planning provisions whilst at the same time allowing for more compact and consolidated forms of people intensive redevelopment of the SDRA 15 lands.

On this point I note that the guiding principle for its urban structure recognises that historic buildings play a role in enhancing the identity and legibility of the Liberties area. It also seeks in terms of design to protect the distinctive heritage of this area and encourage sustainable as well as innovative re-use of historic spaces and structures through to ensuring that new built structures respond to the prevailing character.

Despite these positive attributes of the general design and layout of the proposed development I raise concerns in relation to the heaviness of the additional structure to

be placed against the western elevation as part of providing access through to private open space amenity for future occupants of the proposed scheme. On this point I also consider that the proposed railings consisting of flat bar galvanised and powder coat railings are unduly heavy and block the appreciation of this building's main elevation. This elevation is enhanced by its use of two different colour tones of brick, stone cills and tall windows that are placed at ground and first floor level with a regular rhythm.

The overall design aesthetic of this façade is carried through to its other elevations and it is of note it mirrors the design aesthetic of the three storey extension to the immediate rear of the c1895 building. With this rear extension now providing the main access to the BIMM by way of a modest contemporary alteration of its façade to create a new entrance that is accessible from the private lane that serves it and the subject site.

In my view the amendments to the subject building in terms of visual outcome is further diminished by the heaviness of the balcony and cladding treatment to the western elevation. These additions in my view dilute the potential of this building to be successfully maintain a level of visual dominance in the overall design of this residential scheme. I also consider that these additions result in visually heavy insertions forward of the western elevation that also diminishes this buildings visual connectivity and placement as part of a group of period built structures to the rear of No.s 115 to 117 The Coombe. On this point I consider that the setback of the western elevation from the opposite western boundary of the site which I note is also staggered eastwards in its alignment in comparison to the blue lined area to the north and the placement of the access lane would be visually diminished by the heaviness of these structures that would in turn erode the courtyard that exists between this subject building and the attractive two storey period brick building to the north.

I also consider that despite the largely glazed expression of this additional floor level particularly in terms of its western elevational treatment in its fenestration and elevational treatment visually jars with the detailing of the strong verticality of the window openings at ground and first floor level.

I also question the merits of blocking up half of the upper floor level eastern elevation windows given that these windows have an established level of overlooking, with

separation between them and the nearest dwelling unit meeting the standards set out under the Compact Settlement Guidelines (Note: SPPR 1).

The strong verticality of the windows and the solid to void rhythm is one of the design features of the subject building as it survives. With the eastern elevation in terms of the overall design approach containing no window openings at ground floor level and minimal voids at third floor level. I therefore question the merit of blocking up half of the eastern elevations existing windows when other design measures could have resulted in a more visually and built heritage sympathetic outcome without giving rise to any undue privacy concerns for adjoining properties whilst providing improved internal amenity outcomes for the proposed apartment units sought under this application.

Through to internally the provision of less units with more qualitative relationship with the existing window openings at ground and first floor level could also have resulted in a more qualitative outcomes with less demands placed upon the site's setting to absorb the nature, scale and extent of development sought on this highly constrained and poorly accessed from the public domain backland site.

I also raise a further concern over the heaviness of the additional floor levels eastern elevation and its monotonous appearance relative to the subject building's ground and first floor level below.

Further I raise it as a concern that there is a lack of details provided in terms of the north and south elevations arising from the proposed development sought under this application through to the relationship of the overall works with the surviving built features in the vicinity.

Conclusion: On the basis of the above concerns I am not satisfied that the proposed additions and alterations in their totality to this surviving period building, are sympathetic to its intrinsic character and its contribution to the buildings, structures and spaces at No.s 115 to 117 The Coombe that are recognised as being of built heritage merit by the NIAH. I raise a concern that the proposed interventions to the western elevation of this building would be unduly heavy and would compromise the survival and appreciation of this buildings intrinsic built character. Alongside I consider that the treatment of the eastern elevation at first floor level and the new addition over would diminish the surviving character of this period building by its undue solidity and

the overtly heavy and monotonous treatment of the new upper floor level. I note to the Board that Section 11.5.3 of the Development Plan which deals with the matter of built heritage assets of Dublin city indicate that these include heritage assets such as vernacular buildings which may not be protected structures, but which contribute significantly to the streetscape and to the character of the city. Within its setting the subject building contributes to its streetscape scene as part of No.s 115 to 117 The Coombe that contain two buildings rated of regional importance that in turn add to the surviving built heritage character of merit within The Liberties area of Dublin.

7.5.3. Building Height:

The proposed development would increase the western elevation of the subject building from a given parapet height of c9.07m to c9.51m and the floor level is given as adding an additional 2.45m to its raised parapet height. This elevation is in my view the principal elevation of this building and is highly visible from adjoining properties in this backland site as well as is together with parts of its eastern and southern elevation from the public domain. As modified this building would have a height of c11.96m as viewed from these adjoining ground levels.

A similar height would present to the southern elevation, and it is of note that there are raised ground levels adjoining the subject buildings eastern elevation alongside the Hyatt Centric hotel.

In relation to the rear of this more substantial in its six-storey height, volume, and mass building I note that the increased height is achieved in part by the proposed raising of this building's parapet height by c440mm to cill level of the additional floor level over.

This would result in the eastern elevation having a parapet height of c8.98m and projecting above this would be the additional floor level which would add a further modestly setback height of 2.25m. This difference in the proposed height arising from the additional floor level results from the angular profile of the contemporary in design additional floor level that includes its asymmetrically placed valley towards the eastern side of the main building.

The drawings show that this height would be subservient to the main c1895 Victorian period building envelope. However, in relation to its later period additions it would be a comparable height to the main extensions to the rear of this building. Notwithstanding it would result in the building on this site further projecting in height

above the more modest single and two storey addition immediately to the north of the site boundary. However, I note that the subject building's western building line is c6.44m from the western boundary of the site and similarly setback this width relative to this building. This is also the case relative to the main c1895 and its main rear additions which is set further westwards than the subject building due to the site's irregular shape.

I consider that this relationship provides a level of space where the buildings to the immediate north of the site that bound the private laneway that would serve this site maintain a level of unity with one another. Whereas the amended building would still harmonise with them in its amended overall height, mass and scale but would still allow for visual separation because of its easterly setback from them. This notwithstanding in terms of the western elevation is diluted by the projecting canopies and balconies which as discussed above are unduly heavy in their built form and as an addition to this building's principal elevation.

In this context I consider that the main built form of the subject building lies more directly behind the c1820s building with a more modest collection of mainly single storey buildings located between it and the rear yard area that lies immediately behind this building's surviving rear elevation.

I acknowledge that the proposed additional floor area together with the increased parapet would result in the subject building on height being taller than this surviving Georgian building. However, there is circa 40m lateral separation distance between the subject building as modified with this Georgian building being immediately adjoined by the mainly six storey Hyatt Centric hotel building which I note to the rear contains a more modest in height rear projection.

In terms of the residential schemes bounding the site to the east, south and south west, these are comprised of New Row Place to its east and south and New Row Square located to the south and south west. I note that these residential schemes that back onto the site contain a range of existing building heights. They are predominantly two, three and four storeys in their overall height. I consider that the additional three storey height proposed is not at odds with their two, three and four storey heights the additional building of these residential schemes nor is the provision of additional windows looking out towards these residential schemes resulting in a

level of overlooking that is exceptional or at odds with this site's city neighbourhood context and a context which has been largely characterised by the guiding principles provided for the SDRA 15 lands that support more dense and compact forms of redevelopment including but not limited to residential.

Additionally, I note that the nearest existing residential building to the subject building are the residential blocks associated with New Row Place scheme.

The subject building at its nearest point would be below 3m from the nearest block within this scheme. Notwithstanding, the additional floor level would be to the north of this block and with the additional height giving rise to marginal additional overshadowing of units and spaces within this scheme to a level that is not exceptional for this type of urban neighbourhood.

Further the main impact of the additional height to this scheme arises from the additional windows at third floor level which have a capacity to give rise to additional overlooking of this adjoining residential scheme. However, there is an established level of overlooking within this urban block and any additional overlooking would as said not be out of context with its location and the level of change that has arisen in past decades to it.

The residential scheme of New Row Square would in my view be less impacted by the additional height in terms of overshadowing. This is again because of the subject building being positioned to the north and north east of its building blocks. With the overshadowing likely largely falling on open space within this scheme that bounds and neighbours the site.

The potential for amenity impact in my view mainly arises from the additional floor level and the potential for additional overlooking to arise to occupants of this scheme, including reduced privacy in terms of their use of their communal open space area. However as discussed above the level of additional impact would not in my view be exceptional having regards to the site's locational characteristics.

In terms of both residential schemes I consider that there is inadequate information provided with this application to make an informed decision on the level of likely impact on these properties in terms of daylight, sunlight through to overshadowing from the proposed development sought, including in terms of their interior spaces and associated outdoor amenity spaces.

In relation to the adjoining St. Brigid's Primary School, this school's campus lies to the immediate west of the site and while the provision of an additional storey over would give rise to an additional level of overshadowing to it.

Notwithstanding, in terms of impact while I consider that it would likely not be exceptional in the context of its urban context there is no daylight, sunlight through to overshadowing examination of the existing and proposed impacts from the proposed development that accords with current standards for assessing the same that provides assurance that this is the case.

In this regard I note that the height of the additional floor level is modest relative to the raised parapet height and the overall roof form over that is proposed with this new floor level setback from the western boundary marginally further than the main building's existing western elevation.

However, I am cognisant that the additional floor over proposes extensive glazing that would overlook the outdoor amenity space of the school.

There is no additional screening proposed that would limit this potential disamenity nor is there any similar screening provided for the balcony spaces proposed above ground floor level to the western elevation. The Board could if it were minded to grant permission consider that the level of overlooking that would arise to the adjoining school campus be addressed by appropriately worded conditions that would provide screening measures to limit the potential of this impact.

In relation to nuisances arising from the additions to this building the construction of the additional floor level is likely to give rise to a variety of nuisances including but not limited to noise, dust, vibrations, associated traffic hazards arising from the types as well as quantum of vehicles generated and the like.

I note the concerns raised by the adjoining educational facilities is that during the period of construction works that the nuisances would be such that they would not be able to function qualitatively through to safely. It is notwithstanding that construction nuisances would arise from the construction works associated with the proposed development were it to be permitted. However, these nuisances would be of a temporary nature and would be required to be carried out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission, including the agreement

of a Construction Management Plan which should address the likely impacts arising including noise, traffic, dust, vibrations, and the like.

In conclusion, I raise no substantive planning issue with regards to the proposed additional floor level which would result in a building height that is not out of character with that in its immediate or wider setting, subject to safeguards.

7.5.4. Density:

The proposed development would give rise to a density of 152 units per hectare.

This density is consistent with Table 1 Appendix 3 of the Development Plan which sets out a net density range of 100 to 250 units per ha in Strategic Development and Regeneration Area's which as said is the locational context of this 0.059ha site.

I also consider that the proposed density is also not inconsistent with the densities set out in the Compact Settlement Guidelines which under Chapter 3 Table 3.1 sets out a density range of between 50 dph to 250 dph with these densities aligning with the compact and consolidated approach for development as provided for under the NPF, including on brownfield zoned serviced accessible locations like this. I therefore raise no substantive planning concerns in relation to the density of the proposed scheme.

Conclusion: I am satisfied that the proposed density is acceptable subject to safeguards.

7.5.5. Unit Mix:

I concur with the Planning Authority that given the modest area of the site that there is a level of flexibility provided for under local through to national planning provisions in relation to the apartment unit mix proposed for the apartment building sought under this application. In this regard I note that the proposed scheme proposes 1 no. 1 bedroom and 8 no. 2-bedroom apartment units whose overall floor area and their internal spatial layouts generally accord with the Apartment Guidelines. Notwithstanding, given the modest size of this site together its constrained backland location I raise concern that in this case the over provision of small one and bedroom units would result in overdevelopment of this site which would result in more significant demands on its setting including when operational given that there is no assurance provided that its operational management through to servicing could be carried out in safe manner given the significant substandard nature of access serving this site.

7.5.6. Residential Amenity of Future Occupants:

I concur with the Planning Authority's Planning Officer that the proposed residential accommodation sought under this application which is comprised of 1 no. 1-bedroom and 8 no. 2-bedroom units in general meet the standards as set out in Section 15.9 Apartment Standards of the Development Plan as well as the standards set out for new apartment units under the Apartment Guidelines in terms of their quantitative standards.

To this I also note the level of flexibility that is provided for under both planning provision for sites that fall below 0.25ha subject to overall design quality and other safeguards. Of concern however is the lack of assurance provided in terms of the quality of daylight and sunlight through to natural ventilation of the proposed apartment units on what is a cramped and constrained backland site. This on the basis that it has not been demonstrated that the proposed apartment units would receive qualitative future amenity in this regard.

Additionally of concern is the lack of a qualitative access serving future occupants and in its context, there is significant question marks that the proposed development of nine apartment units at this location could be served without giving rise to any road safety, traffic hazard and/or obstruction issue given the likely generation of operational, servicing, management through to general traffic generation.

In this context the provision of nine limited in bed space apartment units have the potential to give rise to demands on this lane, its entrance onto the public domain through to the adjoining public road network that can not be safely accommodated.

7.5.7. Open Space Amenity:

The proposed development would provide a level of private amenity open space that accords with relevant local through to national planning standards. Notwithstanding, I raise concerns in relation to the quality of the private amenity open space and communal open space provided at grade given its relationship with built forms, orientation through to aspect, which would likely result in these spaces being diminished in their qualitative function by way of significant overshadowing.

There is no assurance provided by the applicant with this application or with their appeal submission as lodged based on best practice analysis of this matter to demonstrate that this concern is unfounded.

I also raise concerns that the communal private open space consists of mainly grassed area with its main area of c50.4m² and also an ancillary provision of 32m² grassed areas would require ongoing maintenance and is poorly considered in terms of providing more considered qualitative passive and recreational communal open space through to site appropriate landscaping in the sundry spaces proposed as green spaces.

I also raise a concern that the proposed private amenity space above ground level is designed with a lack of adequate consideration to ensure that they would benefit from adequate levels of privacy in terms of their design.

While I am cognisant the lack of public open space can be dealt with by way of a contribution, with this provided for under Section 15.8.7 of the Development Plan at a rate commensurate with the minimum of 25% requirement set out under Table 15.4; notwithstanding, I am not satisfied that the documentation provided with this application and on appeal has demonstrated that open space amenity for future occupants is qualitative in its future function as well as in its design.

I also consider that the Planning Authority's Planning Officer's concerns that the main communal open space for the proposed development is shown located at the southern end of the site is cramped given its confined and enclosed character due to it being surrounded by high walls. To this the overall landscaping scheme associated with the spaces at grade lack qualitative consideration.

7.5.8. Services:

I concur with the Planning Authority that the proposed drainage and water supply services to this site raise no substantive concerns, subject to compliance with standard required safeguards.

I also note that the proposed development would give rise to more deep soil on site for surface water drainage given the removal of built structures and non-permeable surfacing as part of the proposed development. With this particularly noticeable in the south and south western corner of the site where a shared garden area of circa 50.4m²

is proposed and where Unit 3 would have access onto a private amenity open space provision of 19.8m².

In addition to this there are also additional private amenity space indicated at grade that are indicated as being finished in grass. The practicalities of this together with the level of overshadowing likely to these spaces would likely result in these spaces not being surfaced in the medium to long term in grass.

7.5.9. *Parking:*

I generally concur with the Planning Authority that the provision of zero car parking for future residents is appropriate given the constraints of this backland site through to the site is one that is accessible to high frequency public transport and is within walking distance of many amenities, communal, social, employment opportunities through to is in a location with a wide variety of land uses that are synergistic to residential development in a manner that is consistent with the principal of the 15 minute city.

Notwithstanding, I raise road safety and traffic hazard concerns in terms of vehicle parking generated during the demolition, construction through to operational phase of the proposed development on basis of the backland nature of this site, its constrained area through to the substandard in width and in vertical as well as horizontal access serving the site onto the public domain of The Coombe.

This private access lane is not just the sole access serving the site but also serves the main entrance to the BIMM building whose principal entrance opens onto this laneway at a setback location to the south of where it opens onto the public domain of The Coombe.

Additionally, this access opens onto the southern side of The Coombe's public domain at a point where it meets the heavily trafficked junction of The Coombe and Saint Luke's Avenue. This junction is located to the immediate west of it. Alongside at this point to the east The Coombe, which I observed at the time of inspection of the site and in the past is a busy Regional Road (Note: R110), with Francis Street, New Row South and the R137 junction in close proximity to the east.

The subject private access lane serving the site opens onto the public domain at a point where I observed a steady flow of pedestrians and cyclists where the pedestrian

footpath is of restricted width and obstructed by street utilities in the form of traffic lights and a bollard to the west of it.

Alongside the I note that the lane itself is at its southern most end obstructed by waste storage.

I also raise a concern that the traffic plan provided is limited in its scope and detail. Though I accept its finding that the site is located within 1km of four Luas Stops (Note: Stephens Green, Harcourt, Smithfield, and the Four Courts); that there are several bus routes operating within the vicinity and that there are four go-car points within 200m of the site. The proposal provides no mobility management plan for future occupants through to as said a sustainable servicing through to operational management of the site for essential needs including for example waste collections.

I do not consider that use of commercial and long-term carparks within the vicinity of the site is a sustainable solution should future occupants require any more medium to long term car parking provision with on-street car parking within the vicinity for permit holders being limited and under significant strain.

This I observed is very apparent on New Row South which is in close proximity to the site and its traffic movements is restricted to one way and one carriage so that its eastern side can accommodate on-street car parking which appears to mainly serve occupants of properties within its immediate vicinity.

I also note that the Development Plan under Section 15.13.1.4 sets out that provision should be made for a car sharing service for the use of residents for apartment schemes.

Against this context the site and its access onto the public domain is in my view not suitable for the provision of any parking facilities for future residents. I also consider there is a lack of clarity in the documentation provided that the traffic generated by the residential development in terms of servicing and operational management could be carried out in a manner where it would not give rise to any undue road obstructions through to additional traffic hazards for road users. I am also not satisfied that the information provided has provided sufficient clarity on traffic generation during demolition and construction phases for the proposed development if permission were to be granted on what is largely a landlocked with limited accessibility site.

Having regards to the above, though I am satisfied that the provision of no car parking for future occupants of this scheme is appropriate and accords with local through to national planning provisions as well as guidance on such matters which seek to reduce through to eliminate private car parking in accessible locations like this. Notwithstanding I am not satisfied that the proposed development from demolition through to operational use can be safely accommodated by the laneway serving this site.

This conclusion is based on the lack of information provided to conclude with sufficient certainty that the intensification of use would not give rise to any undue obstructions through to road safety and traffic hazards for the existing users of this private lane, this private lane's entrance onto the public domain of The Coombe and that the adjoining public road network has the capacity to safely accommodate the demands this development would generate during construction through to operational phases. I also note that the Planning Authority's Transportation also raised concerns in relation to the provision of adequate access should fire tenders be required in an emergency situation to access the site. I share their view and similarly consider that this matter alongside as said other vehicles likely to be generated by the proposed development can be accommodated by the public road network and the private lane in the applicant's legal interest. Or that there are other alternatives to overcome this concern.

In relation to bicycle parking provision while I accept that the provision of between 22 to 24 parking spaces accords with local and national requirements; notwithstanding, the conflicting numbers of spaces indicated in the submitted documentation.

If for example 22 bicycle parking spaces are provided having regard to the requirement set out under Appendix 5 of the Development Plan for apartment bedroom mix and visitors, then the proposed spaces are just 0.5 parking space above the minimum standard. Of concern is the lack of quality of the spaces proposed in that they are not protected from the weather which is a requirement under Section 3.0 Appendix 5 of the Development Plan.

It is also note that the design principles set out under Section 6.2 of the National Cycle Design Manual states: *"for long stay parking, either overnight or where bikes are regularly parked for much of the day, some users will be willing to trade a degree of*

convenience for additional protection or services such as CCTV coverage, shelter from weather and secure access”.

Also, under Section 6.3 which of the said Design Manual in relation to universal access it sets out that typically 1 space per 20 spaces or 5% should be provided for larger non-standard cycles so that they can be used by disabled people with adapted cycles and other people using tandems, child trailers, cargo bikes and tricycles. Through to it recommends that spaces for larger cycles should be provided in the most accessible locations. This quality and type of universal provision is not provided for in the bicycle spaces provision proposed.

Furthermore, the design and layout of bicycle spaces is such that it is indicated to have the potential for parked bicycles to conflict with movements of future occupants given that the bicycle provision is shown to oversail the main internal access which runs alongside them.

Additionally access and egress from the proposed spaces would also have the potential to conflict with the free movement of pedestrians using the main internal access within the site for occupants.

Conclusion:

In conclusion, I consider that the proposed development has the potential to give rise to traffic safety and hazards for the substandard laneway serving the site as well as its access onto the public domain. I am also not satisfied that the surrounding road network has the capacity to absorb the proposed development without giving rise to road safety, traffic hazards and obstruction of road users. Further, I am not satisfied that the proposed residential scheme when operational would not give rise to further undue demands on the private laneway and public road network upon which is dependent or that if an emergency situation arose that vehicles including fire tenders/ambulances could safely reach the residential scheme proposed and its occupants.

7.5.10. Sustainability Measures:

As said the proposed design includes the provision of what is indicated as an increased area of permeable surfaces by way of the provision of grass surfaced areas at grade. Additionally, as said the retention of this building in preference to its

replacement with a new building aligns with sustainable building measures supported by local through to national planning policies.

To this I note that the applicant proposes 30m² of solar array on the roof of the proposed additional floor level which they indicate would provide 600 plus kilowatt hours per annum of energy and thereby contributing to the servicing of the external lighting.

Additionally heat recovery ventilation is proposed for the apartments as well as rainwater harvesting for irrigation and to service a proposed communal laundry.

To this I note that the applicant proposes a fabric first approach to achieve nZEB compliance and within the layout of the apartments it is contended that they are of spatial size and layout that they would facilitate home working should that be required by their future occupants.

Conclusion: In general, I consider that the while the overall approach of the proposed development in terms of aligning with climate resilience aligns with local through to national planning provisions as well as guidance for such measures. Notwithstanding, there is a lack of detail and clarity on how in actuality these measures in totality would be achieved. Should the Board be minded to grant permission I recommend that it include an appropriate condition to deal with this concern, particularly in relation to achieving the measures proposed for a building that has a period fabric through to achieves the climate resilient measures proposed.

7.6. Other Matters Arising

- 7.6.1. **Material Contravention:** For clarity purposes as discussed above the Planning Authority did not refuse permission for the proposed development based on material contravention. However, I am not satisfied that the nature of the proposed development would not materially contravenes the Development Plan in relation to 'Z15' zoned lands. Having regard to the general nature and text as stated for this zoning objective, I am satisfied that a material contravention does arise in this case given the nature of the change of use proposed. I have assessed the development against the four criteria under Section 37(2)(b) of the Planning and Development Act 2000 (as amended), which is the criteria that allows the Board to grant permission in the event of a material contravention which I propose to comment on in turn as follows.

Firstly, that the proposed development is of strategic or national importance (Note: 37(2)(b)(i)). While I accept that there is a housing crisis, I consider that the proposed development is not in itself of strategic or national importance.

Secondly, there are conflicting objectives in the applicable Development Plan, or the objectives are not clearly stated, insofar as the proposed development is (Note: 37(2)(b)(ii)). As regards the proposed development, I consider that as the zoning objective permits in 'residential use' 'Z15' subject to the criteria set out under Section 14.7.14 and exceptional circumstances as provided for under the Development Plan being satisfied and demonstrated. The applicant has not demonstrated or satisfied that the type of development proposed is one that is permitted under 'Z15' zoning objective and reference to previous land use zonings that may have been applicable to this site and its setting are not relevant given that the relevant land use zoning is as set out in the current applicable Development Plan.

Thirdly, permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government ((Note: 37(2)(b)(iii))). Again, as said while there is a housing crisis the proposed development is not one that is consistent with the land use objectives for this site, its setting or with the guiding principles of the larger parcel of SDRA 15 lands. Having regard to regional policy, objectives through to national guidelines documentation, and to the nature of the development, I consider that there are no relevant criteria that would permit a material contravention of the CDP by higher level planning provisions and guidance.

Fourthly, permission for the proposed development should be granted having regard to the pattern of development, and permission granted, in the area since the making of the development plan (Note: 37(2)(b)(iv)). The Dublin City Development Plan was adopted in 2022, with I note a number of variations made to it since. The proposed development seeks to provide change of use from educational, which is a conforming and permissible land use on 'Z15' to a type of residential development that is not deemed to be permissible or open for consideration with limited circumstances where residential/commercial led developments being permitted subject to demonstrating consistency with the requirements set out under Section 14.7.14 of the Development

Plan. The documentation provided with this application and on appeal fails to demonstrate that it meets any of the circumstances where the nature of the development would be permitted through to the nature of the proposed use is not one that would enhance the primary use and land use objective of these 'Z15' zoned lands which are centred on protecting and providing community and social infrastructure. Additionally, the adjoining land to the north and east as well as the existing use of the site has synergies with this land use function whereas the provision of a proposed residential commercially led redevelopment of the site would not.

Having regard to the foregoing, I conclude that a material contravention does arise in this case.

- 7.6.2. **Undesirable Precedent:** I note that the Planning Authority's second reason for refusal considered that the proposed development in part as a result of this applications lack of including re-accommodation of the same or an increased volume of cultural space/use within this redevelopment or elsewhere would give rise to an undesirable principal given that this outcome would be contrary to Objective CU026 of the Development Plan.

I note that the applicant has failed to demonstrate how the existing cultural use at this location can be re-accommodated elsewhere given that the proposed redevelopment is mono-use in its residential nature and function.

While I consider that there is merit in this concern, I am of the view that any planning application / appeal should be considered on their individual merits and on its own site as well as setting specific basis, having regard to current relevant local through to national planning policy provisions and any other planning related considerations. With this site being a backland location that has a number of individual characteristics in terms of its constraints and merits in accommodating any future redevelopment.

On this basis I am of the view that the core issue in relation to the proposed development is as discussed above the material contravention of the proposed development with the land use zoning objectives for the site 'Z15' site and setting.

- 7.6.3. **Impact on Properties in the Vicinity:** As set out in the assessment above I am not satisfied that the proposed development would not give rise to a diminishment to the established amenity of properties in its vicinity. This is on the basis that the proposed

additional floor level has the potential to diminish these established amenities by way of loss of daylight, sunlight through to privacy.

Of particular concern is the impacts that would arise to the adjoining school to the west and the immediate residential buildings and spaces to the south of the site.

In relation to the adjoining school to the west this is in addition to the lack of demonstration that the proposed development would not compromise this school's future expansion needs whether it requires land beyond its confined in area boundaries or would have to build over its existing buildings and on part of or on all of its outdoor play area to the rear. In these scenarios the proposed apartment scheme as proposed has the potential to comprise this future ability of this school to expand to meet any growing demands it may have for future educational floor area.

Additionally, the private residential development of these lands would also adversely impact on buildings and spaces within this 'Z15' land use for community and social related purposes, including it would give rise to the loss of its existing cultural use which is synergistic with the past use of the site and critically with permissible land uses on such zoned land through to these SDRA 15 lands.

Whereas the nature of the residential development sought is only permissible in limited scenarios and in exceptional circumstances that the applicant has failed to demonstrate.

In this context the proposed development has the capacity to not only diminish the function of adjoining properties in its vicinity but also the land use function of these 'Z15' zoned and SDRA 15 lands in a manner that would in turn diminish their existing through to envisaged land use primary function, character, vitality and vibrancy as part of the 15-minute city.

- 7.6.4. **Archaeology:** Should the Board be minded to grant permission I concur with the Planning Authority's Archaeological Section that based on the archaeological sensitivity of this location that an archaeological condition should be imposed.
- 7.6.5. **Drainage:** As discussed in the assessment above I raise no substantive concerns in terms of the general drainage of the proposed scheme subject to the inclusion of the recommendations of the Planning Authority's Drainage Division should the Board be minded to grant permission.

- 7.6.6. **Contributions:** I refer to the Dublin City Council Development Contribution Scheme, 2023-2026. The development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000. Additionally, the proposed development is not exempt from the requirement to Section 49 Luas Line Levy.
- 7.6.7. **Naming:** Should the Board be minded to grant permission I recommend that it include a condition that requires the agreement of the apartment scheme's naming and numbering. Such a condition would accord with Section 15.8.9 of the Development Plan in that it requires that such a provision be made and that development names reflect local historical, heritage or cultural associations and the basic generic description through to that they will approve the naming of residential developments in order to avoid confusion with similar names in other locations.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended). As set out under Section 5.4 of this report above the subject site is not located within or adjacent to any Natura 2000 site and is not considered to be within the zone of influence of any Natura 2000 sites. The closest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), which is located c.3.6km to the north east of the site and South Dublin Bay SAC (Site Code: 000210), which is located c4km to the east at their nearest point to the site.
- 8.2. The proposed development is set out under Section 2 of this report and in summary consist of the demolition of structures totalling 60m² in floor area, the change of use of the two-storey building on site together with its refurbishment, alterations and additions which would give rise to the retention of 475m² of existing floor area and the addition of 317m² floor area for use as 9 apartment units. Additionally, the proposed development also includes all associated works and services. The site is backland site of 0.059ha and is mainly landlocked by educational, residential, and commercial land uses. As said the proposed development relates to an existing building and is

located within the historic city neighbourhood of the Liberties which has a long history of human habitation. It is therefore a mature and long established built-up serviced location that is located 1km to the south west of Dublin's city centre.

8.3. Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment. This is on the basis that it would not give rise to any appreciable effect on any Natura 2000 site or sites. The reason for reaching this conclusion is based on the following factors:

- The modest nature, scale, and extent of the proposed development.
- The location of the proposed development on brownfield serviced lands.
- The lateral separation distance from the nearest Natura 2000 sites and the urban nature, function, and physical character of intervening urbanscape with the site having no connection to the habitats and biodiversity that are present in between.
- The absence of any ecological pathways to any Natura 2000 site(s).

8.4. In conclusion, I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a Natura 2000 site or sites and I therefore consider that appropriate assessment is not required in this case.

9.0 Recommendation

9.1. I recommend that permission is **refused**.

10.0 Reasons and Considerations

1. The applicant has not adequately demonstrated that the proposed development is in compliance with the 'Community and Social Infrastructure -Z15' land use zoning objective "*to protect and provide for community uses and social infrastructure*" and the criteria set out under Section 14.7.14 of the Dublin City Development Plan, 2022-2028, which strictly limits residential development

subject to demonstrating compliance with its provisions and subject to exceptional circumstances.

In this case the applicant has not demonstrated that the proposed development is not a material contravention of the 'Z15' land use zoning objective of the Development Plan and that the proposed development would be one that would protect and provide community uses and social infrastructure as part of creation of a vibrant neighbourhood, health placemaking and sustainable well connected city as is further provided for under Section 13.17 – Strategic Development Regeneration Area 15 (SDRA).

The proposed development is therefore considered to be contrary to the 'Z15' zoning objective and the guiding principles for the SDRA it forms part of which include but are not limited to recognising the need for community uses and community social infrastructure in the Liberties area into complement the emerging development in recent decades.

The Board is not satisfied that there are any exceptional circumstances demonstrated for this development which is by its nature considered to be residential and commercially led and that any of the provisions of Section 37(2)(b)(i), (ii), (iii) or (iv) of the Planning & Development Act, 2000, as revised, apply in this case.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Patricia M. Young
Planning Inspector

21st day of May, 2025.

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321833-25		
Proposed Development Summary	Change of use from school building to 9 apartments and all associated site works.		
Development Address	Rear of 115-117 The Coombe, to the rear of BIMM Music Institute, Dublin 8.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	☒
		No	N/A
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	N/A		Proceed to Q3.
No	☒		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	N/A		EIA Mandatory EIAR required

No	☒		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	☒	<i>Subthreshold for Class 10(b)(i); Class 10(b)(iv); Class 14 & Class 15(b) of the Planning Regulations, 2001, as amended.</i> <i>Preliminary examination required. (Form 2)</i>	Preliminary examination required (Form 2)

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

Inspector: _____

Date: 21st day of May, 2025.

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321833-25
Proposed Development Summary	Change of use from school building to 9 apartments and all associated site works.
Development Address	Rear of 115-117 The Coombe, to the rear of BIMM Music Institute, Dublin 8.
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size, or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of the demolition of an existing built structures totalling 60m², the retention of 475m² of existing floor area and the addition of 317m² of new floor area to accommodate construction of a three-story apartment building containing 9 apartment units on this subject 0.059ha site in the established city neighbourhood of Dublin 8. The proposed development is modest relative to the nature, scale, and extent. The building is not exceptional in its urban context despite its period character. The site forms part of a historic urban neighbourhood located within 1km of Dublin's city centre and the nature, scale and extent of residential developments is not out of context with its wider setting as part of the SDRA 15 lands brownfield serviced zoned accessible sites. The additional waste the proposed development would generate during construction and operation phase, I do not consider would be of a level that would be exceptional or significant in the local, regional, or national context. Additionally, the implementation of the proposed development would not require the use of substantial resources with the main works as said relating to a permitted building.

	I am satisfied that the development, does not pose a risk of major accident and/or disaster, and due to its location would not be vulnerable to climate change. It would not present a risk to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is comprised of built structures and hardstand. The site is not designated for the protection of the environment or are any of lands within its vicinity. The surrounding urbanscape includes the site forming part of a collection of buildings which relate to the historical NIAH listed buildings at No.s 115 to 117 The Coombe. However, the site itself and the adjoining properties are not of any other built sensitivity including the site and its setting do not contain Protected Structures, adjoin Protected Structures nor does it form part of an Architectural Conservation Area. Any development that involves ground works does give rise to the need for standard archaeological safeguards at this location given the long history of human habitation and the important materials found in nearby archaeological digs/tests. The Development Plans Core Strategy and accompanying provisions supports compact, dense through to consolidated residential development at service accessible locations subject to safeguards. This aligns with regional and national planning provisions. The works to which this application relates would not give rise to any additional potential for any disturbance of any archaeological material, subject to standard safeguards given the long history of human occupation at this location. The development would not have the potential to significantly impact on any ecologically sensitive site or locations, with the nearest Natura 2000 sites are located over 3km from the site at their nearest point. The proposed development would not generated significant additional demands on water supply, foul drainage, or public road network. With the existing services and road network having the capacity to absorb the additional nine apartment unit's additional demands. I therefore do not consider that the proposed development would have significant cumulative effects

	on the environment together with any other projects in the vicinity.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects, and opportunities for mitigation).	Having regard to the modest nature, scale and extent of the proposed development, the size of the site and its location removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects together with the absence of any potential for significant cumulative effects, I am satisfied that there is no potential for significant effects on the environmental factors set out in Section 171A of the Planning and Development Act 2000 (as amended) having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended).	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required.	No

Inspector:

Date: 21st day of May, 2025.

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)