

Date: 13-Jul-2023

DEPUTY PLANNING OFFICER

APPLICATION No.	5400/22
PROPOSAL	Permission is sought for the demolition of existing dwelling & site structures, and the construction of a six-storey apartment building comprising 13 No. apartment units (9 No. 1-bed units and 3 No. 2-bed units & 1 No. three bed) with associated balconies/terraces, the provision of 3 no. communal open space areas at ground level and on third floor and fourth floor terraces, ancillary areas for bicycle parking, refuse storage, apartment storage room, associated plant room at ground floor, amendments to the boundaries as required to facilitate the development in relation to the bounding properties to the south and west, maintaining in place a vehicular access with gate providing wayleave access to the side serving the rear of No 28, Bow Lane West, with associated landscaping & site works.
LOCATION	29, Bow Lane West, Dublin 8, D08V44T
APPLICANT	Ixeter Property DAC
DATE LODGED	15-Jun-2023
ZONING	
APPLICATION TYPE	Permission

11/07/23**LC/EB****Site Notice:**

Site notice(s) in order 4th March 2020.

Pre Planning Meeting(s):

None stated

Zoning & Policy:

The subject site has the Land Use Zoning Objective Z1 - 'To protect, provide and improve residential amenities.'

The subject site is also located within the boundary of SDRA 7 Heuston and Environs.

Site Description:

The subject site is located on the south side of Bow Lane West opposite the grounds of St Patricks University Hospital. The site has an overall area of 0.8 hectares and is currently occupied by a two storey warehouse building.

The site is located approximately 160 metres west of the junction of Bow Street West with James's Street and Steven's Lane. Two storey terraced houses adjoin the site to the east. A six storey apartment building is located further to the east. To the west of the site there are three to four storey warehouses and a four storey apartment development. The site is bounded to the south by the rear of a four storey apartment building and two storey commercial buildings which front onto James's Street.

Proposed Development:

Permission is sought for the demolition of existing dwelling & site structures, and the construction of:

- a six-storey apartment building comprising 13 No. apartment units
 - 9 No. 1-bed units

- 3 No. 2-bed units
- 1 No. three bed
- associated balconies/terraces,
- the provision of 3 no. communal open space areas at ground level and on third floor and fourth floor terraces,
- ancillary areas for bicycle parking, refuse storage, apartment storage room, associated plant room at ground floor,
- amendments to the boundaries as required to facilitate the development in relation to the bounding properties to the south and west,
- maintaining in place a vehicular access with gate providing wayleave access to the side serving the rear of No 28, Bow Lane West,
- with associated landscaping & site works.

Planning History:

There is no recent relevant planning history relating to the subject site.

Relevant Policy from Development Plan 2022-2028

Dublin City Council's policy regarding such developments is set down in the Dublin City Development Plan 2022 -2028.

Policy QHSN2 National Guidelines

To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009), Housing Options for our Aging Population 2019, the Design Manual for Quality Housing (2022), the Design Manual for Urban Roads and Streets (DMURS) (2019), the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Affordable Housing Act 2021 including Part 2 Section 6 with regard to community land trusts and/or other appropriate mechanisms in the provision of dwellings.

Policy QHSN6 Urban Consolidation

To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

Policy QHSN10 Urban Density

To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Section 5.5.3 Healthy Placemaking and the 15-Minute City

The 15-minute city concept envisages that within 15 minutes on foot or bike from where they live, that people should have the ability to access most of their daily needs. In order to realise the 15-minute city, it is envisaged that all new developments and existing neighbourhoods will require extensive investment in public transport, walking and cycling infrastructure and supporting measures, including retro-fitting and reconfiguration of established urban streets, and the Council supports measures in this regard.

Policy QHSN11 15-Minute City

To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessibly transport where feasible.

Objective QHSNO4 Densification of Suburbs

To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.

Policy QHSN22 Adaptable and Flexible Housing

To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government's 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and the Universal Design Guidelines for Homes in Ireland 2015.

Policy QHSN37: Houses and Apartments

To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

Policy QHSN38: Housing and Apartment Mix

To encourage and foster the creation of attractive, mixed use, sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and the HNDA, with supporting community facilities and residential amenities.

Section 14.7.4 Key Urban Villages and Urban Villages

This section sets out general principles and requirements with regard to development in Key Urban Villages /Urban Villages.

Section 15.2.3 Planning Application Documentation – Planning Thresholds

This section notes that planning applications should be supported by the necessary analysis and documentation to demonstrate the proposed design and rationale for a scheme. Table 15-1 sets out that for a residential development of this size, applications should include a Housing Quality Assessment, a Landscape Design Report, a Planning Report, an Operational Management Statement, a Mobility Management Plan/Travel Plan, as well as Engineering Services Report, Construction Management Plan, Construction Demolition Management Plan, Operational Waste Management Plan, Climate Action and Energy Statement, Surface Water Management Plan, and all developments require Appropriate Assessment Screening.

Section 15.5.2 Infill Development

This section sets out requirements for infill development in general.

Section 15.8 Residential Development

This section sets out the general requirements for residential development.

15.8.8 Play Infrastructure

Applications which include the provision of public open space shall be subject to a requirement to provide for appropriate playground facilities. In schemes of 25 or more units, small play spaces of 85-100 sq. m. are considered suitable for toddlers and children up to the age of six, with suitable play equipment, seating for parents/ guardians, and within sight of the apartment building.

Section 15.9 Apartment Standards

This section sets out the general requirements for apartment development and includes a number of qualitative and quantitative standards such as unit mix, unit size and layout, dual aspect, floor to ceiling height, lift stair cores and entrance lobbies, internal storage, private amenity space, communal amenity space, roof terraces, internal communal facilities, security, access and services, refuse storage, lifecycle reports, operational management and maintenance, microclimate, daylight and sunlight, wind, noise, separation distances, overlooking and overbearance.

Relevant Policy Guidelines

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoECLG, March 2018

Guidelines for Planning Authorities, Sustainable Residential Development in Urban Areas & Best Practice Urban Design Manual, DoEHLG, December 2008.

Quality Housing for Sustainable Communities – Best Practice Guidelines for delivering Homes Sustaining Communities, DoEHLG, 2007.

Observations/Submissions:

Final date for observations was the 3rd March 2020. No submissions were received in relation to this application.

Interdepartmental Report(s):

- | | |
|--|---------------|
| 1. Drainage Division: | FI Requested |
| 1. Roads & Traffic Planning Division: | FI Requested. |
| 2. City Archaeologist: | FI Requested |

Consultee's /Interested Parties:

Irish Water: No report to date.

Transport Infrastructure Ireland (TII): No observations

Planning Assessment:

The applicant seeks planning permission to demolish the existing two-storey dwelling and in order to construct a six-storey apartment building comprising 13no. apartment units.

Zoning

The subject site has the Land Use Zoning Objective Z1 'To protect, provide and improve residential amenities.' Residential use is permissible under the land use zoning for the site.

Layout

The development is located on the south side of Bow Street West. The 'L' shaped apartment block is six storeys (sixth floor set back) and is situated along the northern and eastern boundaries of the site. To the rear (south boundary) the development gradually steps down to a five storey then three storey return then to one storey where the site adjoins the car parking area associated with Phoenix Apartments complex.

Density, Plot Ratio and Site Coverage

The development provides 13 no. units. Indicative plot ratio and site coverage standards are set out in the Dublin City Development Plan 2022-2028. Plot ratio standards for Z1 Inner City range from 0.5 -2.0 and site coverage standards for Z1 is 45%-60%. The stated plot ratio is 3.15 and site coverage is 67%.

Impact on local Character

The proposed development is six storeys with a maximum stated height of 20 metres with a partial set back at fifth floor level to provide a recessed balcony.

It is noted that the development is located within SDRA 7 Heuston and Environs which contains a set of guiding principles for new development including 'The successful interconnection between the development site and adjacent urban structure.'

The accompanying design statement indicates that height of the development takes cognisance from the nearby 6-storey apartment scheme that was approved under DCC Reg Ref: 2115/20 at No.26 & 27 Bowe Lane and the long established apartment complex located to the east, at No.35 Bow Lane. It should be noted that the development approved under DCC 2115/20 initially proposed an eight storey scheme, however this was reduced to 7-storeys following FI and then further reduced to six storeys by way of a condition of approval.

The streetscape elevation shows that the proposal accords with the scale, character and existing pattern of development along this part of Bow Lane. Having regard to the existing buildings within the streetscape as outlined above, it is not considered that the proposal would deviate from the prevailing height context.

The applicant has submitted photomontages in conjunction with the application with views of the proposed development shown from Bow Lane West in an easterly and westerly direction. As outlined above the six storey structure would be in proportion with existing, nearby apartment buildings along Bow Lane in terms of height, bulk and mass. It is considered that the building would not appear visually incongruous in the context of the existing streetscape.

Having regard to the location of the site on Bow Lane West and the surrounding urban structure which comprises recently constructed and modern apartment developments which range from four to six storeys, there are no concerns regarding the height of the development at six storeys, which would contribute towards a coherent streetscape at this location.

Impact on Residential Amenity

The layout of the apartment block results in a six storey block viewed in the context of several existing six storey residential blocks fronting Bow Lane. There are south facing external balconies and west facing recessed balconies proposed on floors 1 to 5 of the development including two 'green-blue roofs' at third and fourth floor levels; a communal open space area is also provided at ground floor level.

The site plan indicates a separation distance of approximately 22m between the western balconies and the apartment development approved under DCC Reg Ref: 3127/21. In terms of the apartment located to the east which has rear balconies angled towards the site, it is noted from the elevations that the proposal would not present any openings onto these private spaces. The submitted Overshadowing assessment indicates that the proposal would increase in the extent of overshadowing post 18:00, in an eastern direction towards existing balconies. However it should be noted that due to the design of the host building, these spaces are currently overshadowed during this period. Therefore residential amenity standards would not be greatly reduced as a result of the subject development.

The layout of the apartment block results in a six storey block adjoining No. 28 Bow Lane West, a two storey terraced house. There are west facing balconies proposed within the development which are located approximately 6.5m from the rear garden of this adjoining property. Also, there are concerns regarding the potential overlooking from the south-facing balconies and the rear balconies at Phoenix View. The applicant should be requested to address this issue.

Floor Areas and Development Standards

In total 13no. apartments are provided comprising the following mix of units:

- 9 x 1 bedroom units floor areas ranging from 45sq m to 53 sq m
- 3 x 2 bedroom units floor areas ranging from 83 sq m to 92 sq m
- 1 x 3-bedroom unit floor area 105 sq m

It is considered that the mix and floor areas comply with Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHPLG, December 2018.

Dual Aspect

With regard to dual aspect apartments the DoECLG guidelines require a minimum of 33% of the units to be dual aspect. Furthermore, the DoECLG guidelines state that north facing single aspect apartments may be considered where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature.

The applicant's housing quality schedule indicates that 5 of the 13 no. apartments are dual aspect. The location of the apartments have been identified and comply with Figure 15.2: Example of Dual Aspect Residential Unit as set out in Section 15.9.3 of the City Development Plan.

Floor to Ceiling Height

The current Development Plan and the DoECLG guidelines require ground floor level apartments to have a minimum floor to ceiling height of 2.7m to reduce the potential for overshadowing. A minimum floor to ceiling height of 2.4m is required at all other levels. The sections submitted indicate that floor to ceiling heights are a minimum of 2.7 metres.

Lift and Stair Cores

DoECLG guidelines require a maximum of 12 apartments per floor per individual stair/lift core. The proposal provides maximum of 3 no. apartments per stair/lift core.

Storage

The Housing Quality Assessment indicates that all apartment meet with storage requirements. Waste storage spaces are provided at ground floor level for the apartments adjacent to the circulation cores.

Private Amenity Space

The DoECLG guidelines sets out private open space requirements for apartment developments. It states that private open space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The minimum private open requirement for apartments is 4sqm for a studio; 5sqm for a 1-bed and 7sqm for a 2-bed. The Housing Quality Assessment provided indicates the private amenity space for all apartments meets the minimum requirement.

Communal & Public Open Space

The DoECLG guidelines sets out communal open space requirements for apartment developments. The minimum area for communal open space for the development is 75 sq m. In total 122 sq m of communal open space is provided in the form of:

- Ground floor communal space 43 sq m;
- Third floor terrace: 43 sq m;
- Fourth floor terrace: 43 sq m;
- Fourth floor: 36 sq m

In terms of public open space, the applicant has indicated a willingness to pay a financial contribution in lieu of the same.

Sunlight/Daylight report

The applicant has submitted submit a daylight/sunlight report which measures the levels of internal daylight of the apartments and the sunlight levels of private amenity spaces and communal spaces in accordance with the requirements of 'Site Layout Planning for Daylight and Sunlight' (2nd edition).

The report analyses the ADF of each bedroom, living room/dining/kitchen to each apartment across ground to fifth floor level. It concludes that the ADF for all habitable rooms on all floors completes with the strict ADF requirements. The overall average of the tested bedrooms is 2.9% and the living/kitchen/dining is 3.11%. when considered against the BRE targets of 1.0% and 2.0% respectively, it is considered that the proposed occupants would benefit from a suitable level of sunlight penetration.

In terms of communal open space, the shadow/sunlight study indicates that the communal amenity areas on levels on third & fourth floor level would receive in excess of 2 hrs of sunlight. These areas have a combined total of 79 sq m. The 43 sq m ground level communal area would only receive sunlight during the June period and therefore fails to meet the minimum standards. it is considered that the applicant should ensure that this area comprises hard landscaping.

The current provision communal open space is considered acceptable given the infill nature of the site and it location in the inner city in this instance.

Transportation Matters

Location and access

The subject site is located on Bow Lane West and pedestrian access to the city centre is to the east via James Street and Thomas Street. The pedestrian footpath provision linking the subject site to the city centre is generally good. There are no cycle lanes on Bow Lane West, but there are various sections of mandatory and advisory cycle lanes as well as shared bus lanes for cyclists within the local road network.

The nearest bus stop is c. 350m east on James Street which is served by frequent Bus Route 13, 40 and 123. The Luas James's stop is within walking distance, c. 450 m, but involves crossing James's Street. Heuston Railway station is a c. 600m and provides intercity and commuter connections. The nearest Dublin bikes station is located on Grand Canal Place which is c. 500m from the proposed development.

A Mobility Management Plan has not been included in the submission.

The existing development is two storey residential with a large yard to the rear and benefits from vehicular access; there is a way-leave from this access along the western boundary of the site which provides vehicular access to the rear of 28 and 28a Bow Lane. The proposed development comprises a 6 storey, 13 unit (18 bedrooms) apartment building. It is proposed to maintain the wayleave, although it is noted that it is proposed to build over the wayleave. Submitted drawings indicate the proposed entrance and access lane will be 3.0m width, with a height restriction of c. 2.8m. No swept path analysis has been submitted demonstrating vehicular access along the lane (way-leave) to the parking area to the rear of no. 28 and 28a Bow Lane, it is not clear if existing vehicular access/egress is being impacted on. This division has concerns that the proposed access lane may lead to reversing movement of vehicles along the lane and onto the public road posing a hazard to pedestrians/cyclist and other road users; this is not acceptable.

It is noted that there is an access door off the vehicular access lane, which provides access to the cycle parking and bin store. There are also stairs from the vehicular lane down to the rear landscaped area indicating that the lane is a shared pedestrian/cyclist/vehicular surface. The limited use of the lane is noted, and as such limited opportunities for pedestrian/cyclist/vehicular conflict.

From review of submitted plans, the proposed building does not appear to encroach upon the public footpath.

Cycle parking

The applicant has proposed 24 no. secure cycle parking spaces (18 resident and 6 visitor) located on the ground floor in two compounds (visitor and resident) in a secure part of the development which can be accessed from Bow Lane West and as well as off the internal vehicular lane along the western boundary. It is not clear how visitors will readily be able to gain access to the cycle parking.

The proposed quantum is in line with Development Plan 2022-2028 Standards, Appendix 5, Table 1. However, Table 1, residential apartments, Note 3, notes to include provision for e-bikes/cargo bikes/bike trailers/adapted bikes; submitted information indicates that no provision has been made.

Access doors to cycle parking areas should be a minimum 1.2m in width, doors to not appear to be adequate width to provide ease of access for a dismounted cyclist. The proposed type of cycle parking is unclear, it is not clear if there is adequate space to accommodate the proposed no. of spaces, and there appears to be inadequate room within the compounds to manoeuvre with as little as 0.9m between the rows. It is not clear if the cycle parking store is adequate in size to accommodate the proposed 8 no. cycle spaces. Adequate quality of cycle parking in terms of type of stands, ease of access and manoeuvrability has not be demonstrated.

Car parking

The applicant does not propose to provide any car parking for the development. The application site is located within Parking Standards Zone 1 of Map J of the Dublin City Development Plan 2022-2028. Appendix 5, Table 2, outlines the maximum car parking standards for residential development in Zone 1 as 0.5 space per dwelling, which would result in a maximum requirement of 9 spaces.

The submission does not reference the availability of existing car share facilities within the area and none are proposed. It is however noted that there are a number of public car share locations in the vicinity of the development. The applicant, with the exception of cycle parking provision, has submitted limited information to demonstrate the suitability of the subject site in relation to no car parking provision and a mobility or residential travel plan have not been included in the submission.

There are double yellow lines on the northside of Bow Lane West and a single yellow line on the south side of the street which does not permit car parking between 07:00 and 19:00hrs directly outside the proposed development. On street parking is controlled on surrounding streets.

Whilst it would be the preference of this division that some car storage or car share spaces would be provided on site, the small number of units proposed are noted as well as the limitations of the subject site, the proximity to the city centre, control of on street parking within the area and nearby public transport. The no car parking provision is considered acceptable in this instance. A Residential Travel Plan should be conditioned.

Waste Collection

The applicant has not provided any details in terms of the management of the waste collection. There is a bin storage area located at ground floor level, accessible from Bow Lane West. A temporary waste collection area to store the waste receptacles prior to collection has not been outlined within the documents submitted. It should be noted that the storage of bins on the public footpath is not supported by this division. Bins, on collection days, should be stored within the curtilage of the site.

Servicing

Details on how deliveries and servicing are to be managed have not been provided. As noted above there are parking restrictions on both sides of Bow Lane East which will allow for restricted active loading time. The nearest on-street parking bay is located approximately 100m west of the proposed development. As the development of a small scale and located on a relatively quiet street and parking/loading is available relatively close, the proposed is acceptable in this instance.

Construction Management

An outline Construction Management Plan (CMP) has not been submitted. It is considered that should a grant of permission be forthcoming a condition should be attached requiring a final CMP be submitted and agreed with the Planning Authority on appointment of the main contractor.

Archaeological impacts

It can be demonstrated that the subject site is located in the Zone of Archaeological Interest for the RMP DU018-020 (Historic City), with buildings present on the subject site from at least the eighteenth century, and so there is potential for archaeological features/deposits to exist at subsurface level on the proposed site. There was no consultation with the City Archaeologist prior to the application being lodged and there was no archaeological impact assessment included with the application.

Given the above, the site should be archaeologically assessed as Additional Information. This will enable the Planning Authority to formulate an informed recommendation before a planning decision is made.

Appropriate Assessment:

The development has been screened for AA. It has been found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

Conclusion

Given the issues identified above, as well as the drainage and TPD issues it is considered that additional information be requested as follows.

1. The layout of the apartment block results in a six storey block adjoining No. 28 Bow Lane West, a two storey terraced house. There are west facing balconies proposed within the development which are located approximately 6.5m from the rear garden of this adjoining property. Also, there are concerns regarding the potential overlooking from the south-

facing balconies and the rear balconies at Phoenix View. The applicant is requested to address this concern.

1. The applicant is requested to address the following issues which were raised by the Transportation Planning Department:
 - a) No swept path analysis has been submitted demonstrating vehicular access along the lane (way-leave) to the parking area to the rear of no. 28 and 28a Bow Lane, it is not clear if existing vehicular access/egress is being impacted on. The applicant is requested to clarify and demonstrate any access proposals. Reversing vehicles onto the public road would not be acceptable.
 - a) The applicant is requested to provide details of proposed cycle parking, including specification of stands, and to demonstrate sufficient area and height is provided to accommodate the cycle parking. Doors providing access to cycle parking should be a minimum of 1.2m width. Cycle stands should allow both wheel and frame to be locked. Ease of access and manoeuvrability as well as security (i.e. key/fob access) should be demonstrated. Electric charging points for e-bikes within the cycle store. Cycle parking design shall allow both wheel and frame to be locked. Provision for parking of cargo bikes/bike trailers/adapted bikes should be made, this is essential to support car free living.
2. The applicant is requested to address the following issues which were raised by the Drainage Department
 - a) The Flood Risk Assessment should be expanded to appraise the risk of pluvial flooding to the development. The applicant is requested to pay particular regard to pluvial flood maps prepared as part of the EU IVB Flood Resilient City Project. These indicate that the proposed development might be at risk of flooding in a 1% AEP pluvial event.
 - a) A comprehensive engineering services report, detailing how foul and surface water is proposed to be managed is required. The report should include a surface water management plan outlining how surface water will be managed in a sustainable way incorporating Sustainable Urban Drainage Systems (SuDS) designed in accordance with the requirements of the DCC's Sustainable Drainage Design & Evaluation Guide (2021).
 - b) In accordance with Policy SI23 of the Dublin City Development Plan 2022-2028, all new developments with roof areas in excess of 100 sq. metres should provide for a green blue roof. Depending on the type of green roof, a minimum coverage of 50% of the total roof area is required where intensive green roof is proposed and 70% where extensive green roof is proposed. Surface water attenuation storage should be provided at roof level incorporated into the roof build up. The applicant is requested to submit a revised proposal in regards to the green blue roof coverage, build up and attenuation provision. The design of the green blue roof should comply with the requirements of Dublin City Council's Green & Blue Roof Guide (2021), summarised in Appendix 11 of the Dublin City Development Plan 2022-2028.

The Applicant is requested to consult with the Drainage Division of Dublin City Council prior to the submission of Additional Information to ensure all concerns are addressed.

3. The applicant is requested to address the following issues which were raised by the City Archaeologist:
 - a) The applicant is requested to submit an Archaeological Assessment, as outlined in Section 3.6 of the Framework and Principles for the protection of the archaeological heritage (1999). It is recommended that the City Archaeologist is consulted in advance of preparing this information.

CONSIDERATION OF THE APPLICANT'S RESPONSE TO FURTHER INFORMATION REQUEST.

- FI Requested: 10th February 2023
- FI Received 5th April 2023
- Due Date: 2nd May 2023

It is not considered that the information submitted is so significant as to require advertisement.

Referrals:

- | | |
|-------------------|-------------------------------------|
| 1. Drainage Dept: | CFI Requested |
| 1. Archaeology: | CFI Requested |
| 2. TPD: | No objections subject to conditions |

The applicant's response to the FI request is considered below:

ITEM 1

1. *The layout of the apartment block results in a six storey block adjoining No. 28 Bow Lane West, a two storey terraced house. There are west facing balconies proposed within the development which are located approximately 6.5m from the rear garden of this adjoining property. Also, there are concerns regarding the potential overlooking from the south-facing balconies and the rear balconies at Phoenix View. The applicant is requested to address these potential impacts on existing residential amenity.*

Applicant's Response

The applicant has carried out amendments in order to address the concerns of the planning authority. The balconies to the west at first & second floor level have been revised to include a full height rail across 50% of the balcony's length, which would aid in preventing overlooking into the garden from the west and focus the aspect from the balcony towards the south west.

The open terraced balcony on the third & fourth floors to the south have been amended by raising the height of the boundary wall to 1.8m which would inhibit overlooking to the south towards Phoenix View Apartments.

Consideration

The applicant's response is noted. The proposed provision of screens along the balconies to the west at first & second floor level would restrict views towards the private amenity space of the adjoining property at 28 & 28A Bow Lane. Within the proposed apartments, the subject balconies adjoin the bedrooms therefore the living/kitchen/dining rooms would not be affected in terms of sunlight/daylight access.

The applicant's response to Item 2a of the FI request contains a swept path analysis of the vehicular access along the lane (way-leave) to the parking area at the rear of no. 28 and 28a Bow Lane. It is noted that the path would result in vehicles manoeuvring in close proximity to the proposed ground floor apartments, particularly Apt 1. This could give rise to adverse impacts on residential amenity by way of noise and glare from car lights entering the habitable areas of this apartment, particularly at night.

ITEM 2 (Transportation)

2. *The applicant is requested to address the following issues which were raised by the Transportation Planning Department:*
 - a) *No swept path analysis has been submitted demonstrating vehicular access along the lane (way-leave) to the parking area to the rear of no. 28 and 28a Bow Lane, it is not clear if existing vehicular access/egress is being impacted on. The applicant is requested to*

clarify and demonstrate any access proposals. Reversing vehicles onto the public road would not be acceptable.

- b) *The applicant is requested to provide details of proposed cycle parking, including specification of stands, and to demonstrate sufficient area and height is provided to accommodate the cycle parking. Doors providing access to cycle parking should be a minimum of 1.2m width. Cycle stands should allow both wheel and frame to be locked. Ease of access and manoeuvrability as well as security (i.e. key/fob access) should be demonstrated. Electric charging points for e-bikes within the cycle store. Cycle parking design shall allow both wheel and frame to be locked. Provision for parking of cargo bikes/bike trailers/adapted bikes should be made, this is essential to support car free living.*

Consideration of the applicant's Response

ITEM 2(a)

The submitted Proposed Ground Floor Plan shows swept path analysis of the vehicular access as requested. The submitted analysis is acceptable to this division.

ITEM 2(b)

An amended Ground Floor Plan has been submitted.

The cycle store layout is noted, the resident cycle store includes 19 no. spaces and 1 no. electric bike space; the visitor store comprises 1 no. cargo bike space and 8 no. cycle spaces; the proposed cycle stands comprise double staked, EV charging, cargo and vertical. It does not appear that there is sufficient space in the stores for the proposed no. of cycle spaces; from this division experience a minimum of 1.8m is required in front of double stacked stands in order to use the second tier, associated mechanism and provide necessary access, between c. 1.3m and 1.4m has been provided.

The Development Plan Standards for residential apartments, as per Appendix 5 - Table 1, are 1 per bedroom long-term spaces and 1 per two apartments short stay/visitors; in addition Note 3 notes to include provision for e-bikes/cargo bikes/bike trailers/adapted bikes. The Development comprise 13 units (18 bedrooms), giving a requirement of 18 no. long stay spaces and 7 no. short stay spaces. The central location of the site, proximity to public transport and constraints of the site are noted, therefore in this instance the provision of long stay cycle parking should be prioritised. The applicant should be requested to submit revised cycle parking plans: 1 no. short stay/visitor space should be provided in the rear courtyard in the form of a Sheffield Stand, a runnel should be provided on the stairs for access; and the internal cycle stores should be used to provided 18 no. long stay cycle spaces of which no. should include 1 no. cargo bike space, as well as EV charging facilities. The cycle parking should be provided to development plan standards, details of the stands are required, suitable operating space should be provided, ease of access should be demonstrated. The revised cycle parking can be conditioned.

The set back of the building line at ground floor level is noted, a bin storage area is show at this location. The footpath in front of the site is narrow, the set back at ground floor level is welcomed by this division.

ITEM 3 (Drainage)

3. *The applicant is requested to address the following issues which were raised by the Drainage Department*
 - a) *The Flood Risk Assessment should be expanded to appraise the risk of pluvial flooding to the development. The applicant is requested to pay particular regard to pluvial flood maps prepared as part of the EU IVB Flood Resilient City Project. These indicate that the proposed development might be at risk of flooding in a 1% AEP pluvial event.*
 - a) *A comprehensive engineering services report, detailing how foul and surface water is proposed to be managed is required. The report should include a surface water management plan outlining how surface water will be managed in a sustainable way*

incorporating Sustainable Urban Drainage Systems (SuDS) designed in accordance with the requirements of the DCC's Sustainable Drainage Design & Evaluation Guide (2021).

- b) *In accordance with Policy SI23 of the Dublin City Development Plan 2022-2028, all new developments with roof areas in excess of 100 sq. metres should provide for a green blue roof. Depending on the type of green roof, a minimum coverage of 50% of the total roof area is required where intensive green roof is proposed and 70% where extensive green roof is proposed. Surface water attenuation storage should be provided at roof level incorporated into the roof build up. The applicant is requested to submit a revised proposal in regards to the green blue roof coverage, build up and attenuation provision. The design of the green blue roof should comply with the requirements of Dublin City Council's Green & Blue Roof Guide (2021), summarised in Appendix 11 of the Dublin City Development Plan 2022-2028.*

Drainage Department Response:

The information was referred to the Drainage Department who responded as follows:

The Flood Risk Assessment shall be expanded to appraise the risk of pluvial flooding to the development. The applicant shall pay particular regard to pluvial flood maps prepared as part of the EU IVB Flood Resilient City Project. These indicate that the proposed development might be at risk of flooding in a 1% AEP pluvial event.

-A comprehensive engineering services report, detailing how foul and surface water is proposed to be managed, shall be submitted for the proposed development. The report shall include a surface water management plan outlining how surface water will be managed in a sustainable way incorporating Sustainable Urban Drainage Systems (SuDS) designed in accordance with the requirements of the DCC's Sustainable Drainage Design & Evaluation Guide (2021).

- In accordance with Policy SI23 of the Dublin City Development Plan 2022-2028, all new developments with roof areas in excess of 100 sq. metres shall provide for a green blue roof. Depending on the type of green roof, a minimum coverage of 50% of the total roof area is required where intensive green roof is proposed and 70% where extensive green roof is proposed. Surface water attenuation storage shall be provided at roof level incorporated into the roof build up. The applicant is requested to submit a revised proposal in regards to the green blue roof coverage, build up and attenuation provision. The design of the green blue roof shall comply with the requirements of Dublin City Council's Green & Blue Roof Guide (2021), summarised in Appendix 11 of the Dublin City Development Plan 2022-2028.

Consideration

It is noted that the Engineering services report was not provided and the scope of the FRA is insufficient. The applicant should be requested to address the matter via CFI.

ITEM 4 (Archaeology)

4. *The applicant is requested to address the following issues which were raised by the City Archaeologist:*

a) *The applicant is requested to submit an Archaeological Assessment, as outlined in Section 3.6 of the Framework and Principles for the protection of the archaeological heritage (1999). It is recommended that the City Archaeologist is consulted in advance of preparing this information.*

Archaeology Department Response:

As there was no consultation with the City Archaeologist prior to the application and no archaeological impact assessment was included with the application as required by the Dublin City Development Plan with (DCDP 2022-28 BHA26 (4), a request was made for additional information to inform the decision viz:

1. The nature and extent of subsurface archaeology.
1. The impact of the proposed development on such archaeological deposits/features.

Documents Submitted

A document titled Archaeological Desktop Assessment 29 Bow Lane West, Dublin, which was written by Fiona Reilly of Shanarc Archaeology Ltd. and dated March 2023, was submitted in response to item 4 of the above Additional Information request. This assessment included a site inspection alongside desk-based research. A number of sources were consulted, including the Records of Monuments & Places and the Topographical Files of the National Museum of Ireland, alongside historical cartographic sources.

The assessment (Section 5) notes that the current upstanding structure on the subject site is a pre-modern domestic structure and one of only two remaining on Bow Street West, with cartographic sources suggesting a late eighteenth-century/early nineteenth-century date, although it was most likely heavily altered or rebuilt in the late nineteenth century (pg.41). Historic granite paving located along the pavement edge fronting the site is also noted in the report.

The primary potential archaeological impact (Section 6.2) will be on the possible sub-surface remains of yard features, which are visible on historic map sources. A programme of archaeological test trenching is recommended as mitigation. A full architectural survey of the house is also suggested in response to the rapidly disappearing working-class heritage of the area; the following is taken from page 42:

Historic Structure

The submitted report has demonstrated that the extant historic structure fronting onto Bow Lane on the site has a possible 18th or 19th-century date. The following Dublin City Development Plan 2022-28 policies are noted:

BHA11 Rehabilitation and Reuse of Existing Older Buildings

- a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features, which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment.
- a) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.
- b) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.

BHA18 Historic Ground Surfaces, Street Furniture and Public Realm

1. To protect, conserve and retain in situ historic elements of significance in the public realm including milestones, jostle stones, city ward stones, bollards, coal hole covers, gratings, boot scrapers, cast iron basement lights, street skylights and prisms, water troughs, street furniture, post boxes, lampposts, railings and historic ground surfaces including stone kerbs, pavement flags and setts and to promote conservation best practice and high standards for design, materials and workmanship in public realm improvements within areas of historic character, having regard to the national Advice Series on 'Paving: The Conservation of Historic Ground Surfaces' (2015).

It is the opinion of this office that the submitted information regarding the historic structure is insufficient in relation to the phasing of the building and providing a date of construction. Further, no drawings/photographs of the historic building are provided that identify historic features within the building or discuss the historic paving to the front of the proposed site.

Conclusion

It is recommended that a Historic Building Survey to Historic England Level 4 standard, should be prepared to assess the impact of the proposed development on the historic structure. This

assessment should be submitted to the Planning Authority as Clarification of Additional Information. This will enable the Planning Authority to formulate an informed archaeological recommendation before a planning decision is made.

Consideration

The applicant's response to the FI request included an Archaeological Desktop Assessment of 29 Bow Lane West. It confirmed via numerous historical documents, that the extant historic structure fronting onto Bow Lane on the site has a possible 18th or 19th-century origin. The building could therefore be of heritage interest or represent an example of local vernacular. The City Development Plan 2022-2028 advises that the retention and reuse of these buildings add to the streetscape and sense of place and have a role in the sustainable development of the city. There will be a presumption against demolition of individual structures of vernacular or historic/ social interest that contribute to the character of an area.

Based on the information submitted in response to the FI request, the following Dublin City Development Plan 2022-28 policies are relevant:

- BHA11 Rehabilitation and Reuse of Existing Older Buildings
- BHA18 Historic Ground Surfaces, Street Furniture and Public Realm

The application proposes demolition of the subject structure on site, which would be contrary to Policy BHA11 which seeks to retain and rehabilitate older historic structures within the city area. The Archaeological assessment does however note that the building was possibly heavily altered or rebuilt in the late nineteenth century. In these terms, the applicant should be requested to submit a Historic Building Survey in order to determine the extent of the original structure that remains and whether it can be refurbished and incorporated as part of the proposed residential scheme.

Historic granite paving located along the pavement edge fronting the site is also noted in the applicant's Archaeological Desktop Assessment. The City Development Plan considers that these features make a special contribution to our built heritage and provide significant historic references. Policy BHA 11 seeks to protect and conserve and retain these historic elements. The applicant should be requested to address this matter.

Recommendation

Based on the information contained within the applicant's FI response, it is recommended that **Clarification of Further Information** should be submitted as follows:

1. Further to the applicant's response to Item 2a of the Further Information request, the swept path analysis of the vehicular access along the lane indicates that vehicles will be manoeuvring in close proximity to the balcony and habitable spaces associated with proposed ground floor apartment - Apt 1. The Planning Authority is concerned that adverse impacts on the amenity would arise by way of vehicular noise and glare from car lights entering the habitable areas of this apartment, particularly at night. The applicant is requested to address this concern.
1. Further to your response to ITEM 3 of the Further Information Request, the applicant is requested to address the following issues which were raised by the Drainage Department:
 - a) The Flood Risk Assessment should be expanded to appraise the risk of pluvial flooding to the development. The applicant shall pay particular regard to pluvial flood maps prepared as part of the EU IVB Flood Resilient City Project. These indicate that the proposed development might be at risk of flooding in a 1% AEP pluvial event.
 - a) A comprehensive engineering services report has not been submitted. The applicant is requested to submit this report; the following matters should be addressed:
 - I. Detail how foul and surface water is proposed to be managed.
 - I. include a surface water management plan outlining how surface water will be managed in a sustainable way incorporating Sustainable Urban Drainage Systems

(SuDS) designed in accordance with the requirements of the DCC's Sustainable Drainage Design & Evaluation Guide (2021).

- b) The proposed green blue roof as shown on the revised plans is wholly insufficient – As required by Policy SI23 of the Dublin City Development Plan 2022-2028, all new developments with roof areas in excess of 100 sq. metres shall provide for a green blue roof. Depending on the type of green roof, a minimum coverage of 50% of the total roof area is required where intensive green roof is proposed and 70% where extensive green roof is proposed. Surface water attenuation storage should be provided at roof level incorporated into the roof build up. The applicant is requested to submit a revised proposal in regards to the green blue roof coverage, build up and attenuation provision. The design of the green blue roof should comply with the requirements of Dublin City Council's Green & Blue Roof Guide (2021), summarised in Appendix 11 of the Dublin City Development Plan 2022-2028.
- 2. The Archaeological Desktop Assessment of 29 Bow Lane West submitted in response to Item 4 of the Further Information request is noted. However, the document identifies the No.29 Bow Lane as a possible 18th or 19th-century structure and therefore of heritage interest.

The applicant should note that the Dublin City Development Plan 2022-2028 places a presumption against demolition of individual structures of vernacular or historic interest. You are therefore requested to submit a Historic Building Survey of the subject building. The survey should be prepared to Historic England Level 4 standard and should demonstrate the extent of the existing original building fabric that remains within the building and determine if it can be rehabilitated and re-used as part for the proposed residential scheme.

- 3. Further to Item 3 above, the submitted Archaeological Desktop Assessment Historic refers to granite paving located along the pavement edge fronting the site. Policy BHA18 of the Dublin City Development Plan 2022-2028 provides for the protection of these historic elements of significance. The applicant is therefore requested to amend the proposal to comply with this Policy requirement.

CONSIDERATION OF THE APPLICANT'S RESPONSE TO CLARIFICATION FURTHER INFORMATION REQUEST.

- CFI Requested: 2ND May 2023
- CFI Received 15th June 2023
- Due Date: 12th July 2023

It is not considered that the information submitted is so significant as to require advertisement.

Referrals:

1. Drainage Dept: No objections subject to conditions
1. Archaeology: **Refusal Recommended**

The applicant's response to the CFI request is considered below:

ITEM 1

1. *Further to the applicant's response to Item 2a of the Further Information request, the swept path analysis of the vehicular access along the lane indicates that vehicles will be manoeuvring in close proximity to the balcony and habitable spaces associated with proposed ground floor apartment - Apt 1. The Planning Authority is concerned that adverse impacts on the amenity would arise by way of vehicular noise and glare from car lights entering the habitable areas of this apartment, particularly at night. The applicant is requested to address this concern.*

Consideration of the Applicant's Response

The applicant has amended the proposal via the introduction of an angled baffling fence with an overall height of 1.8m. The fence will be sited between the access laneway to the rear of No.29 and the windows & associated open space with apt at ground floor level. The purpose of the fence is to deflect glare and sound away from the apartment.

The applicant's response is noted and the proposal seems reasonable in terms of addressing the Planning Authority's concerns. No details of the fence have been provided, however these can be secure by way of pre-commencement condition.

ITEM 2

2. *Further to your response to ITEM 3 of the Further Information Request, the applicant is requested to address the following issues which were raised by the Drainage Department:*
 - a) *The Flood Risk Assessment should be expanded to appraise the risk of pluvial flooding to the development. The applicant shall pay particular regard to pluvial flood maps prepared as part of the EU IVB Flood Resilient City Project. These indicate that the proposed development might be at risk of flooding in a 1% AEP pluvial event.*
 - a) *A comprehensive engineering services report has not been submitted. The applicant is requested to submit this report; the following matters should be addressed:*
 - i. *Detail how foul and surface water is proposed to be managed.*
 - i. *include a surface water management plan outlining how surface water will be managed in a sustainable way incorporating Sustainable Urban Drainage Systems (SuDS) designed in accordance with the requirements of the DCC's Sustainable Drainage Design & Evaluation Guide (2021).*
 - b) *The proposed green blue roof as shown on the revised plans is wholly insufficient – As required by Policy SI23 of the Dublin City Development Plan 2022-2028, all new developments with roof areas in excess of 100 sq. metres shall provide for a green blue roof. Depending on the type of green roof, a minimum coverage of 50% of the total roof area is required where intensive green roof is proposed and 70% where extensive green*

roof is proposed. Surface water attenuation storage should be provided at roof level incorporated into the roof build up. The applicant is requested to submit a revised proposal in regards to the green blue roof coverage, build up and attenuation provision. The design of the green blue roof should comply with the requirements of Dublin City Council's Green & Blue Roof Guide (2021), summarised in Appendix 11 of the Dublin City Development Plan 2022-2028.

Consideration of the Applicant's Response

The applicant has provided the amended flood risk assessment and drainage design as requested. The information was referred to the DCC Drainage Dept. The Dept's report has indicated no objection subject to conditions.

ITEMS 3 & 4

3. *The Archaeological Desktop Assessment of 29 Bow Lane West submitted in response to Item 4 of the Further Information request is noted. However, the document identifies the No.29 Bow Lane as a possible 18th or 19th-century structure and therefore of heritage interest.*

The applicant should note that the Dublin City Development Plan 2022-2028 places a presumption against demolition of individual structures of vernacular or historic interest. You are therefore requested to submit a Historic Building Survey of the subject building. The survey should be prepared to Historic England Level 4 standard and should demonstrate the extent of the existing original building fabric that remains within the building and determine if it can be rehabilitated and re-used as part for the proposed residential scheme.

4. *Further to Item 3 above, the submitted Archaeological Desktop Assessment Historic refers to granite paving located along the pavement edge fronting the site. Policy BHA18 of the Dublin City Development Plan 2022-2028 provides for the protection of these historic elements of significance. The applicant is therefore requested to amend the proposal to comply with this Policy requirement.*

Applicant's Response

The applicant has submitted a conservation report on the existing structure. The building is from the latter part of the 18th Century. A photographic survey is included and the agent asserts that the building is of no significant historical interest and has no features which would deem it worthy of attention for vernacular or architectural interest. The rehabilitation of the building as part of a wider residential scheme would require significant alteration and therefore subsequent destruction in order to achieve space capable of being used in compliance with current standards and building regulations.

In terms of item 4, the applicant has submitted a ground floor plan of the structure and notes that the red line extends to the front boundary of the existing building. Accompanying photographs note that the granite paving is limited to a small area of the footpath and the road edge has the benefit of granite kerbs. These are outside of the site and no works will be carried out unless there is an agreement with the Planning Authority

Consideration by DCC Archaeology Department

The information was referred to the Archaeology department of DCC. Its response notes the submitted Report on the Architectural/Historic Significance of No. 29 Bow Lane West, Dublin 8. However, the report provides a written architectural description of the building. It states that the building was constructed between 1847 and 1889 but this is not evidenced and clear from the historic cartographic sources provided, and the red line of the subject site is not shown on the historic maps.

The report argues that the building is not of historic, technical, vernacular or social significance. It provides the following conclusion (p. 10):

The proposal to demolish the existing building on the site will not comprise any loss of architectural heritage. The building has not been deemed worthy of protection in the Dublin City Council Development Plan, either through inclusion on the RPS or within an ACA. Rehabilitation of things is that what you require significant amendments to it, due to its non-compliance with current standards this regards to Building regulations, insulation, fire safety etc.

The impact of the acknowledged loss of the 19th century vernacular house and the replacement with a contemporary building on the subject site will be beneficial, will transform the amenity of its immediate setting and should be welcome.

This conclusion is not supported with evidence. The proposed demolition of this building appears to be contrary to DCDP 2022-2028 policies for presumption against demolition of individual structures of vernacular or historic interest.

The submitted document fails to address item 3, which required the applicant to submit a Historic Building Survey of the subject building prepared to Historic England Level 4 standard in accordance with [Understanding Historic Buildings: A Guide to Good Recording Practice \(historicengland.org.uk\)](https://historicengland.org.uk), 2016, as follows:

Section 5.4 Level 4

5.4.1

Level 4 provides *a comprehensive analytical record* and is appropriate for buildings of special importance. Whereas the analysis and interpretation employed at Level 3 will clarify the building's history so far as it may be deduced from the structure itself, the record at Level 4 will draw on the full range of other sources of information about the building and discuss its significance in terms of architectural, social, regional or economic history.

5.4.2

A Level 4 record will typically consist of: drawing – item 2; sometimes one or more of items 3-12 (see numbered list in 4.3.3) photography – items 1-9 (see numbered list in 4.4.8) written account – items 1-3, 5-8, 10-23; sometimes item 24 (see numbered list in 4.5.1).

The following is noted with regard to the submitted architectural report:

- The date of construction and phasing of the historic building is not adequately demonstrated. Based on a study of historic cartographic sources the report states that it 'is understood that the current property was constructed on a redeveloped site in the 1850s' (p. 3) and that there 'has been a reconstruction or significant amendment to the building form' (p. 5). This theory is predicated on the fact that there is a return depicted to rear of the property in the Ordnance Survey (OS) mapping of 1843 and this element is not present on the OS map of 1889. This cannot be seen as definitive proof that the extant building is not partially depicted on the 1843 example.
- The redline boundary of the site is not included on the reproduction of the historic mapping thus making the narrative included the report hard to decipher/comprehend
- There are no drawings included in the report as stipulated by the Historic England Level 4 guideline
- The building is not adequately discussed in terms of its social, regional or economic history as stipulated by the Historic England Level 4 guidelines. Whilst the lack of sources for the building is noted (the 1901 and 1911 censuses are the sole references), there is no discussion of the economic history of Bow Lane or the social uniqueness presented by the building in question on a street that has been largely redeveloped in recent years.

A second document submitted in response to the Clarification of Additional Information Request comprises a letter by Ceardon Architects dated 14 June 2023. This cover letter provides the following response to items 3 & 4:

Please see attached a conservation report on the existing structure on the site, noting that it is from the latter part of the 18th century. As per photographic survey included, the building is of no significant historical interest and has no particular features, which would deem it worthy of attention for vernacular or architectural interest. The rehabilitation of the building in and use as part of a wider residential scheme would require significant alteration and thereby subsequent destruction of the existing structure to achieve space capable of being used in compliance with current standards and building regulations.

Please see included ground floor plan which outlines the extent of the property and the proposed development. It is submitted that the development extends only to the front boundary of the existing building. As per photographs included, the noted granite paving is limited to a small area of the external footpath and the road edge has the benefit of granite kerb stones. (noted that these have been previously removed at the vehicular entrance). It is noted these are beyond the site and any works in this area will be in agreement with the local authority and a proposal will be made to restore any lifted historic granite kerb stones or pavers, in the duration of any works.

It is submitted to the local authority that no such works need to be amended in the proposal to accommodate any existing pavements

The Archaeology Department concurs with the recommendation for archaeological testing as outlined in the submitted archaeological desktop assessment. The proposed development is within an area of known archaeological potential (DU018-020) and its construction may impact on subsurface archaeological material. It is the recommendation of this office that a condition requiring post-demolition archaeological testing, as described below, be attached to any grant of planning permission for this application. The purpose is to establish the nature and extent of archaeological deposits and features present in the location which it is proposed to develop (though not normally to fully investigate those deposits or features) and allow an assessment to be made of the archaeological impact of the proposed development. This will serve to inform a detailed strategy for further archaeological mitigation (e.g. preservation by record or in situ) if necessary.

The proposed demolition of No. 29 Bow Lane on the site is however inadequately supported in the Additional Information submission.

This 18th century domestic building constitutes one of only two examples remaining on the street and represents the form of buildings along Bow Lane prior to its redevelopment in recent decades with multi storey structures.

It is regrettable that this building is not subject to statutory protection on the RPS or listed on the NIAH.

The removal of the historic building does not reflect the following policies in the current Development Plan:

- BHA11 Rehabilitation and Reuse of Existing Older Buildings

To retain where appropriate and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment'. I refer also to BHA24.

- BHA24 Reuse and Refurbishment of Historic Buildings

Dublin 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 and by demonstrating best practice in the care and maintenance of historic properties in public ownership.

As discussed above the date of construction and phasing of the historic building is not adequately demonstrated. In this regard the removal of the historic building would contravene the following policy in the current Development Plan: BHA6 Buildings on Historic Maps *'That there will be a presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847. A conservation report shall be submitted with the application and there will be a presumption against the demolition or substantial loss of the building or structure, unless demonstrated in the submitted conservation report this it has little or no special interest or merit having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).'*

The information submitted does not appear to include any surveys on the structure of the building as requested. The only evidence provided appears to be the opinion of the architect that the building is of no merit. In these terms the application cannot be approved and a refusal is recommended.

It is noted that the historic granite paving referred to in the Clarification of Additional Information Request No. 3 lies outside the proposed site and that any works that may impact the paving will be subject to agreement with the Planning Authority.

Consideration

The existing building on the site is proposed for demolition and the conservation merit of this 18th century domestic building is an issue. It constitutes the last historic survivor on this stretch of the south side of Bow Lane, and is reflective of the historic grain and character of the lane (which has now largely been eroded), and is located almost directly opposite the historic 18th century St. Patrick's Hospital, which is of National Importance. Although it is recognised that the north side of Bow Lane is bounded by the historic wall to the St. Patrick's Hospital complex, the scale of the two storey building at No. 29 on the south of the lane relates to and has been reflected in a small number of modest 20th century adjacent terraced brick houses, notwithstanding the presence of a number of permitted 6-storey apartment and other buildings on either side.

The applicant was advised via the CFI request, that the Planning Authority considered the structure to be of historic importance and that the Dublin City Development Plan places a presumption against its demolition as provided for under Policy BHA6 Buildings on Historic Maps.

The applicant was subsequently requested to justify its demolition through the submission of a survey that would demonstrate the extent of the remaining original building fabric in order to determine if it can be rehabilitated and re-used as part for the proposed residential scheme, as per Policies BHA11 and BHA24 which seek retention and refurbishment of historic structures and buildings.

The applicant's CFI response merely argued that the building is not of historic, technical, vernacular or social significance. However, this position was not substantiated by corroborating evidence and consequently, the Archaeology Department has objected to the proposal. Furthermore, the assertion that the rehabilitation of the building would require significant alteration and subsequent destruction, has not been supported by the submission of any surveys on the condition of the building's structure; this information was specifically requested. In these terms, the applicant has not submitted sufficient information to justify the Planning Authority setting aside its Policy presumption against the demolition of the subject historical building.

Conclusion and recommendation

The evidence provided by the applicant indicates that the subject stone structure was constructed in the 18th Century. It is considered that demolition of the structure is contrary to the recommendation of the Archaeology dept, would detract from the architectural heritage of the local area, and would be inconsistent with Policies BHA6 Buildings on Historic Maps, BHA11:

Rehabilitation and Reuse of Existing Older Buildings and BHA24 Reuse and Refurbishment of Historic Buildings, of the Dublin City Development Plan 2022-2028.

It is recommended that planning permission is refused for the following reason:

1. The existing building, No. 29 Bow Lane has been identified as an 18th century structure and therefore of heritage interest. It is the last historic surviving structure on the south side of Bow Lane, and is reflective of the historic grain and character of the lane. The proposal to demolish the existing structure is contrary to Policy BHA6 'Buildings on Historic Maps' of the Dublin City Development Plan 2022-2028, which places a presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847 and is also contrary to Policies BHA11 and BHA24 which seek the rehabilitation and Reuse and Refurbishment of Historic Buildings. The proposal would detract from the architectural heritage of the local area and would therefore be contrary to the proper planning and sustainable development of the area.