

An
Coimisiún
Pleanála

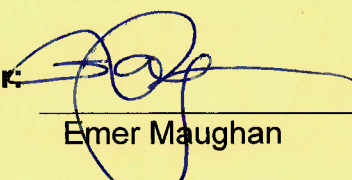
Direction
CD-020930-25
ABP-322754-25

The submissions on this file and the Inspector's report were considered at a meeting held on 10/10/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Emer Maughan

Date: 15/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the location of the proposed development on a prominent corner in an established urban village with a variety of services including supermarkets, retail, churches and restaurants available in the immediate vicinity and within walking distance of high frequency public transport, to the nature, design and layout of the proposed independent living units for older residents, to national, regional and local policy including inter alia NPO 12, 22, 43 and 45 of the National Planning Framework – First Revision (April 2025), RPO 3.2, 4.3, 5.3 and 5.5 of the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031, Section 28 Ministerial

Guidelines, the Z4 'Key Urban Villages/ Urban Villages' zoning, and the Crumlin Village Architectural Conservation Area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant policies and objectives of the Dublin City Development Plan 2022-2028 in relation to climate action, urban design, architectural principles, quality housing, city centre urban villages, environmental infrastructure and built heritage. The proposed development would not seriously injure the established character of Crumlin Village Architectural Conservation Area, or the visual, residential or environmental amenities of the area, would not constitute overdevelopment of the site, would animate and enliven a previously introverted street frontage, would not result in traffic hazard, and would offer a high and appropriate standard of accommodation for future residents of the independent living units. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

While the Commission agreed with the Inspector's recommendation to grant permission it did not agree with the Inspector's recommendation to refuse the first party appeal to omit Condition 2a) of the planning authority's decision to grant permission which requires the removal of the fourth floor (fifth storey) in its entirety. The Commission did not share the Inspector's view that the fourth and fifth floor setback would be visually dominant, excessive on the streetscape and that it would be an overbearing expression on the streetscape. The Commission having considered the following:

- a) the visual impact photomontages submitted by the applicant at the initial application and further information stages
- b) the prominent corner location at a key junction in the village
- c) the quality of the design of the overall development,
- d) the quality and palette of materials proposed,
- e) the separation distances at each floor level between the proposed development and the rear gardens of houses facing Windmill Park and Windmill Road and the requirements of SPPR1 of the Sustainable and Compact Settlements Guidelines for Planning Authorities
- f) the Architectural Heritage Impact Assessment

- g) the modulation of the building height and position of the setbacks relative to the adjoining properties on the eastern / northeastern site boundary
- h) the chamfered corner typology within its context of the character of the area, established building line and streetscape, retention of existing plot size, prevailing parapet heights and emerging pattern of development in the immediate vicinity

deemed that no undue residential impact would arise in terms of overlooking or overshadowing on the adjoining residential properties as a result of the fifth floor, the principle of a taller building on a prominent corner at a key junction deviating from the established two storey height in the immediate vicinity is appropriate and in line with national policy in relation to compact development, the proposed development would not be visually overbearing and no undue visual impact arises from the fourth floor (fifth storey) when viewed from St Agnes Road or the public realm within the ACA. The Commission concluded that a 5-storey element of development on the site is both acceptable from a residential and visual amenity aspect and that it would not detract from the character of the Crumlin Village Architectural Conservation Area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23rd day of April, 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) No material change of use of buildings in the proposed development shall take place without a prior grant of planning permission.
- (b) The occupation of the units on site shall be restricted to persons aged 55 years and older and the units shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission.
- (c) The proposed sheltered accommodation units shall not be sold to private individuals as habitable dwellings.

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

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

Reason: To clarify the scope of the permission.

4. Details of the materials, colours and textures including samples of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Prior to commencement of development, the developer shall agree the species and size of all trees proposed for the public realm in writing with the planning authority. The landscaping scheme which accompanied the planning application shall be implemented in full in the first planting season following the completion of the proposed development. Any trees or shrubs which fail within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of amenity.

6. The following details shall be agreed in writing with the planning authority prior to commencement of development:
- (a) Details of the materials proposed in public areas.
 - (b) Proposals for the removal and reinstatement of the existing dishing of the footpath and kerb on Windmill Road adjacent to the site. The public realm improvements and public road works shall be implemented prior to occupation of the development.
 - (c) Proposals for the allocation of the additional street parking space/loading bay within the indented bay on Windmill Road.
 - (d) No doors or gates shall open outward onto the public footpath except where required for emergency egress or sub-station access. No part of the building shall project under or over the public footpath or road.
 - (e) The operator/management company shall undertake to implement the measures outlined in the Residential Travel Plan and to ensure that future tenants of the development comply with this strategy. A Travel Plan Coordinator for the overall scheme shall be appointed to oversee the implementation of the plan and develop further measures as required.
 - (f) Cycle parking shall be in place and ready for use prior to the occupation of the first residential unit.
 - (g) All works shall be provided at the developer's expense.
 - (h) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the proposed development, shall be at the expense of the developer.

Reason: In the interest of orderly development and to ensure pedestrian and traffic safety.

7. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all

estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

8. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

9. Prior to commencement of development, the developer shall enter into a connection agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. Prior to commencement of development, the developer shall delineate on a map those areas which are to be taken in charge for the written agreement of the planning authority. In relation to those areas not to be taken in charge, a management company shall be set up. The management company shall provide adequate measure for the future maintenance and repair in a satisfactory manner of communal open spaces, refuse and cycle storage and all hard and soft landscaped areas, where not otherwise taken in charge by the planning authority. The management scheme shall include the community facility, which shall be for the use of residents within the scheme. Any changes to the overall community facility provision shall be agreed with the planning authority prior to the first occupation of the development.

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

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

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. A detailed Construction Environmental Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include, but not be limited to, information regarding intended construction practice, noise and dust management measures and also include arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

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

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

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

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

Note 1

The Commission noted the commentary of the Inspector in terms of potential material contraventions raised in the course of her assessment. These related to, Section 15.7.1. of the Development Plan, financial contribution in lieu of public open space and car parking provision.

The Commission considered in each instance that there is no departure from a fundamental provision of the Dublin City Development Plan 2022-2028 nor would a grant of permission in this instance seriously prejudice an objective of the plan and were therefore satisfied that no material contravention of the plan arises and noted also that the planning authority did not raise any concerns in this regard. In reaching this conclusion, the Commission considered the substance of the advice in relation to material contravention as set out in '*Development Management Guidelines for Planning Authorities, June 2007*', (section 5.12) as amended,

Specifically, with regard to Section 15.7.1. of the Plan, this states that where demolition is proposed the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the embodied carbon of existing structures and demonstrate that all other options other than demolition, such as refurbishment, extension or retrofitting, are not possible. In this regard, the inspector considered that the submitted report did not specifically address the embodied carbon of the existing structure. However, on a full reading of the submitted documentation, along with the comprehensive review, assessment and conclusion of the planning authority and indeed the conclusion of the Inspector that demolition is '*absolutely justified*', the Commission determined that the case for demolition was compelling and that regard for the embodied carbon of the existing structure was inherent in the documentation submitted and the overall assessments

carried out. Section 15.7.1. does not require a specific form of detailing or analysis to satisfy the exercise of having regard to the embodied carbon of existing structures, rather consideration of same in the context of the overall substantive case for demolition. In this case it is determined that the provisions of Section 15.7.1 have been substantively achieved in the application and appeal exercises and that a grant of permission would not seriously prejudice these provisions and therefore that no material contravention arises.

With regard to public open space, Section 15.8.7 of the Development plan notes that in some cases where no public open space is provided, financial contributions may be proposed. Section 15.8.7 in turn refers to the Dublin City Section 48 Development Contribution Scheme and any future amendments thereof. The current Section 48 Scheme reaffirms the discretionary nature of an in-lieu payment for public open space. It is also noted that social and affordable housing units provided by a voluntary housing body is recognised by the Council as exempt from development contributions. This applies in the current case. For all these reasons, no issue of contravention or material contravention arises in terms of public open space having regard to the payment in lieu provisions.

With regard to car parking provision, the Commission considered the specific form of development (social housing for older persons), the site location within the heart of Crumlin village, the range of commercial, social and community facilities available within walking distance, the availability of public transport and the availability of on-street parking in the wider area where visitors may be able to park. Having regard to these site-specific case facts, the Commission determined that a reduction to no on-site parking would be appropriate and in accordance with the approach to parking as set out at Appendix 5 of the City Development Plan, in particular section 4.0 and that no material contravention arises. The Commission further noted that the planning authority (Roads, Streets and Traffic Department) determined that on the basis of the facts of the proposed development including the submission of a Travel Plan, *'... the proposed non-provision of allocated car parking is acceptable in this instance... subject to the implementation of a detailed Mobility Management Plan'*. In this regard the Commission noted paragraph 15.2.3 of the development plan which references Table 15-1 (development thresholds for some certain documentation) Table 15.1 lists mobility management plan/travel plan as a document to be submitted in support

of any development with 20 units or more, 'with zero/reduced car parking' Condition no. 6 of the permission requires the developer to implement the measures outlined in the Residential Travel Plan.