



An
Bord
Pleanála

Inspector's Report PL29S.249110

Development	Demolition of building and construction of 70 no. bedroom medical treatment centre with courtyards, terraces, offices, substation and associated site works.
Location	25-26 Usher's Island and Island House, Island Street, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3084/17
Applicant(s)	Dublin Simon Community
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party V Grant
Appellant(s)	St. Audeon's National School Elizabeth O'Connor Mary Keating & Others
Observer(s)	None

Date of Site Inspection

6th December 2017 & 11th December
2017

Inspector

Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The subject site is located on the south side of the Quays at 25-26 Usher's Island. The site has frontage onto the Quays at 25-26 Usher's Island, Watling Street to the west, and Island Street to the South. To the east of the site, on the Usher's Island elevation, it is bounded by a 4-6 storey residential development, Viking Harbour Apartments. To the east on Island Street, it is bounded by a two-storey structure, which is adjacent to the rear of the Viking Harbour development.
- 1.2. To the west of the site, across Watling Street, and on the corner of Watling Street and Victoria Quay, is a two-storey structure former public house, with what appears to be residential above, which is currently vacant (No. 40 Watling Street). No. 41 Watling Street appears to be vacant on the ground floor, with residential above. This site wraps around No. 40 Watling Street and has a single storey warehouse frontage onto Watling Street. Further west of these sites is the St. James Gate brewery.
- 1.3. To the south is a five- storey apartment building (The New Maltings) with the fifth floor party set-back.
- 1.4. The appeal site is currently occupied by a part-three, part-two storey, part-single storey building which is in use as a Medical Residential Treatment and Recovery Centre.

2.0 Proposed Development

- 2.1.1. The development will consist of the demolition of the existing building (c 1,240 sq. m.) and the construction of an expanded Medical Residential Treatment and Recovery Centre comprising of a new five/six storey building over partial basement with a maximum overall height of c.25.6m OD (including plant/lift overrun) and a total gross floor area of c4,152 sq. m (excluding basement level). The new building will include 70 no. bedrooms, meeting rooms and living spaces, kitchen/canteens, treatment rooms, GP's room, nurse's bases and staff office and gym.
- 2.1.2. The development will also include an enclosed courtyard at lower ground floor level (c.40 sq. m); a courtyard and terrace at ground floor level (c.51.5 sq. m and c19.8 sq. m), a terrace at first floor level (c65 sq. m.).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission. There are no conditions of particular note.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The report of the planning officer reflects the decision of the planning authority. Points of note are as follows:

- Expansion of existing facility on site is compatible with the zoning objective for the site and the relevant policies as set out in the Development Plan.
- Applicants have demonstrated the available facilities within 500m of the site.
- None of these facilities provide the specialist medical services which are offered by the development as existing on the site, and as proposed by this permission
- Plot ratio and site coverage are acceptable
- Design is contemporary and will provide a positive contribution
- Materials proposed are of high quality and will provide a positive contribution to Ushers Island
- Recommends a grant of permission.

3.2.3. Other Technical Reports

Drainage – No objection subject to conditions

Roads and Traffic Planning – No objection subject to conditions

City Archaeologist – No objection subject to conditions

Waste Management – No objection subject to conditions

3.3. Prescribed Bodies

3.3.1. IAnród Éireann: No objection to the proposal

3.4. Third Party Observations

- 3.4.1. A number of submissions were received. The issues raised are covered in the grounds of appeal.

4.0 Planning History

- 4.1.1. None

5.0 Policy Context

5.1. Liberties LAP

- 5.1.1. The subject site is within the Liberties Strategic Development and Regeneration Area (SDRA 16) and as such is subject to the provisions of the Liberties LAP. The Liberties Local Area Plan (LAP) was adopted on 11th May 2009. The life of the LAP was extended by a period of 5 years until 10th May 2020.

5.2. Development Plan

- 5.2.1. The relevant development plan is the Dublin City Development Plan 2016-2022. The subject site is located in an area zoned Z5 in the current City Development Plan 2016-2022, with the objective to 'consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design, character and dignity.
- 5.2.2. Relevant provisions of the Development Plan include:
- QH30: To ensure there is not an undue concentration of homeless accommodation or support services
 - 12.4 – The Strategic Approach – includes emphasis on deliver of social infrastructure and fosters a collaborative approach to develop inclusive strategies for community facilities
 - Section 15.1.1.19 SDRA 16 Liberties and Newmarket Square
 - Section 16.2.1 Design Principles

- Section 16.7 Building Height
- Section 16.12 – Standards – Institutions/Hostels and Social Support Services
- Section 16.14 – Community Facilities
- Policy CHC2 - To ensure that the special interest of protected structures is protected.
- Policy CHC4 – To protect the special interest and character of all Dublin’s Conservation Areas
- Policy CHC5 – To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.
- Appendix 24: Protected Structures and Buildings in Conservation Areas.
- Section 16.7 addresses building height

5.3. Natural Heritage Designations

5.3.1. None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. St. Audoens National School

- Admire Simon Community and are generally supportive of its efforts
- Developer’s pre-planning discussions did not focus on impact on residential amenities
- Lack of accordance with development plan aims – including Policy 15.1.1.19 SDRA Liberties Area
- Expansion of treatment centre to three times its current intake will have a distinct impact on the surrounding community
- Area is already affected by large addiction services which cause daily nuisance, anti-social behaviour, intimidation and often threats of violence

- Threatens sustainable communities and businesses
- Policy 16.2 requires an appropriate balance in the further provision of new development and/or expansion of existing uses
- Proposed development is in very close proximity to St. Audoen's National School with the majority of student's living just metres away from this site.
- Is in breach of society's Child Protection responsibilities and duties.
- No consultation with St. Audoen's prior to the submission of the application.
- Do not feel that planner has given the objectors the detailed considerations they warrant.
- Dublin City Council own the freehold to the land and lease it to the Simon Community.
- DCC have indicated they will support the increased heights.
- Call on ABP to refuse permission on the grounds that the proposal would not comply with current Development Plan, the major impact on community and pupils who reside locally, as well as the effect this will have on children's amenities.

6.1.2. Ms. Elizabeth O'Connor

- Attached is petition with 267 signatures
- Area already has a significant number of such services
- Dublin 8 already has over 900 emergency beds while Dublin 6 has none
- Number of studies that state the greater the proximity of communities to drug treatment services the greater the likelihood of school dropout, delinquency and drug addiction
- Increased risk when young children witness drug abuse
- Supports the concerns of St. Audeon's National School
- Contravenes CDP Policy including 15.1.1.19 SDRA 16 Liberties and Newmarket Square, QH30, 16.2 Standards – Institutional/Hotels & Social Support Services, 12.4 The Strategic Approach, 16.4 Community Facilities

- Current High Court Case 'The Carmen's Hall Case' which is considering undue concentration of accommodation and support services for the homeless – awaiting Judgement (High Court 2016 No. 918JR)
- Recognised neighbourhood of St. Audeon's is significantly greater than a 500m radius
- Existing management of services in other centres is already posing significant anti-social problems
- Conditions are inadequate to ensure community is safeguarded
- Inadequate consultation – inadequate information in relation to plans for the site and the likely impact of such plans on the community
- Unaware of who was consulted within Oliver Bond
- What is meant by 'Flexible and adaptable in use' – greater intensification could result in additional danger to the community.

6.1.3. Mary Keating & Others

- Height and shadowing – will be the highest buildings on Ushers Island
- Established maximum height is 5 storeys
- No justification for exceeding this established height.
- Existing building minimise the bulk of the building and consequent blockage of light to Viking Harbour apartments
- Will impact on the amenity of Viking Harbour Residents and of the residents of the street
- Daylight and Sunlight Availability Report is not comprehensible
- Report concludes that there will be a 'perceptible reduction in daylight and sunlight availability on the surrounding building and streetscape at certain locations'
- Little detail on the structure, viability and maintenance of the proposed screening
- Additional metal mesh would provide additional privacy
- First floor terrace is a potential site of friction between the two developments

- Requirement for information to be submitted as condition is unsatisfactory
- Planning report has not given the objectors the detailed consideration they warrant
- Dublin City Council own the freehold to the land and lease it to the Simon Community
- DCC have indicated they will support the increased heights
- Site is within a designated Conservation Area – report does not adequately consider the conservation aspect of the proposals
- RPS 8198 15 Usher's Island is part of the subject block
- Former pub on Walting Street is of architectural interest
- Proposal will dominate these structures
- Proposal does not adequately consider the archaeological aspect of the proposals
- Pre-planning discussions focused on architectural treatment
- Misleading to suggest community response was positive
- Little detail on the screening proposals
- Visual impact on neighbouring residents
- Potential structural failure in windy conditions
- Most of those treated will come from outside the area
- Such facilities should be dispersed to other areas
- Intensification of this use outside of the planning process
- No need to demolish the existing facility
- Applicants intend to do a further phase of development adjacent to the site
- Likelihood of nuisance during construction phase
- Absence of a Construction Management Plan (CMP)
- No detail of where the residents of the present Simon centre will be accommodated during the works

- Significant additional traffic movements
- Create a very serious traffic hazard
- Almost four times its current size
- No input from the HIQA
- Concerned that adequate care and attention is not being paid to the quality of care and governance of the unit

6.2. Applicant Response

- In relation to overconcentration of facilities/intensification of use it is noted that the existing centre is the only one of its kind in Dublin
- Does not cater for emergency accommodation, meal service and needle exchange/is a dry facility and access is strictly by referral and appointment only
- The total number of bedspaces that will be provided is 70 – currently there is 39 on-site beds and 25 off-site beds
- Proposed increase in bedspaces will have no negative impact on the local area/The use is a longstanding use at the Ushers Island site/There are no issues with loitering, noise or anti-social behaviour by clients of the facility
- This facility is the only one operated by Dublin Simon Community within the Dublin 8 area which specifically provides addiction treatment and recovery services for homeless clients
- This city centre site is easily accessible by public transport
- Vastly improved living environment and social facilities proposed will encourage residents to socialise within the Centre
- CDP allows heights of up to 28m for commercial developments and 24m for residential developments
- Proposed development is in keeping with much of the developments along the Quays by providing a new five/six storey over lower ground floor building with the sixth story set back – will have a maximum overall height of c 25.6m OD measured to the top of the lift overrun

- In relation to daylight/sunlight impacts at Viking Harbour, the development will receive in excess of the recommended sunlight, and just below the target set for skylight.
- Courtyard will still receive above the target set for sunlight
- Proposal is considered a vast improvement on the existing structures along Usher's Island and Watling Street
- Screening will provide increased privacy – is not a freestanding structure erected along the boundary and cannot be affected by the weather
- There have been no issues with child safety in relation to the operation of the existing centre
- Have undertaken consultation with Dublin City Council and a wide range of community representatives and residents
- Is in accordance with policy
- Plot ratio is acceptable given the strategic location of the site
- Proposal was carefully considered to respect the historic and architectural interest of the surrounding area
- Set back and detailed designed aids in reducing the massing and scale when viewed from the quays/articulated façades will provide visual interest
- Will reintroduce the continuous line of building along Usher's Island
- Proposal will, at most, result in negligible increases in traffic
- Transport Statement submitted in support of application – concludes that total traffic volumes per hour are not significant in terms of overall existing traffic flows
- No parking is in line with planning policy
- Condition 14(a) requires an increase in the provision of bicycle parking

6.3. Planning Authority Response

- Planner's report on file adequately deals with the proposal

6.4. Observations

6.4.1. None

6.5. Further Responses

6.5.1. None

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Overconcentration of homeless services
- Residential amenity
- Conservation and design/Impact on Protected Structures
- Traffic, access, and parking
- Development standards
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The site is zoned Z5 with the objective 'to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design, character and dignity'. Buildings for the health, safety and welfare of the public is a permissible use under this zoning objective. This use is defined in Appendix 21 of the CDP as 'Use of a building as a health centre or clinic or for the provision of any medical or health services (but not the use of a house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose), hospital, hostel (where care is provided), retirement home, nursing home, day centre and any other building for:

- The provision of residential accommodation and care to people in need of care (but not the use of a dwelling house for that purpose);

- The use as a residential school, college or training centre.’

7.2.2. The use proposed here, therefore, is acceptable in principle, subject to the detailed considerations below.

7.3. **Overconcentration of homeless services**

7.3.1. CDP Policy QH30 seeks to ensure that there is not an undue concentration of homeless accommodation or associated support services in one particular area. The policy requires that all applications for the provision or extension of such uses are accompanied by a map showing all homeless services within a 500m metre radius of the application site, a statement on the catchment area identifying whether the proposal is to serve local or regional demand and a statement regarding management of the service/facility.

7.3.2. The applicants have submitted a drawing illustrating all of the homeless services within a 500m radius of the application site. A total of 4 no. facilities are identified. These are:

- Brú Aimsir – Emergency Accommodation (temporary service since November 2015)
- Ellis Quay – Emergency Accommodation (temporary service since December 2016)
- Mendicity Institute – Food Centre, Workshops and Training
- Oak House – Long Term Supported Housing (pre-2000)

7.3.3. The submitted planning report describes the nature of each of these facilities.

Brú Aimsir and Ellis Quay (c 225m and c323m from the subject site respectively)

7.3.4. Temporary services which provide drop-in emergency accommodation for the homeless, associated support services and a basic GP clinic once a week.

Oak House (c150m from the subject site)

7.3.5. Simon Community High Support Housing Unit – houses 32 individuals in long term supported housing

Mendicity Institute (c180m from the subject site)

7.3.6. Provides a food centre and workshops

- 7.3.7. The planning report also notes that none of the above provide the specialist medical services which are provided at this location. Clients access the facility through referral and appointment only and it does not offer emergency accommodation or cater for drop in services such as needle exchange, methadone clinic or meals service.
- 7.3.8. While the concerns of the appellants in relation to a potential overconcentration of homeless services in this location are noted, I do not concur that there is, in fact, such an overconcentration. Two of the services noted above are located on the opposite side of the river and in my view would have a very limited impact on the amenity of this location, having regard to a cumulative impact of an expanded use at this location. In addition, they provide a different service than that offered here. The two other services, located on the same side of the river as the appeal site, also offer a different service than that offered here.
- 7.3.9. The nature of the use provided here is an existing use, which does not have a drop-in or emergency accommodation, and is by referral and appointment only. I note that, from the evidence on file, there has been no specific complaints raised in relation to the operation of this existing use, and it would appear this use has had a very limited impact on the amenity of the area to date. I do not consider an expanded use would result in an adverse impact on amenity, either of itself or as a result of a cumulative impact of other homeless services in the vicinity.

7.4. Impact on Residential Amenity

- 7.4.1. It is noted there are residential uses located to the east of the site at Viking Harbour Apartments and to the south of the site at The New Maltings Apartments. To the west of the site, it appears there are residential uses on the upper floors of No. 40 Watling Street but it was not clear from my site visit as the entire unit appears to be vacant. I note the submitted Daylight & Sunlight Availability Report has considered the impact on these windows in any case.

Loss of natural light/Overshadowing

- 7.4.2. The applicants have submitted a Daylight & Sunlight Availability Report as part of the application.
- 7.4.3. This indicates that there will be a perceptible reduction in daylight and sunlight availability on the surrounding buildings and streetscapes at certain locations.

Locations to the south of the south at Island Street and to the west of the site at Watling Street are particularly impacted.

- 7.4.4. However, the report also notes that 70% of the windows tested exceeded the recommended targets for both Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH).
- 7.4.5. In relation to the Viking Harbour Development, located immediately to the east of the appeal site, 6 of the 28 windows considered fall below the BRE targets for Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH). However, I note that these are either south facing windows located directly adjacent to the appeal site or south-west facing windows angled towards the appeal site. The baseline conditions of these windows is either already relatively poor, as a result of a position on the lower floors, or for those windows on the upper floors, have a relatively high baseline condition, benefiting from the relatively low rise nature of the existing buildings on the appeal site. As such I do not consider there is an undue loss of daylight and sunlight to this development.
- 7.4.6. In relation to the New Maltings Apartments, these are located to the south of the proposed development and are therefore not assessed for APSH. 26 of the 45 windows fall below the BRE target for VSC. Again these windows benefit from the existing low-rise nature of the appeal site, which is lower than both the New Maltings Apartments and lower than the Viking Harbour Development.
- 7.4.7. In this instance, given the inner-urban nature of the site, with buildings in close proximity to one-another, it is considered that any uplift in the scale of development on the appeal site, which makes efficient use of an inner-urban site, would inevitably impact upon these windows. I do not consider the impact is so adverse as to warrant a refusal of permission in this instance, or is so adverse as to warrant a decrease in the scale of development on this site.
- 7.4.8. In relation to No. 40 Watling Street, I note the ground floor windows are shuttered and serve a vacant public house. As noted above, it is unclear if the upper floors are residential. However, for the purposes of this assessment it is assumed that these windows are residential. The upper floor windows facing the site fall below BRE targets for VSC and APSH. However given the existing low rise nature of the appeal site, any development on the appeal site, which is of a scale that is comparable to its

neighbours to the east, and makes more efficient use of an inner-urban site, would have an impact on these windows. Overall, it is not considered that the impact on No. 40 Watling Street is so adverse as to warrant a refusal in this instance.

- 7.4.9. Given this the nature of the site, an under-scaled building in an inner urban area, I do not consider there is an undue impact on surrounding residential amenity, having regard to loss of daylight or sunlight.
- 7.4.10. In relation to loss of outlook, or the creation of an overbearing visual impact on neighbouring property, I note that the scale of the development is comparable to that of its neighbours to the east and south, and while there will be a noticeable difference in scale when compared with the existing, I note the existing low-rise nature of the site, which is under-scaled having regard to its inner-urban location. I also note the courtyard proposed which will reduce the overall mass of the building when view from the Viking Harbour development. As such, I do not consider the proposal would result in an overbearing impact on, or a loss of outlook from, neighbouring residential properties.
- 7.4.11. In relation to loss of privacy, I note that the proposals includes vertical timber fins on the internal elevation facing towards Viking Harbour. This will help to mitigate against overlooking from the development, although I note the majority of windows serving the Viking Harbour units do not face directly towards the development. In relation to the terrace areas, I note balustrading has been provided which will mitigate against overlooking.
- 7.4.12. In term of impacts arising from the construction period, it is noted that these impacts are temporary and are necessary to complete the proposed development. Furthermore, these can be appropriately minimised and mitigated by the attachment of appropriate conditions to a grant of permission, should the Board be minded to grant permission, and deem such mitigation of negative impact necessary.

7.5. Principle of Demolition/Design and Conservation/Impact on Protected Structures

- 7.5.1. It is proposed to demolish the existing two and three storey buildings on the site and provide a new upgraded facility comprising a five/six storey over partial basement building. The height of the building as measured from ground level will be 17m to the Usher's Island parapet and 21m to the Island Street parapet.

- 7.5.2. In relation to the principle of demolition, the existing building is of little architectural merit and is under-scaled for the site and surrounding context. As such there is no objection in principle to its demolition.
- 7.5.3. In relation to plot ratio, the proposal has a plot ratio of 1:3.9 which is higher than the indicative plot ratio of 1:2.5 to 1:3.0 for Z5 zoned land. However, the site falls within an area that is well served by public transport and falls within the Liberties Strategic Regeneration Area. As such the criteria for a higher plot ratio as set out in Section 16.5 of the CDP has been met in this instance.
- 7.5.4. In terms of the height proposed, the proposal is a six-storey building with a significant setback at six floor level from the Usher's Island elevation, and a partial setback from the Watling Street elevation, which would result in an apparent five storey elevation onto Usher's Island and six stories onto Island Street. This is higher than the directly adjacent Viking Harbour Development, which, at the point adjoining the appeal site, is four storey, but is equivalent to 14 and 15 Usher's Island, further to the east.
- 7.5.5. In relation to Section 16.7.2 of the CDP states that Planning applications will be assessed against the building heights and development principles established in a relevant LAP/SDZ/SDRA. In relation to heights the Liberties LAP notes the subject site is located within the Quays/Bridgefoot Street/Oliver Bond Character area, where building heights vary from 4 to 6 storeys. A key objective is to create river frontage with a consistent scale and grain along the entire length of the Quays with buildings of around four to five storeys.
- 7.5.6. While the proposal is six storeys overall, the height along Usher's Quay will appear as five storeys, given the significant setback from this elevation, as well as the partial setback from the Watling Street elevation. As such it my view that the height is appropriate and it accords with the principles as set out in the LAP. I do not consider parapet height of the Island Street elevations to be inappropriate given the partial six-storey height of the Viking Harbour development and the site's location in an area where the building heights are generally 4-6 storeys as identified in the LAP.
- 7.5.7. In relation the scale, bulk and massing of the proposal, the massing and bulk of the development is concentrated on Island Street end of the site, with the massing being reduced as a result of the significant setback from the Usher's Island and Watling

Street frontages. The massing is also reduced significantly by the provision of the courtyard area adjacent to the Viking Harbour Development and the incorporation of design features such as 'vertical slits' on the Usher's Island, Watling Street and Island Street elevations. Given the context of the site as described above, I consider the scale, bulk and massing appropriate.

- 7.5.8. In relation to the detailed design, the approach taken is a contemporary one, utilising a mixture of material such as brick, pre-cast concrete, Cor-Ten Steel cladding and curtain wall glazing. I consider the design approach taken to be successful in this instance and, in my view, will enhance the appearance of the streetscape.
- 7.5.9. In relation to the impact on neighbouring Protected Structures, the applicants have submitted an Architectural Heritage Assessment, which concludes that the proposal will have no impact on surrounding Protected Structures, being positioned beyond any reasonable defined setting of same.
- 7.5.10. I note that in the vicinity of the appeal site, on the south side of the river, there are 8 Protected Structures including the Guinness Building, St. James's Gate (8204) and Granite Piers (8203), two-storey stone warehouse beside the HSE Eastern Region Day Centre on Usher's Island (8194), backing onto Island Street, 9 Usher's Island (Granite walls and gates to former Mendicity Institute (Moir House- 8195) and 12, 14 and 15 Usher's Island (8196, 8197 and 8198 respectively).
- 7.5.11. While the appeal site is visible within the setting of the above buildings and structures, the height, scale and massing of the proposal is considered to be appropriate, with an overall appearance which respects the context of the site and the surrounding area. As such there will not be a detrimental impact on the setting of the aforementioned Protected Structures. Furthermore, the proposal will improve the visual amenity of an underutilised and visually unattractive site which will be a positive addition to the streetscape.

7.6. Other Matters

- 7.6.1. In relation to archaeology, from the information on file, the site lies within the Zone of Archaeological Constraint for two recorded monuments (a watermill and a bridge). The application documents indicate traces of the former were removed when the existing building was constructed. I consider this issue can be appropriately addressed by way of condition.

7.6.2. In relation to impact transport issues, I note the applicants have submitted a Transport Statement which concludes that there will be minimal traffic additional traffic generated by the development, during the operational and construction phases, with a subsequent limited impact on the surrounding road network. Given the nature of the development, and the inner-urban location of the site which is well serviced by public transport, I concur with the conclusions within the report and consider the impact on traffic volumes will be negligible.

7.7. Appropriate Assessment

7.7.1. The site is neither in nor near to a Nature 2000 site. However, there are a number of Natura 2000 sites with a 15km radius of the proposal site including 7 SPA's (North Bull Island SPA, Baldoyle Bay SPA, South Dublin Bay and River Tolka Estuary SPA, Broadmeadow/Swords Estuary SPA, Wicklow Mountains SPA, Dalkey Islands SPA). The closest SPA's to the site are the North Bull Island SPA which is 3.8km to the north-east of the Site and South Dublin Bay and River Tolka SPA which is 4.8km to the south-east of the site.

7.7.2. There are 9 SACs within 15km of the site (Baldoyle Bay SAC, Howth Head SAC, Malahide Estuary SAC, North Dublin Bay SAC, South Dublin Bay SAC, Glenasmole Valley SAC, Rye Water Valley/Carton SAC, Wicklow Mountains SAC and Rockabill to Dalkey Island SAC). The closest SAC is the South Dublin Bay SAC which is 4.8km to the south-east of the site.

7.7.3. The proposal is located approximately 14m from the River Liffey, which could provide a pathway to a number of those Natura 2000 sites identified above. However, given the proposal will be linked to the combined foul and surface water sewerage network, it is unlikely that any contaminants will enter the River Liffey from this development during its occupation. During the construction stage, a Construction Management Plan should be adhered to which should include proposals to prevent any contaminants from the site entering the River.

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

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site, the pattern of development in the vicinity, the number of other homeless services within 500m of the site, and the policies of the Liberties LAP and of current Dublin City Development Plan 2016-2022, it is considered that the proposed development would not seriously injure the residential or visual amenity of the area and would not detract from the character or setting of the adjacent Protected Structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A schedule and appropriate samples of all materials to be used in the external treatment of the development, to include proposed brick, cladding, roofing materials, windows, doors and gates, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development.

3. Use of the facility hereby permitted shall be limited to the use as specified within the content of this application. Any change of use or material alteration to the use as permitted shall be the subject of a prior planning application for same.

Reason: In the interests of orderly development and proper planning and sustainable development of the area.

4. Adequate provision shall be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons. Details of the developer's proposals for complying with this condition shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.

Reason: In the interests of achieving a development that is accessible to all people.

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further

archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

Rónán O'Connor
Planning Inspector

11th December 2017