



An
Bord
Pleanála

Inspector's Report

ABP-308482-20

Development

PROTECTED STRUCTURE:
residential accommodation in
courtyard wings at the former Mount
Argus Monastery, within the curtilage
of a protected structure (Mount Argus
Church). Conversion of attic space
accommodating 9 family
accommodation units; -and a three-
storey residential accommodation,
accommodating 12 family
accommodation units.

Location

Former Mount Argus Monastery,
Mount Argus. Kimmage Road Lower,
Dublin 6W

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

2559/20

Applicant(s)

Mount Argus Monastery Ventures
Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal	First and Third Party
Appellant(s)	(1) Mount Argus Monastery Ventures (2) Mount Argus and Church Park Residents Association
Observer(s)	Harold's Cross Community Council
Date of Site Inspection	15 th February 2021
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.7217 hectares, is located within the grounds of Mount Argus church on the south side of Dublin City to the SW of Harold's Cross. The site is located off Kimmage Road Lower which forms part of the main arterial route into the City Centre and the surrounding area is characterised by a mix of institutional, 2- storey residential, commercial and open space uses. The site is located to the NE of a neighbourhood shopping centre at Sundrive Road, to the E of Eamon Ceannt Park, and to the N of the River Poodle. The lands to the immediate N, W and E are occupied by 2-storey semi-detached houses while the lands to the SE have the benefit of a planning permission for a c.184 unit apartment development, and the lands to the south are laid out as a park. The irregular shaped site, which originally formed part of the larger church estate, is located to the W of Mount Argus Church and it comprises the former 2 and 3-storey monastery building which forms a quadrangle around a central courtyard. The site abuts Mount Argus church to the E and it is bound to the E, S and W by the grounds of Mount Argus which include a car park, burial ground and a new monastery building. The original granite monastery building dates from the mid-19th Century and follows the general plan of the Passionist Order's Retreat in Italy. Building work on the church commenced in 1873 and was completed in 1878. The church was extended in the 1930s and the quadrangle was closed by a northern wing which was connected to the southern wing of the monastery by way of an enclosed corridor located parallel to the western side of the church. Mount Argus church is a designated Protected Structure (RPS no. 4260)

2.0 Proposed Development

2.1. Permission is sought development at the residential accommodation courtyard wings at the former Mount Argus Monastery within the curtilage of a protected structure. The development consists of ...

- Conversion of attic space to residential accommodation with dormer windows and roof lights added to the roof space in the north wing, accommodating 9 family accommodation units;

- A new three-storey residential accommodation wing extending from the east corridor wing into the courtyard accommodating 12 family accommodation units;
- A single-storey extension from the south wing into the courtyard to accommodate a recreation/play space structure;
- Vehicular access to existing car parking from Mount Argus Avenue;
- All associated site works, landscaping and services.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 17 conditions. Of note are the following conditions...

Condition no. 3: The gate shown on the site layout plan on Church Park Avenue does not form part of the permission and no access to the site from this gate is permitted without the benefit of prior grant of permission.

Condition no. 4(a): Revised car parking and pedestrian accessibility plan to be submitted for agreement with the plan detail resident and staff cycle parking to development Plan standards and the provision of a clear pedestrian route between Mount Argus Avenue and the proposed entrance and a demarcated pedestrian route across the existing car park (Church carpark) and the main entrance to the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (03/07/20): Further information required including demonstrating of compliance with the land use zoning policy, provision of a master plan and provision of adequate public open space, demonstration of compliance with policy QH30, demonstration of compliance with the apartment guidelines or justification for deviation with such, revised materials for elevation of eastern corridor link and

single-storey playroom having regard to conservation status of the existing structure, details of external finish of dormer windows and roof extension, details of existing parking provision and provision parking in accordance with development plan standards, waste management plan, and a revised layout omitting the access off Church Park Avenue.

Planning Report (23/09/20): The proposal was considered to be acceptable in the context of land use zoning, conservation status of the existing structure, design, visual amenity, adjoining amenities, traffic impact and subject to conditions, in accordance with the proper planning and sustainable development of the area. Permission was granted subject to the conditions outlined above.

3.2.2. Other Technical Reports

City Archaeologist (21/04/20): Condition requiring archaeological impact assessment.

Conservation Section (29/04/20): No conservation review undertaken of the proposal.

Drainage Division (12/05/20): No objection.

Road Planning Division (15/06/20): No objection subject to conditions.

Drainage Division (15/09/20): No objection.

Road Planning Division (22/09/20): No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1 None

3.4. Third Party Observations

3.4.1 A number of submissions were received. The issues raised are as follows...

- Increased traffic, conflict with Z15 zoning objection in relation public open space., traffic safety issues relation to provide vehicular access, flood impact, pressure on existing local services, construction traffic using unauthorised access, overdevelopment if the site, adverse impact on adjoining residential

amenity, inadequate consideration of section 5 development on site, overshadowing and overlooking , lack of clarity regarding use of some rooms, waste management arrangements , adverse impact on a protected structure, future development on the open space area, increased anti-social behaviour, validation issues.

4.0 Planning History

- 4.1 EXPP0369/19: Declaration issued under section 5 that use of the residential accommodation wing at Mount Argus Monastery for supported living accommodation constitutes exempted development.
- 4.2 29S-243181 (3792/13): Permission granted for the development of 32 residential units.
- 4.3 2375/11: permission granted for change of use of monastery to a nursing home.
- 4.4 PL29S.234534 (2106/09): Permission refused for a mixed use development comprising 211 apartments and community building, car parking and associated site works within the former attendant grounds of Mount Argus Church (A Protected Structure). Refused for four reasons...

1. Having regard to its overall height, scale, massing and, in relation to Buildings 1 and 5, their length and monolithic form, it is considered that the proposed development would have a negative impact on the established pattern of development in the area, would constitute over-development of this inner suburban site and would fail to have due regard to its context and location between a protected structure and a residential conservation area. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. The “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in September, 2007 identifies the need for all communal and private open spaces to receive adequate sunlight. The Board is not satisfied that the proposed development, in particular courtyard number 1, by reason of the height and orientation of buildings, would achieve a sufficient quality of open space in this regard. The proposed development would, therefore, seriously injure the amenities of future occupants and would be contrary to the proper planning and sustainable development of the area.

3. The north-eastern corner of the proposed development adjoins the Scouts Hall (considered part of the attendant grounds of a protected structure) and number 72 Mount Argus Road, part of an established residential area. It is considered that Building 3 of the proposed development (which includes the removal of trees), by reason of its massing and proximity, would have an unacceptable overbearing impact on these adjoining properties. Furthermore, Building 2, by reason of its scale, would have a detrimental impact on the Scouts Hall. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

4. It is an objective of the Dublin City Development Plan 2005-2011 to secure public access to lands along waterways in the city and to protect, maintain, improve and enhance the natural and organic character of the watercourses. These objectives are considered reasonable. The proposed development, which includes the increased culverting of the River Poddle and its realignment between Building 5 and the roadside boundary, combined with the treatment of adjoining ground levels, would have a negative impact on the amenity value and character of the watercourse and would preclude adequate access to, and enjoyment of, this feature. The proposed development would be contrary to the above objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.4 5295/08: Permission granted for separation of Mount Argus Church from adjoining quadrangle monastery building.

4.5 3427/06: Permission granted for new 17 bedroom part single part two-storey monastery building.

5.0 Policy Context

5.1. Development Plan

The relevant development Plan is the Dublin City Development Plan 2016-2022. The appeal site is zoned Z15 with a stated objective 'to protect and provide for institutional and community uses and to ensure that existing amenities are protected'.

These generally large blocks of land, consisting of buildings and associated open spaces, are located mainly in the suburbs. The present uses on the lands generally include community related development including schools, colleges, residential institutions and healthcare institutions, such as hospitals. Institutional and community lands display a variety of characteristics ranging from institutions in open grounds to long established complexes of buildings. They often provide ancillary and incidental activities for the local community such as use of part of the site for recreational purposes or the use of rooms for local meetings.

In considering whether there is no longer a need for the existing institutional use and a material contravention or variation to the development plan is proposed, the planning authority shall consult with the owner/ operator of the existing institutional and community uses and the relevant statutory provider (e.g. the Department of Education and Skills in the case of schools, and the Department of Health and the HSE in the case of hospitals). A master plan is required in these circumstances. The master plan, which may necessitate a variation, shall set out a clear vision for the lands zoned Z15, to provide for the identification of 25% of the lands for open space and/or community facilities (instead of the 10-20% public open space provided for in earlier in this chapter. This requirement need not apply if the footprint of the existing

buildings exceeds 50% of the total site area of the institutional lands. The master plan must incorporate landscape features which retain the essential open character of the lands zoned Z15. It must also ensure that the space will be provided in a manner designed to facilitate potential for future public use and protect existing sporting and recreational facilities which are available predominantly for community use. The 25% public open space shall not be split up, unless site characteristics dictate otherwise, and shall comprise mainly of soft landscaping suitable for recreational and amenity purposes and should contribute to, and create linkages with, the strategic green network.

5.5.11 Homeless Services

The City Council and other statutory agencies provide appropriate accommodation and work together to improve the range and quality of services available for homeless persons. An over-concentration of institutional accommodation can have an undue impact on residential communities and on the inner city in particular. A coordinated approach to the provision and management of these facilities as well as their spread across the city is important.

16.12 Standards – Institutions/Hostels and Social Support Services

An over-concentration of institutional hostel accommodation, homeless accommodation and social support institutions can potentially undermine the sustainability of a neighbourhood and so there must be an appropriate balance in the further provision of new developments and/or expansion of such existing uses in electoral wards which already accommodate a disproportionate quantum. Accordingly, there shall be an onus on all applicants to indicate that any proposal for homeless accommodation or support services will not result in an undue concentration of such uses, nor undermine the existing local economy, the resident community, the residential amenity, or the regeneration of the area. All such applications for such uses shall include the following: A map of all homeless and other social support services within a 500 m radius of application site, a statement on catchment area, i.e. whether proposal is to serve local or regional demand, a statement regarding management of the service/facility

QH30: To ensure that all proposals to provide or extend temporary homeless accommodation or support services shall be supported by information demonstrating that the proposal would not result in an undue concentration of such uses nor undermine the existing local economy, resident community or regeneration of an area. All such applications shall include: a map of all homeless services within a 500 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.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

5.3. EIA Screening

5.3.1 Having regard to the nature and scale of the development which consists extension to an existing building and an extension of established institutional use (managed family support institutional facility) and provision of new vehicular entrance, the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Simon Clear & Associates on behalf of the applicants, Mount Argus Monastery Ventures Limited. The grounds of appeal are as follows...

- The appeal concerns the application of condition no. 3 and condition no. 4a.
- In relation to condition no. 3 it is argued that such relates to an element (entrance of Church Park Avenue) that is not part of the development sought or the description of the proposal and such was made clear in the response to further information. The appellant refers to Section 7.3.2 of the Development

Management Guidelines and Section 34(4) of the Planning Development Act regarding conditions relating to development or areas outside the scope of the permission or lands under the applicants control.

- The appellant refers to PL29S.304204/19
- It is noted that condition 4a requires the applicant to engage with the owners of Mount Argus Church regarding provision pedestrian route across the existing car park to the main entrance of the development on third party lands not within the site. This type of condition which seeks to impose a right of way over third party lands was struck out under the case Old Head of Kinsale case and does not comply with the recommendations of development management Guidelines under Section 3.3.
- Both conditions should be omitted.

6.1.2 A third party appeal has been lodged by Hughes Planning & Development Consultants on behalf of on behalf of the Mount Argus and Church Park residents Association. The grounds of appeal are as follows...

- The proposed vehicular access off Mount Argus Avenue would raise health and safety concerns. The proposal would result in an increase in traffic using the entrance the existing residential road posing a risk to other road users, in particular children. There are existing issues with parking along the road and risk of incidents due to increased turning movement proposed. It is considered that traffic and parking levels on the road are currently excessive with the proposal adding to traffic movements to this situation.
- The appellants note that there is an existing unauthorised entrance off Church Park Avenue, which is subject to enforcement action. Such has had an adverse impact on existing residential amenity in the area and should be taken into consideration in assessment of the proposal.
- There is a requirement on Z15 lands to provide for 25% of land for public open space. This requirement has not been addressed in the current proposal. There is a large green space to the north of the site and a condition

should be applied requiring such be landscaped and set out as public open space.

- The proposal is regarding to contrary zoning policy with it noted as being in a transition zone due the Z15 zoning objective surrounded by existing residential development zoned Z1. The proposal would have a significant and adverse impact on adjoining residential development by way of overlooking and overshadowing/loss of daylight and the impact of increased traffic will be significant in the established residential area. It is considered that regard must be had to the zoning objective of the residential area adjoining the site.
- The proposal would have an adverse impact on existing residential amenities of dwelling in the vicinity due to physical impact of proposal and increased traffic levels in a residential area.
- The most recent application on the site permitted 32 residential units (29S.243181). The current proposal entails the provision 21 additional units and constitutes overdevelopment of the site. The proposal has not been informed by the planning history of the site, which requires a reduction in height and scale.
- Mount Argus Church is a protected structure. The proposal fails to have regard to such status and development policies regarding architectural heritage. The design and scale of the proposal fails to have regard to the character and status of the existing protected structure with interventions to roof considered out of character, inappropriate and extensions to the structure inappropriate in design and scale.
- The proposal would place pressure on existing services and amenities in the area including schools and existing park facilities.
- The proposal is to discharge into existing public foul sewerage infrastructure along Church Park Avenue. There have been sewerage issue for residents at this location with the increased loading exacerbating such. The appeal site is in close proximity to the River Poddle with dwelling Church Park Drive having suffered flooding in the past. The increase in residential development would increase the occurrence of flooding.

6.2. Applicant Response

6.2.1 Response by the applicant, Mount Argus Ventures Ltd.

- The applicant refutes claims by the third party appellant regarding mature trees located in the courtyard area with no such trees existing. The appellant claim that structure subject to alteration is a protected structure is incorrect with Mount Argus Church being the protected structure.
- The proposal would have no adverse impact in terms of traffic. The status of existing structure as a managed family support institutional facility means there is minimal car ownership and minimal traffic associated with the proposed development.
- In relation to an unauthorised entrance it is noted that such is subject to separate enforcement proceedings and is not part of the proposed development or sought as part of such.
- In relation to public open space it is noted that permitted residential development is not proceeding and existing development on site is based on the section 5 declaration and use of existing structure as a managed family support institutional facility and is not subject to provision of the zoning objective for future residual development. It is noted a new use is not sought in the proposal and is an extension of an established use.
- The structure subject to the application is not a protected structure and has been separated from the existing Church, which is a protected structure. Notwithstanding such the proposal is carried out with sufficient regard architectural heritage. The proposal is respectful the character and fabric of the existing structure on site and the materials proposed are appropriate.
- The proposal will not put pressure on local services and facilities are provided on site to provide family units with a transition from homelessness or sub-standard accommodation into the general community.
- It is noted that the existing structure on site has not been flooded due to its ground level

6.3. Planning Authority Response

6.3.1 No response.

6.4. Observations

6.4.1 Observation by Dr. Paula Russell on behalf of Harolds Cross Community Council.

- The proposal is an over intensification of use of the existing structure and based on the information submitted and calculation of bed spaces a potential population 298 (151 existing and 147 additional spaces in the proposal). The existing monastery building previously provided for 60 bed spaces and the previously approved residential development on site a potential population of 128. The proposal is a significant intensification in potential population at this location.
- The quality of the units is inadequate and that the average unit size is 36.13sqm and the units in the roof space would be compromised in terms of ceiling heights. The floor area provided per bed space is grossly inadequate in comparison to the requirements that would be contained under the Apartment Guidelines for new residential development.
- The provision of open space is inadequate if the courtyard is considered in isolation. It is noted permission should be refused on the basis of inadequate public space unless the remaining part of the site is landscaped to provide additional meaningful open space. With the requirement for 25% noted under the Z15 zoning objectives.
- Increase turning movements and traffic at the proposed entrance off Mount Argus Avenue would have an adverse impact on amenities of existing residents in the vicinity and cause safety concerns.
- In relation to conditions no. 3 it is noted that the section 5 declaration only confirms the use of the building for as temporary accommodation for

homeless families and does not extend to any associated reconstruction works or access. This condition should be retained.

7.0 Assessment

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development, zoning policy

Design, visual impact, architectural heritage

Quality or accommodation/open space

Adjoining amenity

Traffic

First party appeal

Flooding/drainage

7.2 Principle of the proposed development, zoning policy:

7.2.1 The proposal is for development at the residential accommodation courtyard wings at the former Mount Argus Monastery within the curtilage of a protected structure and consists of

- Conversion of attic space to residential accommodation with dormer windows and rooflights added to the roof space in the north wing, accommodating 9 family accommodation units;

- A new three-storey residential accommodation wing extending from the east corridor wing into the courtyard accommodating 12 family accommodation units;

- A single-storey extension from the south wing into the courtyard to accommodate a recreation/play space structure;

- Vehicular access to existing car parking from Mount Argus Avenue;

- All associated site works, landscaping and services.

7.2.2 The appeal site consists of the monastery building consisting of three wings laid out in a quadrangle to the side of Mount Argus Church and lands to the north. The appeal site does not include the Church or its car park, lands to south of the Church and the vehicular entrance off Lower Kimmage Road. The existing structure on site is three storeys on its southern wing, three-storeys on its western wing and two-storeys on its northern wing. The eastern part of the structure is three-storeys and contains only corridors. The existing accommodation has been converted to a family managed family support institutional facility on foot of a declaration issued under section 5 determining that use of the existing residential wings of the monastery for such use is exempted development. It is noted that the existing accommodation supports 35 families.

7.2.3 The proposed development seeks to provide for three-storey extension to the eastern side of the internal courtyard (western wing) to provide an additional 12 family units and conversion of the attic of the northern wing with new dormer windows to provide an additional 9 family units (21 in total). It is also proposed to provide a single-storey extension portion attached to the three-storey extension to provide a playroom in the internal courtyard. It is proposed to provide parking adjacent the western boundary of the site and a new vehicular entrance off Mount Argus Avenue.

7.2.4 The proposal is an extension to an established use on site and irrespective of such it is an institutional use and is a compatible use within the Z15 zoning objective. There are a number of policies regarding such accommodation set out under section 5.5.11 and 16.12 as well as Objective QH30. These policies emphasize the need for justification of the provision of such facilities to prevent and over-concentration of such accommodation in the one area. Objective QH30 is “to ensure that all proposals to provide or extend temporary homeless accommodation or support services shall be supported by information demonstrating that the proposal would not result in an undue concentration of such uses nor undermine the existing local economy, resident community or regeneration of an area”. The use of the structure

on site for accommodation for homeless families is established and in operation on site. The proposal is an extension to such to provide 21 additional family units. I would consider that the use is established on site and the applicant did provide a map showing no other such facilities within 500m of the site and identified local services including a park and community centre to comply with Objective QH30. I am satisfied the proposal would be acceptable in the context land use zoning policy and development plan policy regarding such institutional uses.

7.3 Design, visual impact, architectural heritage:

7.3.1 The third party appeal raises issues relating to appropriateness of the design, scale and impact in the context of an existing protected structure. The structure subject to the application is not a protected structure. It is however within the curtilage of a protected structure with the Mount Argus Church being on the record of protected structures. The structure itself is of architectural heritage value being of an age and character that is worthy of preservation and should be taken into account in assessment of the proposal.

7.3.2 In relation to impact on the character and setting of an existing protected structure, the bulk of the new development on site is in the form of a three-storey extension (and associated single-storey extension) to the eastern wing of the monastery structure. The layout of the structures on site is such that this element is not visible outside of the courtyard area and would have no discernible impact on the character of the existing protected structure. The only element of the proposal that is visible external to the courtyard are the four dormer windows and fourteen roof lights proposed on the northern plane of pitched roof on the northern wing. This intervention would not be out of scale with the existing structure and would have no significant or adverse visual impact in context of overall visual amenity and the character and setting of a protected structure. I would note that under permitted development ref no. 29S-243181 six similar dormer windows were permitted on the northern roof plane.

7.3.3 As noted above the proposal is not an alteration of a protected structure but is alteration and extension of a structure within the curtilage of a protected structure. As already stated earlier the overall design and scale of the proposed development would have no adverse impact on the setting or character of the existing protected structure. The building itself is off architectural merit and heritage value. The structure has already been changed from residential accommodation for the monastery to a managed family support institutional facility and such appears to have entail refurbishment of the existing structure with no significant alteration to the fabric and layout. The level of intervention in the roof the northern wing is not out of keeping with that permitted under PL29S-243181 and is an acceptable level of intervention in terms of the fabric of the existing structure and its external form. The extension to the eastern side of the internal courtyard (eastern wing) is satisfactory and with the proposal using the existing openings on the façade. I would consider that overall design and scale of the extension including the three-storey and single-storey element is acceptable. The design is contemporary in nature and provides a clear legibility to distinguish from the older existing structures. There was some alterations proposed in external finishes in response to further information. I am satisfied the overall design of the proposal would be satisfactory in the context of the visual amenities of the area, the setting and character of existing protected structure, and would have adequate regard to architectural merit/heritage value of the existing structure.

7.4 Quality or accommodation/open space:

7.4.1 The proposal is for 21 additional family units as temporary accommodation for the homeless with the existing structure having 35 units. The observation submitted and further information response by the applicant refers to catering for 64 families. The proposed and existing number of units of 56 units and not 64, so I not sure where the figure of 64 families comes from.

7.4.2 In relation to the quality of units proposed, it is important to state that this not a residential development with the provision individual apartments units and cannot be assessed in the context of any of the national standards regarding apartment

development and in particular Sustainable Urban Housing: Design Standard for New Apartments (March 2018). The development is an institutional development consisting of a managed facility providing temporary accommodation for homeless families. There are no standards available for such accommodation. I am of the view that the units proposed are sufficient in quality for the purposes they are intended and provide for bedroom accommodation, bathroom facilities and living space. These units are served by communal facilities including a dining area, kitchen facilities, living spaces, a proposed playroom and a proposed central open space with an external play area.

7.4.3 The appeal submission and observation raise the issue of the requirement for 25% of public open space on lands zoned Z15. The applicant notes that permission was granted for a residential development on site and that 25% of the site was to be retained in open space including the area to north and that this permission is not being implemented. The applicant notes that this is for extension an established institutional use and that no changes are proposed in regards to the open space area to north of the site and that there is no issue regarding public open space provision.

7.4.4 The third party appeal and observation seem to be making the point that the applicants should be required to provide the area to the north of the site as public open space for the proposed development. The area to the north of the site is a grassed area and there are no proposals to alter or upgrade this space as part of the current proposal. I would be of the view that given the proposal is an extension and intensification of an existing use and although such is an institutional use, it is residential in nature and family orientated, the provision of open space is a factor in terms of the quality of the development. The existing open space area to north is neglected and has been impacted by construction works on the existing building. I am of the view that it is appropriate to apply a condition requiring a landscaping plan for this area to facilitate its use as open space servicing the development on site. This area is within the site boundary and under the applicants' control.

7.5 Adjoining Amenity:

7.5.1 The third party appeal raises issues concerning the amenities of adjoining residential properties with the scale of the development raised in the context of overshadowing and overlooking of adjoining properties. As noted earlier the bulk of the existing structure, which was formerly a residential block for a monastery has been converted to a managed family support institutional facility on foot of a declaration issued under section 5. The proposal in this case is to extend this use with the provision of an extension to the eastern wing and a conversion of the attic of the northern wing with new windows on its northern and southern roof plane.

7.5.2 The configuration of the extension is such that there is no increase in the bulk and scale of structures that would increase the height of the existing structures, provide for new structures that exceed the height of existing structure or provide for any new structures in closer proximity to adjoining residential development. The extension to the eastern wing is imperceptible outside of the internal courtyard due to it being surrounded on all sides by existing structures and being lower in ridge height than those existing structures. In relation to overlooking the proposal provides for dormer windows and roof lights on the northern roof plane of existing structure. As noted earlier there is precedent for development within the roof level with an approved development that features dormer window on this elevation. I am satisfied that the relationship of the attic development to adjoining residential development is satisfactory in the context of privacy/overlooking and the development proposed is of acceptable scale at this location. The proposal would entail no overshadowing over and above the existing level generated by the structure on site. I am satisfied that overall physical scale and design of the proposal has adequate regard to existing development adjoining sites.

7.6 Traffic:

7.6.1 The proposal entails the provision of a new vehicular entrance off Mount Argus Avenue on the western boundary of the site and the provision of parking for 28 cars (revised through further information from 20 spaces). The revisions in response to further information include a splayed entrance and 8 additional car parking spaces.

In terms of planning history permission was previously granted under PL29S-243181 for 32 residential units on the appeal site with a new vehicular access in the same location as the proposed development. The existing managed family support institutional facility on site currently uses the vehicular access and car park associated with the Church, however this is temporary arrangement (on lands not in the applicants' ownership) until a more permanent arrangement as proposed in this case is provided. As noted there is precedent for permitting an access at this location. Mount Argus Road is a 5m wide carriage with footpaths on either side and is a residential road of good standard in terms width, alignment and provision of pedestrian facilities. The proposed entrance is located on a straight stretch of road that would afford sufficient visibility in accordance with the Design Manual for Urban Roads and Streets as well adequate separation between pedestrian and vehicular traffic. I would consider that the revised entrance layout providing for a splayed entrance by way of further information is a better layout. The nature of the proposed development would not generate traffic or turning movements out of keeping with existing traffic at this location, which is residential in nature. I am satisfied that the existing road network is of sufficient capacity and appropriate in design and layout to cater for the additional turning movements likely to be generated without causing a traffic hazard or endangering other road users.

7.6.2 The car parking provision of 28 space is to serve the existing facility and the extension/increase in family units proposed. Under the County Development Plan there is no equivalent category of development in the table outlining car parking standards (table 16.1). The applicant has set out the logic for parking provision indicating that the total development on site (existing and proposed) would cater for 64 families. Based on the demand generated by other family hubs run by the Salvation Army it is estimated that the maximum requirement would be 23 spaces with 28 provided. I would consider that the level of parking provided is likely to be sufficient and the applicants have provided a reasonable argument to justify the level proposed. In addition I would note there is scope to provide more in the hardstanding area to the north of the quadrangle if necessary. In response to further information provision was made cycle parking facilities on site.

7.7 First party appeal:

7.7.1 The first party appeal concerns condition no. 3 and condition no. 4a with the applicants/appellants requesting that these conditions be omitted. Condition no. 3 states that the gate shown on the site layout plan on Church Park Avenue does not form part of the permission and no access to the site from this gate is permitted without the benefit of a prior grant of permission. The applicants/appellants note that such is not part of the development sought and the condition is inappropriate.

7.7.2 There is an existing gated access on the eastern boundary on Church Park Avenue. The gate is noted as being in place on the site layout maps submitted. Based on the information on file, this gate does not have the benefit of planning permission and is the subject of ongoing enforcement by the Council. The proposed development does not entail retention of the gate in question or proposal to use the gate to access the proposed development with the provision of a new vehicular access off Mount Argus Avenue.

7.7.3 I would be of the view that a condition in relation to the gate in event of grant of permission is not appropriate. The development description is clear and does not include a reference to this existing entrance. Whether such an entrance is authorised or not is not a matter for the Board to determine and permission has not been sought to retain, use or alter this entrance under the development description. The issue of unauthorised development and enforcement of such is a matter for the Council who have the authority and power to deal with these matters under the Planning and Development Act, 2000 (as amended). As stated there appears to be ongoing enforcement action concerning such and that is the appropriate forum to deal with this matter. On this basis I would recommend that no conditions be attached relating to this entrance.

7.7.4 Condition 4a requires revised car parking and pedestrian accessibility plan to be submitted for agreement with the plan detailing resident and staff cycle parking to Development Plan standards and the provision of a clear pedestrian route between

Mount Argus Avenue and the proposed entrance and a demarcated pedestrian route across the existing car park (Church carpark) and the main entrance to the development. In the previous section of this report I noted that the level of parking provided is satisfactory and there are no equivalent car parking standards for this type of development in the City Development Plan. I would also note that cycle parking provision is also satisfactory. The proposal (revised plans in response to FI) do provide for clearly demarcated pedestrian route through the car parking area to the entrance on the northern elevation).

7.7.5 In the case of a clearly demarcated pedestrian route between the entrance on the southern elevation and the entrance to the Church, this area is not within the site boundaries and is not under ownership of the applicant. The main entrance to the existing building on site appears to be on the southern elevation and currently accessed through the Church car park and entrance off Lower Kimmage Road. The proposal seeks to provide an alternative permanent access off Mount Argus Avenue and on the northern elevation.

7.8 Other issues:

7.8.1 The issue of the capacity of the drainage infrastructure and proximity to the River Poddle and potential for flooding was raised by the third party appellants. The appeal site is located in Flood Zone C (Composite Flood Map Appendix 5, Strategic Flood Risk Assessment, Dublin City Development Plan). The proposal is for extension to an existing structure and given the location of the site in Flood Zone C, a flood risk assessment is not required. In regards to drainage infrastructure the Drainage Division have raised no objections to the proposal, which is connected to existing drainage infrastructure and is an extension of an existing structure at this location.

8.0 **Appropriate Assessment**

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

9.0 **Recommendation**

9.1. I recommend a grant of permission subject to the following conditions.

10.0 **Reasons and Considerations**

Having regard to:

- (a) The provision of the Dublin City Development Plan 2016-2022,
- (b) The existing pattern of development at this location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties, be satisfactory in the context of the character and setting of a protected structure and be satisfactory in the context of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans and particulars lodged with the application on the 01st day of September 2020, 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 interests of clarity.

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

Reason: In the interests of visual amenity.

3. The streets and footpaths within the development shall comply with the requirement and specifications of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013.

Reason: In order to comply with the guidance give in the Design Manual for Urban Road and Streets.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of

permission.

Reason: In the interest of visual amenity.

6.

(a) The applicant is required to engage the services of a suitably qualified industrial archaeologist to make a detailed record of all building fabric and associated machinery at the mill site. A plan for salvage of building fabric and machinery should be drawn up.

(b) The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Act 1903-2004) to carry out pre-development testing at the site where ground disturbance is to take place. No sub-surface work shall be undertaken in absence of the archaeologist without his/or her express consent.

(c) The archaeologist is required to notify the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of site preparation. This will allow the archaeologist sufficient time to obtain a license to carry out the work.

(d) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.

(e) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the department of Culture, heritage and the Gaeltacht for consideration.

(f) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the department of Culture, heritage and the Gaeltacht for consideration.

(g) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Culture, Heritage and the Gaeltacht.

Reason: To ensure continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

7.

- (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

- (b) All repair works to the existing structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2004. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

8. Prior to the commencement of development the applicant shall submit for the written agreement of the planning authority a landscaping plan for the area to the north of the site setting it out and as an open space area. This plan shall include details of hard and soft landscaping and measures for retention of existing trees.

Reason: In the interests of orderly development.

9. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

10. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

11. 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 traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

Colin McBride
Planning Inspector

15th February 2020