



An
Bord
Pleanála

Inspector's Report

ABP-312274-21

Development	Development of lands within curtilage of a Protected Structure (Mount Argus Church), comprising the construction of 19 apartments in a 3-4 storey building
Location	Lands at the former Mount Argus Monastery, Mount Argus, Kimmage Road Lower, Dublin 6W
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2643/21
Applicants	Mount Argus Monastery Ventures Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Harold's Cross Village Community Council
Observers	None

Date of Site Inspection

6th April 2022

Inspector

Margaret Commane

1.0 Site Location and Description

- 1.1. The area surrounding the subject site features mainly residential uses interspersed with liturgical and community uses. The Mount Argus and Church Park Residential Estates which feature in the immediate surrounds are generally characterised by two-storey terraced and semi-detached dwellings.
- 1.2. The subject site, which is irregular in shape, has an area of 3863sqm and is located to the south-west of Harold's Cross in Dublin 6W. More specifically, it comprises the northern part of the church grounds associated with Mount Argus Church (which is a designated Protected Structure, RPS No. 4260). The church grounds are located off Kimmage Road Lower but the part of the church grounds comprising the subject site has frontage to Mount Argus Avenue and Church Park Way. The majority of the subject site (the eastern part) is devoid of buildings and currently comprises an area of hard standing. This part of the site originally formed part of the formal garden that was attached to the Mount Argus Monastery and Church. The remainder of the subject site (the western part) features a carparking area and some low rise outbuildings. The site's northern boundary currently features a concrete wall and a row of mature trees, its western boundary a concrete wall, and its eastern boundary a row of mature trees. The site's southern boundary is flanked by Mount Argus Church/St. Paul's Retreat Building (which has the benefit of a planning permission for a c. 184 unit apartment development) and associated buildings. Vehicular access to the site is currently provided via Mount Argus Avenue to the west.
- 1.3. To the north, north-east and north-west of the subject site are 2-storey terraced houses/public open space areas associated with the Mount Argus and Church Park Residential Estates, to the south and south-east are Mount Argus Church/St. Paul's Retreat Building and associated buildings, and to the south-west is, also within the church grounds, is a development site for which a concurrent planning application (Reg. Ref. 2641/21/ABP Ref. ABP-310813-21) for 8 apartments relates.

2.0 Proposed Development

- 2.1. Planning permission was sought for: - construction of a part 3/part 4 storey apartment building consisting of 22 no. apartments (6 no. studio units and 16 no. 1-bed units) served by a 992sqm communal open space area located in the eastern part of the site

and 21 no. car parking spaces (provided in undercroft and at grade car parking areas), 1 no. motorcycle parking space and 43 no. bicycle parking spaces, accessible via a newly created vehicular access from Mount Argus Avenue. The proposed development will be contemporary in design and materials/finishes will consist of brick, glass screens and metal roofing. The proposed apartments will comprise supported accommodation, managed by the Salvation Army or other approved service provider, on DCC's behalf, and will have a functional relationship with the existing homeless support facility in the former monastery buildings. It constitutes a continuation of the institutional use featuring on site.

2.2. The proposal was revised in response to a further information request. The revisions made resulted in the following amendments to the proposed development:

- A reduction in the number of apartments proposed to 19 no. 1-bed units.
- Replacement of the pitched roof with a flat roof and consequent reduction in height of the proposed development (from 13.48 metres to 11.99 metres).
- A reduction in footprint of proposed building (from 1,308sqm to 1,257sqm).
- Revisions to the siting of building - moved further south to reduce extent of tree removal required, resulting tree removal limited to 2 no. saplings.
- Revisions to the materials/finishes of the building, including granite cladding to the south elevation, cream/white brick to other elevations and windows and projecting elements of the new structure to be clad in slate grey aluminium.
- Omission of 2 no. car parking spaces in light of swept path analysis carried out.

2.3. A summary of the key site statistics/details of the proposed development (as amended by a further information response) are provided in the table below:

Site Area	0.3863ha
No. of Residential Units	19 no. 1-bed apartments
Total Gross Floor Area	1,257sqm
Open Space	992sqm of communal open space
Car Parking	10 no. car parking spaces in undercroft parking area (remaining 28 no. spaces, including 1 no. in the undercroft parking

	area will serve the existing family hub featuring in the Monastery Building) and + 1 no. motorcycle space
Bicycle Parking	31 no. spaces, including 4 no. cargo bike spaces (29 no. spaces to serve the proposed 19 no. apartments and 2 no. spaces to serve the existing family hub featuring in the Monastery Building)
Density	49 units per hectare
Height	Part 3/part 4 storey (11.99 metres)
Site Coverage	14%
Plot Ratio	0.32
Dual Aspect Apartments	63%

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a notification of a decision to grant permission for the proposed development on 25th November 2021, subject to 20 no. conditions.

Condition No. 5 stated the following:

5. *Prior to the commencement of development, revised details shall be submitted to and approved in writing by the Planning Authority showing all balconies to have a minimum depth of 1.5 metres. The development shall be carried out in accordance with the approved details.*

Reason: In the interests of residential amenity and orderly development.

Condition No. 8 stated the following:

8. *The developer shall comply with the following requirements of the Transport Planning Division of Dublin City Council:*

- (i) *Prior to commencement of development, a revised car parking and pedestrian accessibility layout plan shall be submitted to the planning authority for written agreement. The plan shall detail the reconfigured car*

parking layout, indicating clearly the car spaces allocated to various uses including the car spaces reallocated under permitted development Reg. Ref. 2559/20.

- (ii) A total of 10 no. car parking spaces shall be allocated to the development. Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties. A minimum of 1 no. car space shall be provided with an electric vehicle charging point. All remaining car spaces shall be future proofed to allow the installation of charging points at a later date.*
- (iii) A minimum 29 no. residents cycle parking spaces shall be provided, inclusive of 4 no. accessible/cargo bike spaces. Cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall be provided for staff members. Key/fob access shall be provided to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.*
- (iv) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.*
- (v) The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

Reason: In the interests of traffic safety and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planners Report (18th June 2021)

- The application material states that the proposed development is intended for further supported accommodation as a continuation of the institutional use, consisting of the managed family support facility accommodated within the former monastery (EXPP0369/19 & PPR2599/20). Such institutional use would be compatible with the Z15 zoning objective. However, the proposed development differs from that approved under PPR2599/20 (which comprised

living units designed to be supported by additional services and facilities including dining area, kitchen facilities, living spaces, playroom and central open space with play area) in terms of its characteristics. The units proposed under this application are entirely self-contained, designed to meet the requirements of the Apartment Guidelines and do not appear to be related functionally to the supported accommodation in the former monastery block. As such, it is not clear that the proposed accommodation is a continuation of the 'institutional use'.

- Policy QH30 requires that proposals for temporary homeless accommodation are supported by information to demonstrate that the proposal would not result in an undue concentration of such uses, undermine the local economy, resident community or regeneration and to provide details of management. In this regard, the applicant has included a map showing that there are no other such facilities within 500m and identified local services. It is considered that the scale of additional institutional development would not result in undue concentration of such uses.
- Taken in combination with the existing institutional use and concurrent application 2641/21, the plot ratio is calculated to be c. 0.91, which falls within the indicative range for Z15 land.
- Mount Argus Church is a designated Protected Structure (RPS No. 4260) in the Development Plan. Mount Argus Church and the former Passionist Monastery fall under the NIAH Stage 6 Phase 14 Survey area for Dublin City, for which Ministerial or Draft Recommendations have not yet been received by Dublin City Council. The proposed apartment building would be located in a part of the site which originally formed part of the formal garden that was attached to the monastery and church however most of the land has been developed for residential use in recent years and the subject site represents the last remnant of the original gardens. As such, the proposed site is sensitive in conservation terms and any development in this location must be carefully considered in order to avoid further diminishing the curtilage of the protected structure.
- It is considered that the design of the proposed building would be harmful to the setting and character of the protected structure in its present form. The scale of the proposed new building is taller than the north range of the former monastery

building and, in combination with its massing, it is considered that it would constitute a substantial and imposing presence, causing harm to the setting of the Protected Structure and former monastery building. In addition, it is not considered that the roof form and balcony treatment would relate to and complement the special character of the protected structure, as required by Policy CHC2(d). Furthermore, given the sensitive nature of the site, it is considered that details of the proposed materials should be provided at application stage, in order to demonstrate that a high quality, complementary finish would be achieved.

- The proposed removal of 7 no. trees, which provide amenity value and contribute to the setting of the protected structure and wider site, is not considered to be adequately justified and further adds to the adverse impact of the proposals on the heritage value of the site. In addition, the parking and turning areas proposed between the former monastery and proposed building, due to their extent and lack of soft landscaping, would further erode the setting of the protected structure and associated structures. Consequently, it is considered that the proposed development would detract from and seriously injure the architectural character and setting of the Protected Structure and the adjoining former monastery buildings.
- As an institutional rather than residential use, there are no specific standards against which to assess the quality of accommodation, however, as noted above the proposal in this case is more akin to residential development than that approved under PPR 2559/20 and further information should be sought in this regard. When assessed against the Apartment Guidelines 2020, the proposed development complies with standards set out in relation to apartment size, aspect, ceiling height, lifts/stair cores, storage, daylight/sunlight, private amenity space and communal amenity space. The proposed apartment mix is also considered appropriate having regard to the institutional use proposed. Queries were raised regarding the adequacy of the bin storage area provided, however, overall the proposed development would provide an acceptable quality of accommodation for the institutional use proposed.

- The car parking area is accessed via a permitted entrance and car park under PPR 2559/20. However, it is also noted that 9 no. of the proposed car parking spaces were previously permitted under Reg. Ref. 2559/20, as per permitted Additional Information Drawing, PL/AI/04 Proposed Site Access and Car Parking Arrangement outlining 28 no. car parking spaces. The proposed undercroft car parking area and 1 no. car parking space within the open car park, totalling 12 no. car parking spaces appear to be the only additional car parking spaces other than the previously permitted development. Transport Planning Division have observed that the applicant should be requested to provide clarity in terms of the car parking allocation (staff, residents etc.) for the proposed development and to outline the impact on permitted car parking spaces from the previously permitted development's 28 no. car parking spaces. Transport Planning Division also note that access to a number of car spaces, specifically the 2 no. car spaces located directly north of the proposed cycle parking area, is restricted.
- The applicant has proposed 31 no. cycle parking spaces, at ground floor level in a bike store, to serve the development. A gate to secure the cycle parking area is not noted on the drawings and it is also not clearly shown or outlined if the resident cycle store is sheltered. Drawing MA/PL/B1/04 Proposed Ground Floor Plan outlines 12 no. cycle spaces adjacent to the car parking area to the south of the proposed development. However, these 12 no. spaces have been previously permitted under Reg. Ref. 2559/20.
- With regard to privacy, given the siting of the proposed building to the south of Mount Argus Green and with the proposed communal open space to the north-east, no issues arise for existing occupiers to the northwest and east. Windows and balconies facing No. 27 Mount Argus Crescent would be over 22m distance and, with the boundary screening retained, would not create a material impact in terms of overlooking. A potential overlooking issue does arrive however in relation to the conversion of the former monastery (under Reg. Ref. 2559/20) where opposing windows would be c. 12.5m from some south facing windows of the proposed apartments. The affected windows in the former monastery are single aspect northwest facing bedrooms.

- Given the siting of the proposed building relative to existing buildings, its height and presence of boundary screening, it is not considered that it would give rise to material impacts in terms of overbearance or loss of daylight/sunlight.
- Given the scale of the development, the sustainable location of the site and likelihood that future occupiers will originate from the City area, it is not considered that the proposed development would place excessive demand on local services.

The report recommends a request for further information in respect of the following:

- Item 1: Concerns were raised regarding the proposed development's on the architectural character/setting of the protected structure of Mount Argus Church and associated buildings within its curtilage. Therefore, the applicant was requested to reconsider the scale, massing and appearance of the proposed building. Additionally, justification was requested regarding the proposed removal of existing mature trees on site.
- Item 2: Concerns were raised by the Transportation Planning Division in relation to car and cycle parking allocation, access and egress to the 6 no. car parking spaces located to the southeast corner of the proposed car park and construction access. The applicant was therefore requested to provide clarification regarding car and cycle parking allocation, outline the impact on permitted car and bicycle parking spaces, detail mitigation measures to compensate for any loss in parking, a swept path analysis for the 6 no. car parking spaces located to the southeast corner of the proposed car park, an updated ground floor plan demonstrating an appropriate buffer zone between pedestrian access routes (in particular the eastern stairs adjacent to the undercroft parking area and vehicular traffic routes), and clarify proposed construction access and related indicative HGV routes to the site and through the site by way of a plan and site layout drawing.
- Item 3: The applicant was requested to provide key levels for the Protected Structure and the adjoining northern range of the monastery building, key distances between the existing and proposed building, detailed landscaping proposals for hard and soft landscaping, colour photographs to fully describe the existing site and to demonstrate that the proposed level of bin storage is

adequate to serve the proposed development and that approved under Reg. Ref. 2559/20.

- Item 4: The applicant is requested to set out the need for the type of accommodation proposed and to demonstrate that the units would be in institutional use.
- Item 5: Concerns were raised regarding potential overlooking of the existing habitable rooms within the former monastery building. The applicant was requested to address this through revised proposals.

Subsequent Planners Report (25th November 2021)

The Planners report, dated 25th November 2021, recommends a grant of permission subject to conditions. The following provides a summary of the points raised:

- In the context of FI Item 1: - Amendments were made to the proposed drawings (as outlined previously in Section 2.3 of this report) to address concerns raised. It was considered that the revisions made to the scale, form materiality of the proposed building deliver a more considerate design, which would not compete with the Protected Structure. The retention of the mature trees on the northwest boundary further assists in mitigating the impact of the scheme and maintaining the character of the wider site. The further information submitted is satisfactory in response to this item, save for in one regard. The revised units were found to be generally in line with the standards required by the Apartment Guidelines, with the exception of the depth of 4 no. balconies. It is considered that this could be resolved by condition.
- In the context of FI Item 2(i): - The applicant has clarified that the existing family hub featuring in the Monastery Building will continue to be provided with 28 no. spaces, as per the original approval, and the proposed development of 19 no. apartments will be served by 10 no. car parking spaces in undercroft parking area and + 1 no. motorcycle space.
- In the context of FI Item 2(ii): - The applicant submitted a swept path analysis and as a result of its findings, the original proposed layout was amended to omit 2 no. car parking spaces to provide sufficient manoeuvring space and pedestrian pathways have been amended to ensure that swept path analysis

for a refuse truck does not cross the pedestrian pathways or interferes with pedestrian circulation. This further information submitted is acceptable in this instance considering the points raised in response to Item 2 (i).

- In the context of FI Item 2(iii): - The applicant clarified that 2 no. additional cycle parking spaces are proposed to be provided for the permitted Houben House Family Hub and that the proposed development includes a total of 29 no. bicycle parking spaces, including 4 no. cargo bike spaces, to serve the proposed apartments. This response was considered acceptable.
- In the context of FI Item 2(iv): - The applicant clarified that the proposed construction access will utilise an existing construction access off Church Park Avenue which is currently in use, subject to final agreement with Traffic Management and Control section of DCC's Environment and Transportation Division.
- In the context of FI Item 3: - The applicant provided details of levels and separation distances on the plans, photographs of the existing site and additional detail on the site layout plan showing planting and landscaping of paths within the communal open space. A letter from the site operator, The Salvation Army, was also provided which detailed bin storage and collection arrangements. This response was considered acceptable but it was recommended that further landscaping details should be required by condition.
- In the context of FI Item 4: - The applicant submitted a covering letter stating that the proposed development is designed to complement the existing family accommodation and detailing waste management and car parking arrangements. It further states that: - the additional accommodation will be offered to DCC on a 20 year lease; and the accommodation will be managed by The Salvation Army. The letter states that the need for the accommodation is identified and confirmed by DRHE and that there would be a functional relationship between the recently completed/permitted supported housing on site and the currently proposed units. It is considered that the response was acceptable.
- In the context of FI Item 5: - The layout of the proposed development has been amended with windows serving habitable rooms in the south-east elevation of

the proposed building being either angled or located within a projection and face east/west. The overlooking issue initially raised is considered resolved.

3.2.2. **Other Technical Reports**

Drainage Division (24/05/2021): No objection, subject to conditions.

Environmental Health Officer: No objection, subject to conditions.

City Archaeologist (02/06/2021): No objection, subject to conditions.

Transportation Planning (initial report received on 11/06/2021): Recommended that further information be requested regarding car parking allocation, the impact on permitted car parking spaces/detail mitigation measures (Mobility Management Plan, increased cycle spaces, car share etc) to compensate any loss of car spaces from the previously permitted development, swept path analysis of 6 no. car parking spaces located to the southeast corner of the proposed car park, buffer zones provided between pedestrian/vehicular access routes, cycle parking allocation and construction access/related indicative HGV routes to the site and through the site.

Transportation Planning (subsequent report received on 19/11/2021): In light of the revisions included in the further information response, no objection, subject to conditions.

Architectural Conservation Officer (11/06/2021): Recommended that the application be refused for the following reason: - *The proposed three-four storey building and associated works would significantly reduce views of, detract from and seriously injure the architectural character and setting of the Protected Structure and the adjoining former monastery buildings, and create an unacceptable precedent for further inappropriate development within the historic curtilage of the Protected Structure, and diminish further the setting of the Protected Structure, thus contravening Policy CHC2 (d) of the Dublin City Council Development Plan 2016 - 2022.*

3.3. **Prescribed Bodies**

None.

3.4. Third Party Observations

5 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Piecemeal approach to development – this application should be considered with concurrent application Reg. Ref. 2641/21.
- Proposed development comprises intensification of the lands at Mount Argus and erosion of the open character of the lands and setting of the Protected Structure.
- Masterplan required for Mount Argus lands as a whole. Lack of contribution to green network, integration with surrounding residential uses. Access via car park & bin storage area is poor use of site. Proposed layout contrary to Z15 zoning objective.
- Proposed open space not designed for benefit of the residents of the proposed development, concurrent application or wider neighbourhood. Meaningful open space should be provided.
- Intensification of use of site for support housing. Lack of community services locally to support. Justification for intensity required.
- Poor quality of accommodation: access via car park & bin storage area, close proximity to Mount Argus residential block.
- Intensification of car parking movements resulting in traffic congestion and traffic hazard. Overprovision of parking.
- Density is too high - combined with Reg. Ref. 2559/20 and the concurrent application, under Reg. Ref. 2641/21, density proposed for the site is 130 dwellings/ha.
- Bin storage area too close to neighbouring properties and will result in noise, odour and hygiene impacts.
- Removal of Tree 2763 would reduce privacy and security to neighbouring properties.

- Overdevelopment in combination with previous schemes on the site and in the area and the proposal will cause pressure on local services, schools, creches etc.
- Proposal contrary to previous decisions of DCC & ABP which sought to reduce scale of development on this site.
- The statement that there are no other homeless accommodation facilities existing within 500m of the proposed development is incorrect given that one of the biggest family hubs in the country is directly attached to the site.
- Traffic, parking pressure and safety concerns relating to new access on Mount Argus Avenue.
- Loss of land previously reserved for public open space.
- Not in keeping with architecture of the monastery.
- Potential anti-social behaviour.

4.0 Planning History

4.1. Appeal Site

4.1.1. There has been a number of previous applications pertaining to the subject site (as part of a larger land parcel at the former Mount Argus Monastery) which are of relevance.

PA Reg. Ref. 2559/20 (Appeal Ref. ABP-308482-20)

This application involved a proposal for the provision of residential accommodation in courtyard wings at the former Mount Argus Monastery, within the curtilage of a protected structure (Mount Argus Church). More specifically, conversion of attic space to accommodate 9 family accommodation unit and creation of a new three-storey residential accommodation wing accommodating 12 family accommodation units. The subject land parcel was to be maintained as grass area as part of this proposal.

Permission was granted by Dublin City Council in September 2020. This decision was subsequently appealed by the applicant (regarding conditions) and a third party (ABP Ref. ABP-308482-20). The Board granted permission for this application in March

2021 concluding that the proposed development '*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*'.

PA Reg. Ref. 0369/19

The Planning Authority, in September 2019, issued a Declaration under Section 5 that use of the residential accommodation wing at Mount Argus Monastery for supported living accommodation constitutes exempted development.

PA Reg. Ref. 3792/13 (Appeal Ref. PL29S.243181)

This application involved a proposal for change of use, alterations and extension of the existing former monastery and detached outbuilding to develop 42 residential units in total, comprising of a mix of 33 apartments within the existing monastery building and nine houses located along the northern and eastern boundary of the site (of which 6 dwellings were proposed on the subject land parcel accessed from Mount Argus Avenue).

Concerns were raised by the Inspector regarding the adverse impact the proposed 9 no. dwellings would have on the character and setting of the protected structure, buildings and lands within its remaining curtilage and the shortfall in the provision of public open space (25% public open space required in the context of institutional lands). The development was granted in July 2014, subject to 14 no. conditions, including Condition No. 2 which read as follows:

2. *The development shall be amended as follows:*

- a) *The nine houses shall be omitted from the development and the area to the north and north-east shall be laid out as landscaped publicly accessible public open space with car parking for the apartments, a landscape plan of this area along with a revised location for the car park away from the rear of Mount Argus Church shall be submitted to and agreed in writing with the planning authority prior to commencement of development.*
- b) *The number of units in the eastern link corridor shall be reduced from four to three and the new units shall comply with minimum development plan standards for floor areas for one and two bedroom apartments. Revised*

plans showing compliance in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The revised layout shall also ensure that none of the bedrooms are located above or below any neighbouring kitchens or living rooms.

- c) The modification of the original library shall be reviewed based on the opening up of the primary fabric and the proposed intervention revised so that the symmetry of the original volume is not detrimentally altered. The retention and re-use of original bespoke shelving shall form part of the final fit out. Revised drawings in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.*

Reason: *To ensure the provision of 25% public open space as required by the Z15 zoning objective as set out in the development plan, to preserve an appropriate setting for the Protected Structure, to protect and enhance this architecturally important building, and to provide for an acceptable level of residential amenity for future occupants.*

This permission was not implemented and has subsequently lapsed.

PA Reg. Ref. 2375/11 (Appeal Ref. PL29S.239033 – appeal subsequently withdrawn)

Permission was granted in May 2011 for change of use of existing former Mount Argus Monastery to a nursing home comprising 92 no. en-suite bedrooms. The subject land parcel was to accommodate a 3-storey over basement extension and a car parking area as part of this proposal. This permission was not implemented and has subsequently lapsed.

PA Reg. Ref. 2106/09 (Appeal Ref. PL29S.233369)

This application involved a proposal for demolition of northern wing of the monastery building and the construction of a new 4-storey extension, refurbishment of the southern and western wings, to provide 55 residential units plus a single storey crèche building and the construction of seven new 3-storey townhouses to the north of the quadrant building. The 7 no. new 3-storey 3-bed townhouses and public open space area proposed as part of this development featured in the subject land parcel.

The development was refused by the Board in January 2010 for the following reasons:

- 1. The proposed development, which involves works to a Protected Structure and works to structures within the curtilage of a Protected Structure, does not show sufficient regard to the impact of said works on the context and integrity of the Protected Structure and its curtilage. The Board is not satisfied that the proposed development is of such high design quality, or that exceptional circumstances pertain, which would support the extent of development proposed including the demolition of the northern wing of the Monastery which is a Protected Structure. The proposed development would, therefore, be contrary to section 15.10.02 of the Dublin City Development Plan, 2005-2011 and the provisions of the Department of Environment, Heritage and Local Government Architectural Heritage Protection Guidelines for Planning Authorities and be contrary to the proper planning and sustainable development of the area.*
- 2. Mount Argus Church and monastery buildings constitute an architectural composition of high quality, originally set in extensive grounds. It is considered that the extent of development proposed in the grounds, including the town houses and the crèche, would adversely affect the setting of the protected structure. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.*
- 3. The proposed development does not display sufficiently high design quality to warrant a relaxation of development control standards with regard to floor size areas, public and private open space. The proposed development would therefore, conflict with Variation number 21 and section 14.6.0 of the Dublin City Development Plan, 2005-2011 and be contrary to the proper planning and sustainable development of the area.*
- 4. The proposed public open space is not considered to maximise public use and facilitate active recreational use by residents of the proposed development. The proposed development would be contrary to the zoning objective of the site which requires 25% of the site to be set aside for accessible public space which*

maximises appropriate public use. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Reg. Ref. 3427/06 (Appeal Ref. PL29S.222546)

This application involved a proposal for development of a new 1 to 2 storey Monastery Building featuring 17 bedrooms on the grounds of St. Paul of the Cross Church (a protected structure), St. Pauls Retreat, Mount Argus, Lower Kimmage Road, Dublin 6W. More specifically, the new building will be located to the south of the existing monastery and public car park.

The development was approved by the Planning Authority in February 2007. Condition 9 (pertaining to financial contributions) of the Planning Authority's decision was appealed to the Board who say fit to permit its deletion in September 2007.

4.2. Adjacent Sites

4.2.1. There has been a recent application pertaining to a site immediately adjacent to the subject site that is pertinent to the current proposal. This is summarised below/overleaf.

PA Reg. Ref. 2641/21 (Appeal Ref. ABP-310813-21)

This application relates to an application for the construction of a construction of a 666sqm part 2-storey part 3-storey apartment building, providing 8 no. apartments (consisting of 4 no. 1-bed units, 1 no. 2-bed unit and 3 no. 3-bed units) and served by 7 no. car parking spaces and 23 no. bicycle parking spaces accessed from Church Park Avenue. The site comprises part of the Lands at the former Mount Argus Monastery and is located immediately east of the current application.

Permission was refused by Dublin City Council in June 2021 for the following reasons:

- 1. Having regard to the Z15 zoning objective of the site and to the lack of submission of a masterplan, proposals for the provision of 25% of the lands for public open space and/or community facilities and a contribution to the strategic green network, it is considered that the proposed development is not in accordance with the zoning objective for the lands. The proposed development would, therefore, be contrary to the policies of the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*

2. *Having regard to the siting, layout, scale, form and appearance of the proposed building and to the history of development on the wider site, it is considered that the proposed development would seriously injure the architectural character and setting of the protected structure of Mount Argus church, associated buildings within its curtilage and graveyard. The proposed development would, therefore, be contrary to the policies of the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*
3. *Having regard to the proposed layout of parking relative to the pedestrian footpath, to the inadequate provision of pedestrian facilities and to the lack of details of servicing arrangements, it has not been demonstrated that the proposed development would be acceptable in terms of access and impact on the streetscape. The proposed development would, therefore, be contrary to the policies of the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*

The Planning Authorities decision was appealed to An Bord Pleanála by the applicant (Appeal Ref. ABP-310813-21). The development was refused by the Board on 14th June 2022 for the following reasons/consideration:

'Having regard to the siting, layout, scale, form and appearance of the proposed development and to the planning history and pattern development on the wider site, it is considered that the proposed development by reason of its location within the curtilage of the Church, would seriously detract from the architectural character and setting of the Protected Structure, Mount Argus Church, the associated buildings within its curtilage and the graveyard. The proposed development would, therefore, be contrary to the Policy CHC2 of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board concurred with the Planning Authority that the proposed development would adversely affect the architectural character and setting of Mount Argus Church, the associated buildings within its curtilage and the graveyard. In coming to this conclusion, the Board considered that the proposed development was contrary to Policy CHC2 of the Dublin City Development Plan 2016-2022 which seeks to ensure

that the special interest of protected structures is protected and that development will conserve and enhance Protected Structures and their curtilage.'

4.3. Surrounding Area

4.3.1. Reflective of the inner-urban character of the area, there has been the following recent applications in the vicinity of the subject site:

PA Reg. Ref. 2966/10 (Appeal Ref. PL29S.237974)

This application relates to an application for the demolition of existing single storey prefabricated parish / community hall building; construction of 8 no. residential buildings ranging in height from 3 to 5 storeys over basement car parking and accommodating 184 no. apartments, a crèche and a community building; and creation of 2 no. new vehicular entrances, 1 no. from Kimmage Road Lower and 1 no. from Mount Argus Road, providing access to a basement car park featuring 281 no. car parking spaces and 190 no. bicycle spaces. The site comprises a 1.8Ha site known as Lot 1, Kimmage Road Lower & Mount Argus Road, Mount Argus, Harold's Cross, Dublin 6W, within the former attendant grounds of Mount Argus Church. In response to a further information request, the no. of apartments proposed was increased to 185 no. apartments.

Permission was granted by Dublin City Council in October 2010. The Planning Authorities decision was appealed to An Bord Pleanála by third parties (Appeal Reference 29S.237974). The Board granted permission for this application in April 2011 concluding as follows:

'Having regard to the residential zoning of the site, as set out in the current development plan for the area, its inner suburban location close to major transport routes, to the coherence and quality of the design and layout which would enhance the River Poddle and public access thereto in addition to public open space provision and views of Mount Argus Church, which is a local landmark and a Protected Structure, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.'

The Board's Order included a condition (Condition No. 2) requiring the omission of 5 apartments, reducing the overall total no of apartments proposed to 180.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.1.1. Land Use Zoning

The site is zoned 'Z15' - Institutional and Community in the Dublin City Development Plan 2016-2022 with a stated objective '*to protect and provide for institutional and community use.*'

The Development Plan details that lands zoned Z15 generally comprise 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. With any development proposal on these lands, consideration should be given to their potential to contribute to the development of a strategic green network, and to the delivery of housing in the city. In addition, development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and to standards in Section 16.10 (standards for residential accommodation) and in Section 14.7 (transitions of scale between zonings).

5.1.2. Other Relevant Sections/ Policies

Mount Argus Church is a Protected Structure (RPS. No. 4260).

The following policies are considered relevant to the consideration of the subject proposal:

Section 4.5.3.1 – Policy SC13:

'To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as

schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities.'

Section 5.5.2 – Policy QH8:

'To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.'

Section 5.5.2 – Policy QH22:

'To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.'

Section 5.5.11 – Policy 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.'

Section 11.1.5.1 – Policy CHC2:

'To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage.'

Section 14.7 Transitional Zone Areas:

It is important to avoid abrupt transitions in scale and use between land-use zoning objectives. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use

zones, particular attention must be paid to the use, scale, density and design of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.

Section 16.2.2.2 Infill Housing:

'Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed.

Infill housing should:

- *Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.*
- *Comply with the appropriate minimum habitable room sizes.*
- *Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.'*

Section 16.5 Plot Ratio

For 'Z5' zoned lands, the development plan sets indicative requirements of 0.5-2.5 for plot ratio.

Section 16.6 Site Coverage

For 'Z15' zoned lands, the development plan sets indicative requirements of 50% for site coverage.

Section 16.7.2 Building Heights

In the case of the low rise inner city development, a maximum height of 24 metres is specified for residential development and up to 28 metres for commercial development.

Development Standard 16.10.1 - Residential Quality Standards – Apartments

This section contains standards under the following headings that shall apply to the proposed development: - floor areas, mix of residential units, aspect, natural lighting, ventilation and sunlight penetration, block configuration, entrance lobbies, circulation and safety, internal space configuration for apartments, storage, layout flexibility, private open space, communal open space, communal facilities, cycle parking, and design for management and maintenance.

Development Standard 16.10.3 - Residential Quality Standards – Apartments and Houses

This section contains standards under the following headings that shall apply to the proposed development: - public open space, safety and security and acoustic privacy.

Section 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.

Section 16.38 Car Parking Standards

A maximum car parking rate of 1.5 spaces per residential unit is specified for sites located within Area 3 as identified within Map J of the Dublin City Development Plan 2016-2022.

Section 16.39 Cycle Parking Standards

A minimum bicycle parking rate of 1 one space per residential unit is specified for residential developments.

5.2. Dublin City Development Plan 2022-2028

5.2.1. Dublin City Council has started the preparation of a new Dublin City Development Plan for the period 2022 to 2028. It is understood that Stage 2 of public consultation on the draft Development Plan finished on 14th February 2022.

5.3. National Policy/Section 28 Ministerial Guidelines

5.3.1. National Planning Framework 2018-2040

The National Planning Framework – Project Ireland 2040 was published in February 2018. This document will guide strategic planning and development for the country over the next 20+ years, to ensure the population grows in a sustainable manner (in economic, social and environmental terms). National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

A number of key National Policy Objectives are noted as follows:

- National Policy Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs.
- National Policy Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.
- National Policy Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality

outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35 promotes increased densities through measures including infill development, area or site-based regeneration and increased building height.

5.3.2. Housing for All – A New Housing Plan for Ireland (2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

This plan requires the public and private sector to work together to reach the overall target of 300,000 homes by 2030, equating to an average of 33,000 homes per year. Of these 33,000 homes, 6,500 will comprise new private rental homes. Pathway 2, among other things, is working towards eradicating Homelessness by 2030 and the Government commits to working with Local Authorities, Non-Government Organisations (NGOs), Approved Housing Bodies (AHBs) and the HSE, to support people experiencing homelessness into long-term sustainable accommodation.

5.3.3. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (DoEHLG 2009), and the accompanying Urban Design Manual

These guidelines encourage higher densities on residential zoned lands, particularly on inner suburban and infill sites and along public transport corridors, identifying minimum densities of 50 / ha in such corridors, subject to appropriate design and amenity standards. In respect of infill residential development, potential sites may

range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

Section 4.21 encourages a more flexible approach to quantitative open space standards with greater emphasis on the qualitative standards. Close to the facilities of city and town centres or in proximity to public parks or coastal and other natural amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution in lieu of public open space within the development.

5.3.4. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)

These guidelines provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes.

In terms of identifying the types of locations within cities that may be suitable for apartment development the guidelines note the following:

Central and/or Accessible Urban Locations - such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

These guidelines provide a range of requirements in the context of apartment developments, including the following which are relevant to the subject proposal:

- **Specific Planning Policy Requirement 1:** Developments may include up to 50% one bed/studio units. Studio units to not exceed 20-25% of the total. No minimum requirements for three or more units. Mix to be in accordance with evidence-based Housing Need and Demand Assessment.
- **Specific Planning Policy Requirement 2:** The housing mix specified under Specific Planning Policy Requirement 1 of the Apartment Guidelines, is relaxed in the case of building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha. Further to this, scope is afforded planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.
- **Specific Planning Policy Requirement 3:** The following minimum apartment floor areas are specified: - Studio apartment - 37sq.m; 1-bedroom apartment - 45sqm; 2-bedroom apartment (4 persons) - 73sq.m; and 3-bedroom apartment (5 persons) 90sq.m. 2-bedroom apartment (3 persons) may also be considered, particularly in the context of certain social housing schemes such as sheltered housing. They must have a minimum floor area of 63sq.m. Minimum floor areas are also outlined at Appendix 1 in relation to minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms; minimum bedroom floor areas/widths; and minimum aggregate bedroom floor areas. Pursuant to paragraph 3.8, the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%).
- **Specific Planning Policy Requirement 4:** Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any

size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.

- **Specific Planning Policy Requirement 5:** Specifies minimum ground level apartment floor to ceiling heights of 2.7 metres.
- **Specific Planning Policy Requirement 6:** Specified a maximum of 12 apartments per core.
- The following minimum requirements for storage areas are set out in Appendix 1: - Studio apartment - 3sq.m; 1-bedroom apartment - 3sqm; 2-bedroom apartment (3 persons) - 5sq.m; 2-bedroom apartment (4 persons) - 6sq.m; and 3-bedroom apartment - 9sq.m.
- The following minimum requirements for private amenity space are set out in Appendix 1: - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2-bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) - 7sq.m; and 3-bedroom apartment - 9sq.m. Further to this, paragraph 3.37 of the Apartment Guidelines states that balconies should have a minimum depth of 1.5 metres.
- The following minimum requirements for communal amenity space are set out in Appendix 1: - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2-bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) - 76sq.m; and 3-bedroom apartment - 9sq.m.
- The following requirements regarding bicycle storage are set out at paragraph 4.17: - 1 cycle storage space per bedroom (for studio units, at least 1 cycle storage space shall be provided) and 1 visitor cycle parking space per 2 residential units.

5.3.5. Urban Development and Building Heights - Guidelines for Planning Authorities (2018)

These guidelines set out national planning policy guidance on building heights in relation to urban areas. Greatly increased levels of residential development in urban centres and significant increases in the building height and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord

Pleanála levels. Building height is identified as an important mechanism to delivering compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

There is therefore a presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility. In this regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

5.3.6. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011)

The subject site is within the curtilage of Mount Argus Church which is a designated Protected Structure, RPS No. 4260. Therefore, the 'Architectural Heritage Protection, Guidelines for Planning Authorities' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives: a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and b) for preserving the character of architectural conservation areas.

The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures or within an Architectural Conservation Area. Section 3.5 of the Guidelines relates to proposals within the curtilage of a Protected Structure. In this regard, proposals for new development within the curtilage of a protected structure should be carefully scrutinised by the planning authority, as inappropriate development will be detrimental to the character of the structure. Further to this, where a large house or an institutional building has a garden which contributes to the character of the protected structure, subdivision of the garden, particularly by permanent subdividers, may be inappropriate.

5.3.7. Design Manual for Urban Streets (2019)

The need to balance the needs of 'Place' and 'Movement' in relation to roads and streets informs the document. Section 4.2.3 notes that designers should seek to promote active street edges to provide passive surveillance of the street and promote pedestrian activity. Increased pedestrian activity has a traffic-calming effect as it causes people to drive more cautiously.

5.3.8. Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)

These guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification, assessment and management into the planning process. They provide guidance in relation to development proposals in areas at risk of flooding.

5.4. Natural Heritage Designations

5.4.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)/South Dublin Bay SAC (Site Code 000210), located c. 5km east.

5.5. EIA Screening

5.5.1. An Environmental Impact Assessment (EIA) Screening report was not submitted with the application. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units; and
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere ('business district' means a district within a city or town in which the predominant land use is retail or commercial use).

5.5.2. It is proposed to construct a building containing 19 apartments. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The

site has an overall stated area of 3,863sqm and is located within an existing built-up area, but not in a business district given the predominance of residential uses. The site area is, therefore, well below the applicable threshold of 10ha. The site currently comprises an area of hard standing forming part of the grounds of Mount Argus Church and is surrounded by a mix of residential, liturgical and community uses. The provision of additional residential development on site would not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural heritage and the proposed development is not likely to have a significant effect on any European Site (as concluded below under Section 7 of this report) and there is no hydrological connection present such as would give rise to significant impact on nearby watercourses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Dublin City Council, upon which its effects would be marginal.

5.5.3. Having regard to the nature and scale of the proposed development and its location in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Sheridan Woods Architects + Urban Planners on behalf of the Harold's Cross Village Community Council. The grounds of appeal can be summarised as follows:

- The issues raised in our observation have not been addressed in the response to the request for further information and the modifications/drawings accompanying the response to the request for further information highlight the issues of concern.

- Given there were two concurrent applications lodged involving the grounds of Mount Argus Church, the manner in which intensification of the site is being progressed represents a piecemeal and uncoordinated approach that is contrary to proper planning. The proposed development and wider intensification of use on the site undermines the potential of these institutional lands to meet the land use zoning objective to provide 25% of the lands for meaningful open space that would contribute to the strategic green network.
- The open space retained to the rear of the existing church will provide limited benefit to the existing and future residents and will be of no benefit to the adjoining neighbourhood. The open space will offer a poor level of amenity given it is poorly overlooked and access being provided via a road/parking area. Further to this, it has not been designed to complement, enhance or protect the setting of the historic or Protected Structures.
- Harold's Cross Village Community Council has consistently called for meaningful landscaped open space for residents of this development, and this view was shared by the Inspector, in the case of ABP-308482-20, who recommended in their report that the area to the north of the site be required to be set out as an open space area by way of condition (recommended condition omitted by the Board in its direction).
- The Conservation Officer's comments on the scale of the proposed new building and its substantial presence and visual impact on the setting of the rear of the Protected Structure are noted. The response to the request for further information only makes minor adjustments to the proposed development and do not address the fundamental concerns raised by the Conservation Officer. The proposed development will dominate and overwhelm the scale, form and integrity of the historic and Protected Structure and detract from its setting and architectural integrity. The absence of a report from/assessment by the Conservation Officer post-response to the request for further information submission suggests they were not consulted. This is an inadvertent oversight by Dublin City Council. It is requested that the Board give detailed consideration to the impact of the proposed development on the historic and protected structure on the site.

- The proposed development will increase the intensity of the use of the site for support housing and short-term residences. Such an intensification is inappropriate and cannot be absorbed in the community, given the poor level of community services in the area to meet its current demands.
- Certain aspects of the proposed apartment design are poor, including the outlook/residential amenity of ground/first floor apartments in southern park of the block (due to angled windows and proximity to parking/turning area) and outlook from private amenity areas proximate to the parking/turning area.
- The proposed development will generate a significant intensification of car parking movements to Mount Argus Avenue. Based on the site plan, the development comprises 38 no. car parking spaces. Based on the demand that will be generated, as outlined in the response to the request for further information, there will be an overprovision of at least 10 no. spaces on site. Overprovision of parking on site will lead to a poor residential environment and negatively impact on traffic movement in the surrounding streets.
- The previously permitted exempt development and new development works to the historic quadrangle building comprised 64 family units, the current application and proposed apartments at Church Park Way will provide an additional 27 units, totalling 91 family unit. In this regard, the overall residential density will potentially be 126dpha. This density is high and requires careful master planning and design which has not occurred.
- There is an unauthorised access on Church Park Avenue that remains in use despite enforcement action being taken. Given residents' concerns regarding unauthorised development, the appellant contends that a Construction Management Plan should be submitted with the planning application and prior to any permission being granted.

6.2. Applicant Response

The applicant's response to the appeal can be summarised as follows:

- The grounds of appeal suggest that the issues raised in the original observation were not addressed by the Planning Authority. This is not the case as many of

the items raised in observations informed the RFI and the issues were addressed in detail.

- The appellant's suggestion that the Planning Section did not consult the Conservation Section regarding the RFI response is incorrect. The RFI response was circulated to this section but they did not respond.
- With regards to the suggestion that a piecemeal approach is being adopted in the absence of a masterplan, the applicants contend that the appellant is incorrect in their interpretation of the Development Plan requirements regarding an ongoing requirement for masterplanning. Overall masterplanning occurred in the 1980's for the subdivision of the institutional lands that resulted in the creation of the significant open space that is Mount Argus Park. This park satisfies the 25% public open space requirement set out in relation to institutional land.
- The institutional buildings (Mount Argus Church, the Houben House Family Hub, the supported accommodation quadrangle, the priest's monastery residence, the Passionate Community HQ and Conference Centre – St. Paul's Retreat, the private areas associated with the Monastery and the Church car park) within the current Z15 zone that have been preserved in institutional use represent more than 50% of the entire zoned area. According to the written statement associated with the Z15 objective, the 25% public open space requirement does not apply where existing buildings constitute 50% of the institutional zoned lands in question.
- As clarified in the RFI response, the proposed use constitutes an extension of the established institutional use of the lands. Institutional development on institutional lands is 'permitted in principle'.
- With regards to the negative comments made re the proposed open space, it is noted that the Passionist Order donated a large, attractive and well used open space for the community and overall neighbourhood in the 1980's. It should not be expected that subsequent development within the institution should incrementally add to the original contribution to public parkland amenity at every turn. The proposed additional open space is a community gain and will be fully landscaped, with existing trees protected. The proposed open space is

meaningful space and sets off the rear of the Protected Structure with a preserved and improved, mature setting.

- The appellant does not appear to be aware that the quadrangle accommodation wing at Mount Argus is not a Protected Structure and has been separated by planning permission, from the Protected Structure, Mount Argus Church, for a considerable time. The building complex behind which the proposed development will be located dates from the 20th Century, is of concrete construction and has been subject to additions/alterations. The former garden that extends from the apse to the tree-lined, walled northern boundary is to be re-established and landscaped to ensure no encroachment to the rear of the church, reflecting the suggestion of the ABP Inspector in ABP Ref. ABP-308482.
- Possible views to the church from Mount Argus Green to the north are secondary in nature and available over a high concrete-block wall constructed in the 1980's and through screening trees that exist on both sides of the wall. Views from Mount Argus Green, Church Park Way and/or the graveyard will not be altered by the proposed development.
- Considering the massive scale of Mount Argus Church, offset from the subject site, there is no possibility that the proposed building in its location will overwhelm the scale, form and integrity of the Protected Structure, or impact on views from any significant perspective. The Conservation Method Statement submitted with the application concludes that there is no impact on the fabric of any of the buildings and this proposal will not alter the fabric of any of the historic structures.
- Car parking provision is balanced in accordance with the requirements of DCC's Traffic and Transport Division. The applicants will abide by any condition imposed by An Bord Pleanála in this regard.
- The car parking/turning area located proximate to the southern corner of the building will not be a heavily trafficked area to the detriment of persons residing on site.

- The appellant has exaggerated density in their assessment, describing the 19 no. single-bedroom units proposed as ‘family units’ when they are cleared proposed to accommodate single adults.
- The appellant’s agent makes no reference whatsoever to the Housing for All initiative announced by the Government in September 2021 in their policy justification section. The 2nd pathway, eradicating homelessness, is particularly relevant to the subject proposal.
- The site is located proximate to the Harolds Cross/Sundrive District Centre and is well served by urban facilities and public transport. As indicated in the housing resource mapping submitted with the application, there isn’t a proliferation of social housing infrastructure or similar facilities in this locality.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the appeal.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Principle of Development.
- Density, Scale & Height.
- Impact on Architectural Heritage
- Visual Impact.
- Residential Amenity of Proposed Development.

- Residential Amenity of Adjoining Properties.
- Access, Traffic and Parking.
- Open Space Provision.
- Flooding.
- Other Matters.
- Appropriate Assessment.

7.1. Principle of Development

7.1.1. As previously discussed, the development site lies within an area of institutional and community zoned land, while the adjoining residences in the Mount Argus and Church Park Residential Estates have a land use zoning objective 'Z1 - Sustainable Residential Neighbourhoods'. Section 14.8.14 of the Development Plan identifies 'residential' as 'open for consideration' under zoning objective Z15. Section 14.8.14 of the Development Plan outlines that, where there is an existing institutional and/or community use, any proposed development for 'open for consideration' uses on part of the landholding, shall be required to demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses; how it secures the retention of existing functional open space e.g. school playing fields; and the manner in which the nature and scale of the proposal integrates with the surrounding lands. It is considered that a masterplan may assist in demonstrating how these requirements are satisfied. Upon review of the material submitted with the application/in response to the further information request submitted by the Applicant in relation to Item 4, I am satisfied that the proposed development has a functional relationship with the recently completed/permitted supported housing on site and complements the existing family accommodation. In my opinion, the current proposal ties in with the main institutional use of the lands, thus securing the aims of the Z15 zoning objective. It is also clear that the appeal site is very suitable for residential development and the provision of such on the subject lands is desirable having regard to the surrounding context and the site's accessibility to public transport (the manner in which the nature and scale of

the proposal integrates with the surrounding lands is considered in the subsequent sections of this report).

7.1.2. The appellant argues that the manner in which intensification of the site is being progressed, two concurrent applications being lodged in relation to the grounds of Mount Argus Church in the absence of a masterplan for the wider lands, represents a piecemeal and uncoordinated approach that is contrary to proper planning. The applicants contend that the appellant is incorrect in their interpretation of the Development Plan requirements regarding an ongoing requirement for masterplanning. A masterplan has not been submitted with the application/appeal, but rather the planning application/appeal include discussion on the existing institutional/community land uses featuring/being retained on the subject site and the history of the wider Mount Argus Church Grounds. The existing institutional/community land uses listed as being retained on site are as follows: - Mount Argus Church, the Houben House Family Hub, the supported accommodation quadrangle, the priest's monastery residence, the Passionate Community HQ and Conference Centre – St. Paul's Retreat, the private areas associated with the Monastery and the Church car park. The applicants indicate/evidence that the proposed development will comprise an extension of the Houben House Family Hub and supported accommodation quadrangle featuring on the subject site.

7.1.3. I would form a contrary view to the appellant in relation to masterplan submission. From my reading of Section 14.8.14 of the Development Plan, the mandatory requirement for preparation of a masterplan in the context of 'Z15' zoned land only applies in instances where it has been deemed that there is no longer a need for the existing institutional use featuring on the entire landholding and the proposed development involves a material contravention or variation to the development plan. This requirement is therefore not applicable in the context of the subject application which involves a small infill residential development in the northern part of the 'Z15' zoned lands comprising an extension to the existing institutional land uses featuring on site. As discussed previously, in the context of 'open for consideration' use proposals on part of the landholding a masterplan is identified as being of assistance when it comes to assessment but is not a mandatory requirement. I am satisfied that

sufficient information accompanies the application/appeal to allow assessment of the proposed development against the Z15 zoning objective.

7.1.4. I note concerns raised by the appellant in relation to the resultant increase the intensity of the use of the site for support housing and short-term residences. Such an intensification is inappropriate and cannot be absorbed in the community, given the poor level of community services in the area to meet its current demands in their view. Policy QH30 and Section 16.2 of the Development Plan both seek to ensure that an over-concentration of institutional hostel accommodation, homeless accommodation and social support institutions in a particular area does not occur and require that such an application is accompanied by information regarding homeless/other social support services operating within a 500 metre radius of application site. In this regard, the application includes information, including a map, showing that there are no other such facilities within 500 metres (save for the accommodation for homeless families established and in operation on the subject site) and identifying local services within the immediate surrounds. The applicant contends that there isn't a proliferation of social housing infrastructure or similar facilities in this locality and that the subject site is located proximate to the Harolds Cross/Sundrive District Centre which offers an array of urban facilities and is well served by public transport. I would agree with the applicant in this regard. I do not consider that the scale of additional support housing and short-term residences proposed by the subject application would result in an undue concentration of such uses and am of the view that the proposed development is sufficiently proximate to amenities, facilities and public transport services to meet the demand of future residents.

7.2. Density, Scale & Height

7.2.1. The appellant contends that the density of the proposed development, which equates to an overall density for the site of 126dpha when calculated in conjunction with the 64 family units featuring in the converted monastery building and the concurrent application at Church Park Way, is excessive and requires careful master planning and design which has not occurred. The applicant argues that the appellant has exaggerated density in their assessment and that the proposed density is appropriate.

7.2.2. With regards to density, the National Planning Framework recommends compact and sustainable towns/cities, brownfield development and densification of urban sites.

More specifically, National Policy Objective 35 contained in the National Planning Framework seeks an increase in residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights. National policy, including the Sustainable Residential Development in Urban Areas (2009), promotes residential densities in urban areas in close proximity to services and public transport. This sentiment is echoed in the Dublin City Development Plan, 2016–2022, with Policy SC13 promoting sustainable densities particularly in public transport corridors. In this regard, the appeal site is currently well served by public transport being proximate to Bus Routes No. 9 and 54A running along Kimmage Road Lower and Bus Routes No. 18, 83 and 83A running along Sundrive Road/Larkfield Avenue. Moving forward, the F Spine of the Bus Connects Network, more specifically routes F1, F2 and F3, are proposed to run along Kimmage Road Lower and Bus Routes S2 and 82 will run along Sundrive Road/Larkfield Avenue. In light of this, under the Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, (the Apartment Guidelines), the site would be categorised as a ‘Central and/or Accessible Urban Location’. Such locations are deemed to be suitable for small-to-large-scale (will vary subject to location) and higher density development that may wholly comprise apartments.

7.2.3. The 19 apartments proposed on this 0.3863Ha site, equates to a density of 49 units per hectare. Given the site’s location in a serviced residential area, its proximity to public transport services and the infill nature of the subject site, the proposed density is considered appropriate in this instance. The proposed density for the application site complies with the provisions of the Development Plan and Government policy seeking to increase densities and, thereby, deliver compact urban growth.

7.2.4. Sections 16.5 and 16.6 of the Dublin City Development Plan outlines ‘Plot Ratio’ and ‘Site Coverage’ standards. Based on the plans/information submitted with the application, the proposed development equates to a plot ratio of 0.32 and a site coverage of 14%. Therefore, the proposed development falls slightly short of the applicable development plan standards regarding plot ratio and site coverage. This is considered appropriate in this instance given the developable part of the site is limited (the western part of the subject site comprising a car park) and the developable part

of the site's proximity to the Mount Argus Church and the converted monastery building which has implications for building positioning and setbacks. Taken in combination with the existing institutional use, the plot ratio is calculated to be c. 1.48, which falls within the indicative range for Z15 zoned land.

7.2.5. The proposed part 3/part 4 storey apartment development extends to a maximum height of 11.99 metres. In terms of building height, Section 16.7.2 of the Dublin City Development Plan sets out policy and identifies areas in which low-rise, mid-rise and high-rise structures are permissible. In the case of the inner city, low rise is indicated as being up to 24 metres for residential development and up to 28 metres commercial development. The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, also promotes increased heights in urban areas and require that, general building heights of at least three to four storeys, coupled with appropriate density, in locations which include suburban areas must be supported. The building height proposed is consistent with Development Plan policy and national policy in relation to building heights.

7.2.6. As the adjoining residences in the Mount Argus and Church Park Residential Estates are subject to zoning objective 'Z1 - Sustainable Residential Neighbourhoods', while the subject site is zoned 'Z15 - Institutional and Community, the subject proposal must be considered in the context of the guidance provided in relation to transitional zone areas in Section 14.7 of the Development Plan. In this regard, the proposed use/height of the structure is considered to be appropriate in the context of the adjacent double storey dwellings. The western part of the building steps down to 3 storeys which provides an appropriate transition in height from immediately adjacent No. 27 Mount Argus Crescent. The height of the structure proposed is also considered to appropriately respond to the adjacent Protected Structure (as will be discussed in the subsequent sections of this report).

7.3. Impact on Architectural Heritage

7.3.1. The Dublin City Council Development Plan 2016-2022, at Policy CHC2, seeks to protect protected structures from any works that would negatively impact their special character/appearance. The Architectural Heritage Protection Guidelines for Planning Authorities (2011) require consideration of the effect of items in the curtilage or attendant grounds on the character and / or special interest of the main structure. The

subject site comprises part of the grounds of Mount Argus Church (which is a designated Protected Structure, RPS No. 4260), more specifically the north-western corner of the church grounds immediately north-west of the church's apse. The proposal entails the construction of a 1,257sqm part 3/part 4 storey apartment building on a 0.3863ha parcel of land, which historically formed part of the formal garden that was attached to the Mount Argus Monastery and Church. Currently, the subject site is devoid of buildings and currently comprises an area of hard standing.

7.3.2. The appellant, noting the Conservation Officer's comments on the scale of the proposed new building/its substantial presence and visual impact on the setting of the rear of the Protected Structure, argues that the proposed development would dominate and overwhelm the scale, form and integrity of the historic and Protected Structure, Mount Argus Church, and detract from its setting and architectural integrity. They contend that the response to the request for further information only makes minor adjustments to the proposed development and do not address the fundamental concerns raised by the Conservation Officer. In response to these claims, the applicant notes that possible views to Mount Argus Church from Mount Argus Green to the north are secondary in nature/restricted by existing boundary treatment and trees and that views from Mount Argus Green, Church Park Way and/or the graveyard will not be altered by the proposed development. They contend that considering the massive scale of Mount Argus Church, offset from the subject site, there is no possibility that the proposed building in its location will overwhelm the scale, form and integrity of the Protected Structure, or impact on views from any significant perspective.

7.3.3. In considering the impact of the proposed development on the architectural heritage of Mount Argus Church, I will have regard to the Conservation Impact Report submitted with the application, the Planning Authority's Planners Report, the commentary of the Council's Conservation Officer and the Architectural Heritage Guidelines, 2011, as well as the relevant Development Plan Policies.

7.3.4. In the plans originally lodged with the application to Dublin City Council, the proposed development comprised a part 3/part 4 storey, part flat/part hipped roof apartment development extending to a height of 13.48 metres. The Conservation Officer had concerns about the scale of the proposed new building having a substantial presence

and visual impact on the setting of the rear of the Protected Structure and that the proposed development would obstruct the view of the rear of the church/negatively impact on the setting of the Protected Structure. They were also not in support of the extent of tree removal proposed or the introduction of additional surface carparking adjacent to the proposed new building. In light of this, they recommended that the application be refused.

7.3.5. In response to the further information request issued by the Planning Authority, which reflected the concerns raised by the Conservation Officer, the layout of the proposed development was amended. As a result of these amendments, the proposal forming the basis for the Planning Authority's decision involved the construction of a part three-part four storey flat roofed apartment block on the site to the north-west of Mount Argus Church's apse and a greater no. of existing trees on site were proposed for retention as part of the development. I share the same view as the Planning Authority in granting planning permission that, in light of the amendments made in response to the further information request, the proposed development would not overwhelm or substantively interfere with the setting or character of the Protected Structure.

7.3.6. The applicants submitted 3D perspective views, prepared by Peter Cassidy Architects, with the further information request response illustrating the visual impact from a number of views in the surrounding area, including a no. of views encapsulating Mount Argus Church. The overall design and architectural character of the proposed block is contemporary in nature, while at the same time incorporating materials, such as brick, and a colour pallet that echoes that of Mount Argus Church. Following the amendments made, the overall height of the building is 11.99 metres, which would be well within Development Plan maximum standards (24 metres) and considerably lower than the height of Mount Argus Church immediately south-east. The communal amenity space area serving the proposed development sits immediately north of Mount Argus Church, the building adopting a minimum setback of 12 metres from the church's apse.

7.3.7. I am satisfied that the proposed building would appear subservient to the host historic building as a result of the materials/colour palette, the proposed building height/roof form adopted, the separation distances adopted from the apse and the development's

positioning relative to the church (with its communal amenity space positioned immediately adjacent to the church's apse). Mount Argus Church's principal vantage point is from the south, as one traverses the entry road off Kimmage Road Lower the church appearing before them. A secondary vantage point is provided from Mount Argus Road to the south-east. Currently, the roads flanking the subject site's northern and eastern boundaries offer only glimpses of the church's apse due to solid block walls and multiple established trees featuring along the applicable site boundaries.

7.4. Visual Impact

7.4.1. Consideration is also needed in relation to the proposed developments potential visual impact on the immediately surrounding residential area. At present, the eastern part of the site where it is proposed to develop the apartment building is devoid of buildings and currently comprises an area of hard standing enclosed by a concrete wall/established trees and vegetation to the north, the converted monastery building to the south, a concrete wall/established trees and vegetation/a development site fronting Church Park Way and Church Park Avenue to the east and a concrete wall/established trees and vegetation and an existing outbuilding to the west.

7.4.2. Under the subject proposal, the concrete wall/established trees and vegetation featuring along the northern boundary and part of the eastern and western boundaries, as well as the existing outbuilding featuring to the south-west, would be retained. The proposed development comprises an infill development and be orientated to front the converted monastery building to the south as opposed to any of the nearby streets. The question that arises is whether the proposed development can be comfortably integrated with the development currently featuring on adjoining sites.

7.4.3. The existing streetscapes of Mount Argus Green, Mount Argus Avenue and Church Park Way to the immediate north, north-west and north-east of the site, respectively, are characterised by double storey terraced and semi-detached dwellings. As illustrated in the plans and 3D perspective views, prepared by Peter Cassidy Architects, accompanying the application, and as evidenced on site, views of the subject site and the proposed development are shielded from view from these adjacent streetscapes and the open space area serving the Mount Argus Residential Estate by the concrete boundary wall/established trees and vegetation/outbuildings being retained along the site's northern, eastern and western boundaries. The height and

massing of the proposed building has been broken down through the use of a flat roof, the stepping down in height/modulated design of the facades and the use of different materials/finishes. The proposed development is setback a minimum of 22 metres from the houses featuring to the north on the opposite side of Mount Argus Green, a minimum of 45 metres from the houses featuring to the east fronting Church Park Way and a minimum of 11 metres from the houses featuring to the west fronting Mount Argus Green. The part of the subject site abutting the open space area serving the Mount Argus Residential Estate, which also lies to the north of Mount Argus Church's apse, is to be utilised as a communal open space area for residents of the development.

7.4.4. I acknowledge that the proposed building would occupy an area currently devoid of development and would be visible within the surrounding streetscape. Notwithstanding this, considering the built form, scale, siting and materiality of the subject proposal, I am satisfied that the proposed development would sit comfortably in the context of the existing Mount Argus Green, Mount Argus Avenue and Church Park Way, as well as the open space area serving the Mount Argus Residential Estate, and would have sufficient respect and regard for the established pattern and character of development in the streetscape and wider area. Accordingly, permission should not be refused for reasons relating to the design and visual impact of the proposed development in the context of the surrounding area.

7.5. Residential Amenity of Proposed Development

7.5.1. Having regard to the floor areas, layouts, configurations, aspect and floor to ceiling heights, while being cognisant of the standards within the New Apartment Guidelines (2020), I am generally satisfied that the proposed development would provide for a suitable and acceptable form of accommodation for future occupants of the proposed apartments.

7.5.2. The proposal would entail the provision of 19 no. 1-bedroom apartments. This exceeds the 50% one bed/studio units specified in relation to unit mix in Specific Planning Policy Requirement 1. Pursuant to Specific Planning Policy Requirement 2, scope is afforded planning authorities to exercise discretion in relation to the housing mix specified under Specific Planning Policy Requirement 1 on a case-by-case basis, having regard to the

overall quality of a proposed development. Having regard to the proposed development being in institutional use and the 64 family units provided within the historic quadrangle building to the immediate south, I consider the proposed unit mix to be acceptable in this instance.

7.5.3. As detailed on the floor plans accompanying the application/the schedule of accommodation included thereon, the 1-bed units would have a floor area of between 47.85sqm and 70.37sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in the Apartment Guidelines as well as complying with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement under Section 3.8 for *'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'*. In this case this standard is also met. Further to this, having reviewed the proposed floor plans, I am satisfied that the apartments are suitably laid out internally to provide an adequate level of residential amenity to future residents, save for in one regard. Paragraph 3.37 of the Apartment Guidelines states that *'it is preferable that balconies would be primarily accessed from living rooms'*. The balconies serving Apartments No. 2, 4, 6, 8, 9, 11, 12, 13 and 15 are accessed from the bedroom which is not ideal. Upon review of the plans, I think there is scope for an access door from the living area to the balcony to be introduced in the context of Apartments No. 2 and 6 and for the internal layouts of Apartments No. 4, 8, 9, 11, 12 and 13 to be reconfigured to provide access to the proposed balcony via the living area. Therefore, it is recommended that the Board include a condition requiring the aforementioned amendments to Apartments No. 2, 4, 6, 8, 9, 11, 12 and 13 by way of condition. In the context of Apartment No. 15 such reconfiguration is difficult due to the apartment layout proposed. Access to the balcony via the bedroom is considered appropriate in the context of Apartment No. 15 as it is a 1-bedroom apartment and all other apartments, subject to condition, can provide the desired access via living room.

- 7.5.4. Specific Planning Policy Requirement 4 requires that a minimum of 33% of apartments proposed are dual aspect units in more central and accessible urban locations and Specific Planning Policy Requirement 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. 63% of the proposed apartments are dual or triple aspect (with all single aspect apartments proposed being east facing) and the floor ceiling height at ground floor level would be 2.7 metres, thus complying with the applicable standards.
- 7.5.5. The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. While I acknowledge that the applicant has not carried out their own assessment of the numerical targets for daylight and sunlight in the proposed apartments, I am satisfied that daylight and sunlight considerations have informed the proposed layout and design in terms of separation distances, scale, window sizing and the aspect of units. This is confirmed when the proposed development is assessed against BRE 209: Site Layout Planning for Daylight and Sunlight and BS 8206-2:2008 (Part 2: Code of practice for daylighting), both of which are referenced in the Section 28 Ministerial Guidelines on Urban Development and Building Heights, 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines. Sections 2.1.6 of BRE 209: Site Layout Planning for Daylight and Sunlight states that the daylight received in a room of a proposed development with standard windows will be acceptable if there is no obstruction in the 25 degree plane emanating from it. Given the positioning of the windows serving the proposed apartments and the separation distances adopted from the site's boundaries/adjacent structures, no such obstruction will occur in this instance. The proposed apartments are provided with a generous vertical sky component in this instance. Further to this, as previously discussed, 63% of the proposed apartments are dual or triple aspect and single aspect apartments proposed are east facing, maximising available light and ventilation to each apartment.

- 7.5.6. In the context of the outlook of ground/first floor apartments in southern park of the block, the appellant has raised concerns that these apartments will be afforded a poor level of residential amenity, due to the angled nature of some of the proposed windows and the proximity of these apartments to parking/turning area. I am satisfied that Apartments No. 1 and 5 will be afforded a suitable level of residential amenity. As the adjacent car parking/turning area only accommodates a small no. of the overall car parking spaces provided, 4 no. car parking spaces, it will comprise a low traffic environment. With regards to windows, the angled windows referred to are one of two large windows serving the apartments open plan kitchen/living/dining area. The primary outlook from the kitchen/living/dining area will be eastwards across the adjacent communal amenity space, with the angled window providing a secondary outlook. At ground floor level, proposed planting offers the applicable angled window some visual relief from adjacent parking spaces.
- 7.5.7. As detailed on the floor plans accompanying the application/the schedule of accommodation included thereon, the 1-bed apartments would be provided with between 3.02sqm and 6.71sqm of storage, which complies with the storage requirements specified in Appendix 1 of the Apartment Guidelines, 2020.
- 7.5.8. Turning to private amenity space. As detailed on the floor plans accompanying the application/the schedule of accommodation included thereon, the 1-bed apartments would be served by balconies of between 5sqm and 6.67sqm the majority of which have a minimum depth exceeding 1.5 metres, thus complying with the quantitative requirements set out in relation to private amenity space. The depth of 4 no. balconies, those associated with Apartments No. 10, 12, 13 and 14, fall slightly short of the 1.5 metre minimum depth specified. However, I am satisfied that this could be dealt with by way of condition. Therefore, it is recommended that the Board include a condition requiring the depth of the balconies serving Apartments No. 10, 12, 13 and 14 be amended to provide a minimum depth of 1.5 metres. I note concerns were raised earlier in this report regarding access to the balconies serving Apartments No. 2, 4, 6, 8, 9, 11, 12, 13 and 15. Subject to the inclusion of the previously discussed condition, requiring amendments to facilitate access via a living area, as well as the condition regarding minimum width, the proposed balconies are also deemed appropriate from a qualitative perspective.

7.5.9. In accordance with Appendix 1 of the Apartment Guidelines, a minimum of 95qm of communal amenity space would be needed to serve the proposed apartments. The proposed development complies with the communal amenity space requirements, providing 992sqm (897sqm in excess of the requirement) of communal amenity space. In the context of the proposed communal amenity space, the appellant has raised concerns that the proposed communal amenity will offer a poor level of amenity, given it is poorly overlooked and access is provided via a road/parking area. They note the view expressed by the Inspector, in the case of ABP-308482-20, who recommended that the area to the north of the site be required to be set out as an open space area by way of condition to serve the residents of the converted monastery building. I am satisfied that the proposed communal amenity space is appropriately overlooked, with proposed Apartments No. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 14 all featuring windows and balconies with an outlook across this open space area. With regards to access to the communal amenity space, the road/parking area that lies between the building entrance and the communal amenity space accommodates only a small no. of the overall car parking spaces provided, 4 no. car parking spaces, and will comprise a low traffic environment in light of this as well as the nature of the scheme. Having regard to the foregoing, in my view the proposed communal open space area will comprise a good quality space for residents' use.

7.5.10. In relation to the appellant's reference to the recommendations regarding conditioned previously outlined by the Inspector, in the case of ABP-308482-20, it is worth noting that the Board did not see fit to include such a condition. Irrespective of this, each planning application is considered on its individual merits and the Planning Authority/Board are not bound by previous decisions pertaining to similar sites/situations. The subject application will be considered on its individual merits.

7.5.11. In conclusion, subject to the aforementioned conditions, I am satisfied that the proposed development would provide quality apartments, meeting the relevant design standards and providing a suitable/acceptable form of accommodation, level of amenity and services for future occupants of the proposed apartments.

7.6. Residential Amenity of Adjoining Properties

Property to the South

- 7.6.1. The part of the subject site accommodating the proposed apartment building sits immediately north of St. Paul's Retreat Building. As discussed previously, this building is occupied by a number of family units and features a number of north-facing habitable room windows which must be considered in the context of the subject proposal.
- 7.6.2. The initial Planning Report from the Planning Authority raised concerns/recommended that further information be sought in relation to about potential overlooking of opposing single aspect north-west facing bedroom windows associated with the former monastery conversion (approved under Reg. Ref. 2559/20) which would be c. 12.5 metres from some south-facing windows of the proposed apartments. In response to the further information request subsequently issued by the Planning Authority, the applicant amended the layout of the proposed development so that the windows serving habitable rooms in the south-east elevation are either angled or located within a projection and face east/west. Upon receipt of the response to the further information request response, the Planning Authority deemed the overlooking issue initially raised to be resolved.
- 7.6.3. Upon review of the plans submitted, I am also satisfied that the revisions made in the further information request response to the proposed development's southern façade appropriately restrict overlooking to the converted monastery building. South-facing balconies featuring in the westernmost part of the building adopt a minimum separation distance of c. 18.8 metres from the converted monastery building and feature planting/screening (solid brick/glass panels) along their southern edge, while the windows adopt a minimum separation distance of c. 20.5 metres. Apartments featuring in the easternmost part of the building, which are more proximate to the converted monastery building have been designed to face east of west in most instances and where south facing windows are proposed they have been angled to diffract views in a westerly direction.

- 7.6.4. With regards to the potential overbearing impact, it is not considered that the proposed development will have an unreasonable overbearing impact on the converted monastery building due to the flat roof, stepping down in height, modulated facades and varying materials/finishes utilised in the context of the proposed development and the separation distance that exists between the two buildings. Due to the orientation of the subject building to the north of the converted monastery building, it is not considered that significant overshadowing issues arise in the context of this neighbouring property to the south.
- 7.6.5. In terms of potential impacts on daylight to windows, I am satisfied that daylight and sunlight considerations have informed the proposed layout and design in terms of separation distances and building heights. This is confirmed when the proposed development is assessed against BRE 209: Site Layout Planning for Daylight and Sunlight and BS 8206-2:2008 (Part 2: Code of practice for daylighting). Sections 2.2.21 of BRE 209: Site Layout Planning for Daylight and Sunlight states that daylight to windows in existing schemes shouldn't adversely affected if the proposed building doesn't breach the 25 degree plane from those window. Given the stepping down in height/flat roof adopted, as well as the generous separation distances adopted between the buildings, no such obstruction will occur in this instance. The proposed building maintains a generous vertical sky component for the neighbouring windows.

Property to the West

- 7.6.6. The part of the subject site accommodating the proposed apartment building is bounded by No. 27 Mount Argus Crescent to the west, which comprises a double storey semi-detached dwelling. The eastern façade of this neighbouring dwelling features a first floor window proximate to the common boundary and its private open space area abuts the common boundary.
- 7.6.7. Potential overlooking of this window/private open space area from the proposed development is restricted due to the design of the proposed building, with the western façade of the building closest to the common boundary devoid of windows, Apartment No. 22 being served by north and south facing windows and screening featuring along its balcony's western edge. West-facing windows featuring in the proposed development are located in the eastern most part of the proposed building and adopt

a separation distance of well in excess of 22 metres from the common boundary with No. 27 Mount Argus Crescent.

- 7.6.8. With regards to the potential overbearing impact, it is not considered that the proposed development will have an unreasonable overbearing impact on No. 27 Mount Argus Crescent due to the design/layout of the proposed development (it adopts a flat roof and the westernmost part of the building steps down to 3 storeys), the separation distance that exists between the proposed development and the common boundary and the established trees/vegetation being retained along the common boundary.
- 7.6.9. Due to the orientation of the subject site to the east of No. 27 Mount Argus Crescent's rear open space area, the existing wall featuring along the common boundary and the generous separation distance (a minimum of 10.861 metres) adopted from the common boundary proximate to the rear open space area, it is not considered that significant overshadowing issues arise in the context of this neighbouring property.

Properties to the East

- 7.6.10. An area of communal amenity space is provided to the east of the proposed apartment building. Currently, on the opposite side of this communal amenity space, to the north-west, is No. 5 Church Park Way which comprise a double storey terraced dwelling. Given the height/scale and design of the proposed development, the orientation of the adjacent dwelling and the separation distances that exist between the proposed development and No. 5 Church Park Way (c. 45 metres), I do not consider the proposed development would result in any negative impacts on the residential amenity of this adjacent property by way of overlooking, overbearing or overshadowing. Further to this, views of the subject site from Church Park Way are limited due to the presence of established trees/vegetation along the site's eastern boundary which are to be retained as part of the proposed development.

Properties to the North

- 7.6.11. The part of the subject site accommodating the proposed apartment building is bounded by Mount Argus Crescent to the north. On the opposite side of Mount Argus

Crescent are No. 1 Mount Argus Green and No. 2 Mount Argus Terrace which comprise double storey semi-detached dwellings. Given the height/scale of the proposed development, the orientation of adjacent dwellings and the separation distances that exist between the proposed development and the dwellings featuring on the opposite side of Mount Argus Crescent, I do not consider the proposed development would result in any negative impacts on the residential amenity of these adjacent properties by way of overlooking or overshadowing.

7.6.12. With regards to the potential overbearing impacts, it is not considered that the proposed development will have an unreasonable overbearing impact on the properties on the opposite site of Mount Argus Crescent due to the separation distances (between c. 22 and 25.5 metres) that exist between the proposed development and the applicable dwellings, the modulated/stepped presentation of the building to Mount Argus Crescent and the varying materials/finishes utilised. Further to this, views of the subject site from Mount Argus Crescent are limited due to the presence of established trees/vegetation along the site's northern boundary which are to be retained as part of the proposed development.

7.7. Access, Traffic and Parking

7.7.1. The appellant is worried that the proposed development will generate a significant intensification of car parking movements to Mount Argus Avenue. In this regard, over provision of car parking to serve the proposed development is of particular concern to the appellant. They contend that overprovision of parking on site will lead to a poor residential environment and negatively impact on traffic movement in the surrounding streets. The initial report from the Planning Authority's Transportation Planning Division raised concerns about/recommended that further information be sought in relation to car and cycle parking allocation and access and egress to the 6 no. car parking spaces located to the southeast corner of the proposed car park. In response to the further information request subsequently issued by the Planning Authority, the applicants submitted clarification regarding car/cycle parking allocation and omitted 2 car parking spaces, in light of a swept path analysis carried out, to provide sufficient manoeuvring space and pedestrian pathways. Upon review, the Planning Authority/Transportation Planning Division deemed the vehicular access/car parking

layout serving the proposed development, as well as the proposed cycle/car parking allocation, to be acceptable.

7.7.2. The proposed development will utilise the existing vehicular entrance and car park off Mount Argus Avenue (granted permission under Reg. Ref. 2559/20/Appeal Ref. ABP-308482-20), located in the western part of the site. Mount Argus Road is a 5 metre wide carriage with footpaths on either side and is a residential road of good standard in terms width, alignment and provision of pedestrian facilities. This vehicular entrance will provide access to a total of 38 no. car parking spaces, 1 no. motorcycle parking space and 57 no. bicycle parking spaces, including 4 no. cargo bike spaces, provided in surface and undercroft parking areas. These spaces will be allocated as follows: - 10 no. car parking spaces, 1 no. motorcycle parking space and 29 no. bicycle parking spaces (including 4 no. cargo spaces) to serve the proposed 19 no. apartments; and 28 no. car parking spaces and 28 no. bicycle parking spaces to serve the existing family hub featuring in the converted monastery building.

7.7.3. Having regard to the standard of Mount Argus Road and the road network in the area, the availability of public transport services, the relatively modest scale of the proposed development (19 no. apartments), the material submitted with the application, and the Planning Authority reports, it is my view that the existing road network is of sufficient capacity and appropriate in design/layout to cater for the additional turning movements likely to be generated without causing a traffic hazard/ increased congestion or endangering other road users. The existing vehicular entrance being utilised for access 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.

7.7.4. In terms of car parking provision, in the further information request response the applicant clarified that a car parking allocation for staff will reflect the existing staff allocation of the family hub (granted permission under Reg. Ref. 2559/20/Appeal Ref. ABP-308482-20) on site, which equates to 2 car parking spaces allocated for staff use for the proposed development. Of the 10 car parking spaces provided to serve the proposed development, a total of c. 6 car parking spaces will be allocated to staff and residents. This equates to a potential overprovision of 4 car parking based on the

information provided by the applicant. Contrary to the view expressed by the appellant, I consider car parking provision in this instance to be appropriate given the nature of the proposed development, residential units comprising supported accommodation, and the site location, centrally located and proximate to Dublin Bus services running along Kimmage Road Lower/Sundrive Road. I do not consider the potential overprovision of 4 no. car parking spaces to be problematic as the number of spaces is minimal and I consider the extra spaces offer flexibility for residents/staff of the facilities as well as spaces to accommodate potential visitors of the development.

7.7.5. With regards to bicycle parking provision, the quantum of bicycle parking provided to serve the proposed apartments is in excess of the standards set out in Table 16.2 of the Dublin City Development Plan 2016-2022 and the Apartment Guidelines (2020) standards. The quantum of bicycle parking provision for the proposed apartments is considered appropriate in this instance and the provision of an additional 2 no. bicycle parking spaces to serve the converted monastery building featuring on site is also welcomed. The proposed cycle parking area is located proximate to the development entry/undercroft car parking area, which is considered to be an appropriate location in terms of accessibility and passive surveillance. In terms of the shelter, upon review of the drawings submitted with the application, it would not appear that the cycle storage area is sheltered. I am satisfied however, that this matter can be appropriately dealt with by way of condition of planning permission, requiring the cycle parking area to be enclosed/suitably designed.

7.8. Open Space Provision

7.8.1. The appellant argues that the proposed development fails to satisfy the requirement that 25% of the lands be provided in the form of meaningful open space that would contribute to the strategic green network as well as benefit the adjoining neighbourhood. The applicants argue that the Passionist Order donated a large, attractive and well used open space (Mount Argus Park) for the community and overall neighbourhood in the 1980's. It should not be expected that subsequent development within the institution should incrementally add to the original contribution to public parkland amenity at every turn.

7.8.2. Section 16.10.3 of the Development Plan states that '*the design and quality of public open space is particularly important in higher density areas*'. Section 16.3.4 of the Development Plan requires that 25% of Z15 zoned lands shall be reserved for accessible open space and/or provision of community facilities, which is greater than the 10% requirement specified for all residential schemes in Section 16.10.1. Section 16.3.4 goes on to state that in the event that the site is considered by the planning authority to be too small or inappropriate (because of site shape or general layout) to fulfil useful purpose in this regard, then a financial contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required (having regard to the City's Parks Strategy).

7.8.3. The proposed development is devoid of public open space. This is considered appropriate in this instance given the small size of the subject site and its proximity to a number of public open space areas, including Mount Argus Park and Eamonn Ceannt Park. It is recommended that the Board attach a suitably worded condition requiring payment of a financial contribution, including in lieu of public open space provision, in accordance with the Dublin City Development Contribution Scheme 2020-2023. It is noted that in the context of development contributions, payment of a development contribution will not be required in the context of the social & affordable housing units being provided as part of the subject development, in accordance with an agreement made under Part V of the Planning and Development Act (as amended), as they fall under a category of exemption listed in the development contribution scheme. It is also noted that the subject site is located outside the applicable catchment areas relating to the Section 49 Supplementary Development Contribution Schemes (Luas Docklands Extension and Luas Cross City).

7.8.4. With regards to contribution to the strategic green network, Sections 4.5.2 and 10.4 of the development plan seek to establish a strategic network of green corridors across the city area. Section 14.8.14 of the development plan asks that, in the context of development proposal on Z15 lands, consideration should be given to their potential to contribute to the development of a strategic green network. Fig. 14, included in Chapter 10 of the Development Plan, shows the desired strategic green network routes. Given this and noting the sites inner city context/small size, it is my view that this site does not have the potential to contribute to the development of a 'Strategic

Green Network' as envisaged in the Development Plan. Therefore, the absence of green infrastructure provision in the proposed scheme is not considered to warrant refusal of planning permission in this instance.

7.9. **Flooding**

7.9.1. In terms of assessing a potential flood risk, I would note that the Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009) which sets out a sequential test for assessing flood impact. The appeal site is located in an area designated Flood Zone C in accordance with these guidelines. The proposed residential development is a highly vulnerable development in accordance with the Table 3.1 of the guidelines and having regard to Table 3.2 of the guidelines the proposed residential development would be appropriate on the appeal site which is situated in Flood Zone C.

7.9.2. The application is accompanied by a Flood Risk Assessment, prepared by Mulhall Consulting, which identifies the subject site as being located in a Flood Zone C area and concludes that the site is at low risk of fluvial flooding/pluvial flooding, tidal/coastal flooding along the east coast/along the River Liffey does not impact the site and the flood risk represented by ground water is negligible. Having examined the OPW website (www.floodinfo.ie), I find the assessment provided regarding potential tidal, fluvial, pluvial or ground water flooding in the Flood Risk Assessment, prepared by Mulhall Consulting, to be accurate. Upon review of this website, I also note there is no recorded history of flooding on the appeal site. The nearest recorded flood event to the appeal site was flooding at Kimmage Mount Argus, on the 10th June 1963. This flood event was localised.

7.9.3. I am satisfied that, given its small scale and location within an established residential area in a Flood Zone C area, the proposed infill development would not give rise to an increased risk of flooding on the site or other properties in the vicinity.

7.10. **Other Matters**

7.10.1. *Archaeology* - Based on Development Plan mapping, the site is in close proximity to the zones of archaeological potential for the Recorded Monuments DU018-04302 (weir) and DU018-04304 (watercourse) while Mount Argos Church, a

Protected Structure (RPS Ref: 4260), is located to the immediate south and a 19th-century graveyard to the immediate south-east of the subject site. The City Archaeologist contends that the proposed design does not adequately consider the potential visual impact on the Mount Argus Church or the possible impact on the historic graveyard. They recommend that a condition requiring an Archaeological Impact Assessment be attached to any grant of planning permission for this application. I consider this approach to be reasonable, given the site context and the limited extent of excavation that would be required for the foundations and services associated with the development. In conclusion, I recommend that a condition requiring preservation, recording and protection of archaeological materials or features that may exist within the site be attached.

7.10.2. *Part V* - I acknowledge the changes which have arisen to Part V of the Planning and Development Act, 2000 (as amended) by the Affordable Housing Act, 2021. Notwithstanding the foregoing, the proposed development application included a letter from Dublin City Council advising that the applicant has engaged in Part V discussions with the Council and an agreement in principle, regarding the acquiring of units on site, has been reached. A no. of specific details regarding this agreement, including the specific apartments to be provides for social and affordable units, are yet to be agreed with the Planning Authority. I am satisfied however, that this matter can be appropriately dealt with by way of condition of planning permission.

7.10.3. *Construction Management Plan* – In light of the unauthorised access to Church Park Avenue, the appellant has concerns regarding unauthorised development. Therefore, they request that a Construction Management Plan should be submitted with the planning application and prior to any permission being granted. Given the nature of the proposed development, I am satisfied that matters pertaining to construction management can be appropriately dealt with prior to construction by way of condition and requesting the Applicant, pursuant to Section 132 of the Planning and Development Act, 2000 (as amended), to prepare/submit a Construction Management Plan prior to the Board making its determination is not necessitated in this instance.

7.11. Appropriate Assessment

7.11.1. Having regard to the nature and scale of the proposed development (a small infill apartment building within an established urban area), the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the land-use zoning objectives for the site, as set out in the Dublin City Development Plan 2016-2022, to the nature, layout, scale and design of the proposed development and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development is appropriate in the context of this centrally located infill site, would not detrimentally impact on the architectural heritage of the area including the character or setting of adjacent Protected Structure Mount Argus Church, would be acceptable in terms of design, height, layout and scale of development, would provide a suitable level of accommodation and amenity for future occupants, would not seriously injure the amenities of the area or of properties in the vicinity, would be acceptable in terms of traffic/pedestrian safety and would comply with the provisions of the Dublin City Development Plan 2016-2022, the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (Department of Housing, Planning and Local Government, 2020) and the Architectural Heritage Protection: Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht,

2011). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The 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 submitted on 26th October 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> a) An access door from the living area to the balcony shall be introduced in the context of Apartments No. 2 and 6. b) The internal layouts of Apartments No. 4, 8, 9, 11, 12 and 13 shall be reconfigured to provide access to the proposed balcony via the living area. c) The depth of the balconies serving Apartments No. 10, 12, 13 and 14 shall be increased to 1.5 metres. d) The resident cycle parking area adjacent to the west of the building shall be enclosed/suitably designed. <p>Reason: In the interest of residential amenity.</p>
3.	<p>Prior to commencement of development, a revised car parking and pedestrian accessibility layout plan shall be submitted to the planning authority for written agreement. The plan shall detail the reconfigured car parking layout, indicating clearly the car spaces allocated to various uses, including the reallocated car spaces serving the permitted development under Reg. Ref. 2559/20/ABP Ref. ABP-308482-20 and the 10 no. car parking spaces allocated to the proposed development. Car parking spaces</p>

	<p>shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed development.</p>
4.	<p>All of the communal parking areas serving the new residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
5.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
6.	<p>a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are</p>

	<p>to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
7.	<p>The development shall be finished in accordance with the material, colour and texture details submitted with the further information request response, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
8.	<p>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.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
10.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
11.	<p>a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p>

	<p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
12.	<p>Proposals for an apartment naming/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 house 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).</p> <p>Reason: In the interest of urban legibility.</p>
13.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <ul style="list-style-type: none"> (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, (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination. <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
14.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, particularly Mount Argus Church.</p>

15.	<p>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.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>a) 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 [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
19.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>

Margaret Commane
Planning Inspector

20th June 2022