



An
Bord
Pleanála

S.4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-312492-22

Strategic Housing Development

Demolish outbuildings, construct 108 apartments in three blocks, change of use of Protected Structure to provide four apartments and all associated development

Location

Bealnagowan House, St. Mobhi
Boithirin, Glasnevin, Dublin 9

Planning Authority

Dublin City Council

Applicant

The Balnagowan Partnership

Prescribed Bodies

1. Irish Water
2. An Taisce
3. Minister for Housing, Local Government and Heritage

Observers

Niall Doherty

Maureen McNally
Liz & Dave Freeman
Leonard J. Gillick
John O'Brien
Doris O'Sullivan and Brian Treacy
Colm Keena
Lynne Kelly
Patrick Gillick
Michael Breen
Griffith Avenue Residents'
Association
Claire and Colm Giles
Mobhi Haven Community Association
Anne-Marie Casey
Dean and Carol Dunne
Ciaran and Annmarie Rogers
Brian Treacy and Doris O'Sullivan
and others
Eimer McCormack
Nick Peters and Orla Gleeson
Katherine O'Brien and Alan
McDonough
Stephan McHugh
Neasa Hourigan
Fiona Leigh
Noel Conroy

Declan Meenagh & Marie Sherlock

David and Niamh Meagher

David Cleary

John Deegan and Nóirín Finnegan

Maria Conroy

Patricia Madden

Susan and Richard Dunne

Glasnevin Village Residents
Association

Ella McCarthy

Marie Sherlock

Dorothy Kenny

Gary Gannon and Cat O'Driscoll

Donal O'Cearbhaill

Eamonn O'Donnell

Seamus and Grainne Gill

Brendan Joseph Madden

Lynda O Gorman

Clare and Paul Barry

Brendan Whelan

Date of Site Inspection

9th June 2022 and 13th July 2022

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of an application for a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as 'the Act of 2016').

2.0 Site Location and Description

- 2.1. Situated 3km to the north of Dublin city centre in the Glasnevin area off St. Mobhi Road (regional R108) and on St. Mobhi Boithirin, the triangular-shaped application site measuring a stated 0.48 hectares primarily comprises a former residence referred to as Balnagowan or Bealnagowan House. This house is a Protected Structure and was also known as 'Wendon' for a period, and is stated to have been last used as a residence in 1971. It includes three associated outbuildings on the western side along St. Mobhi Boithirin. The most recent use of the property was as offices serving Inland Fisheries Ireland. The site features 103m frontage onto St. Mobhi Boithirin, which is a cul de sac providing access to houses, including The Haven residential estate, and an emergency entrance to the Bon Secours hospital.
- 2.2. The application site features a line of cut back coniferous trees along the western boundary with a car park area serving the Bon Secours Hospital and a boundary on the east side with the rear gardens of housing along St. Mobhi Road. The site is not presently occupied with hoarding installed along the roadside boundary. The northwest corner of the site features mature trees and based on survey datum, the land levels on site generally drop by approximately 4.1m from the northeast corner to the south corner.
- 2.3. The immediate area to the north and east is characterised by housing, including two-storey semi-detached housing along St. Mobhi Road, two-storey terraced housing along St. Mobhi Boithirin and three-storey apartment blocks within Mobhi Court. A public laneway connects St. Mobhi Boithirin with Ballymun Road to the west.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

Demolition Works

- the demolition of three outbuildings, including a single-storey flat-roofed shed measuring a stated 47sq.m gross floor area (GFA), a single-storey flat-roofed shed of 100sq.m GFA and a glasshouse of 25sq.m GFA;

Construction and Development Works

- the construction of 108 apartments with a cumulative GFA of 6,845sq.m in three blocks, including five-storey block 1, six-storey block 2 and six to seven-storey block 3 partially over basement/undercroft level car park with residents' gymnasium (100sq.m GFA);
- change of use of Bealnagowan House (Block 4), a Protected Structure, from most recent use as an office to residential use comprising four apartments, including refurbishment works, modifications and alterations;

Ancillary and Supporting Works

- provision of a new and an upgraded vehicular accesses, as well as pedestrian and cyclist accesses off St. Mobhi Boithirin, landscaping works providing for public and communal open spaces with a children's play area, provision of car, motorcycle and bicycle parking spaces, and provision of set-down area fronting Bealnagowan House;
- all associated site and infrastructural works, including sustainable urban drainage systems (SUDS), lighting, landscaping, boundary treatments, plant areas, meter rooms and all associated site development works.

3.2. The following tables set out the key features of the proposed strategic housing development:

Table 1. Development Standards

Site Area	0.48ha
No. of apartments	112
Part V units (%)	11 (10%)

Residential Gross Floor Area (GFA)	8,724sq.m
Ancillary Residential GFA (% total GFA)	100sq.m (1.1%)
Non-residential GFA (% total GFA)	0sq.m (0%)
Total GFA	8,824sq.m
Undercroft Car Park / Plant	1,870sq.m
Residential Density (gross)	233 units per ha
Communal Open Space (% of site area)	1,537sq.m (32%)
Public Open Space (% of site area)	100sq.m (2%)
Plot Ratio	1.8
Site Coverage	42%

Table 2. Unit Mix

	One-bedroom	Two-bedroom (three-person)	Two-bedroom (four-person)	Total
Apartments	53	8	51	112
% of units	47%	7%	46%	100%
Bed spaces	53	16	102	171

Table 3. Maximum Building Heights

Storeys	Height
7	23.1m

Table 4. Parking Spaces

Car parking - Standard	41
Car parking – Electric vehicles	5
Car parking - Universal	3
Car parking – Car share	3
Total car parking	52
Motorcycle parking	5
Cycle parking	255

3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Planning Statement and Statement of Consistency with Dublin City Development Plan 2016-2022;

- Statement of Consistency with National, Regional and S.28 Ministerial Guidelines;
- Material Contravention Statement;
- Response to Board's Opinion;
- Environmental Impact Assessment (EIA) Screening Report;
- Statement on EIA Screening Process;
- Social Infrastructure Audit;
- Childcare Demand Report;
- Part V Proposal;
- Urban Design Statement;
- Architectural Design Statement;
- Schedule of Accommodation;
- Building Lifecycle Report;
- Housing Quality Assessment;
- Landscape Proposal;
- Landscape Specifications, Management and Maintenance;
- Townscape and Visual Impact Assessment;
- Verified Photomontages;
- Engineering Services Report;
- Site Specific Flood Risk Assessment;
- Traffic and Transport Assessment;
- Residential Travel Plan;
- DMURS Statement;
- Quality Audit;
- Construction Management Plan;
- Operational Waste Management Plan;

- Construction and Demolition Resource and Waste Management Plan;
- Stage 1 Appropriate Assessment (AA) Screening Report;
- Natura Impact Statement (NIS);
- Ecological Impact Assessment Report;
- Architectural Heritage Impact Assessment;
- Archaeological Assessment;
- Daylight, Sunlight and Shadow Assessment;
- Arboricultural Report;
- Part L Planning Compliance (Energy and Sustainability).

4.0 Planning History

4.1. Application Site

4.1.1. The only other planning application that I am aware of relating to this site is, as follows:

- Dublin City Council (DCC) reference (ref.) 2092/00 – retention permission granted by the Planning Authority to the Central Fisheries Board in October 2000 for use of structures as offices until September 2002.

4.2. Surrounding Area

4.2.1. In April 2021 the Board granted a strategic housing development under An Bord Pleanála (ABP) ref. 308905-20 for the demolition of a motor showroom and other buildings located approximately 230m to the southwest of the application site along Glasnevin Hill, to facilitate the construction of two six to seven-storey blocks comprising four commercial units at ground floor and 101 apartments.

4.2.2. In March 2022 the Board refused to grant permission (ABP ref. 310791-21) for the demolition of the Washerwoman restaurant and other buildings located approximately 230m to the southwest of the application site along Glasnevin Hill, to allow for a five-storey block comprising a restaurant at ground floor and 18

apartments on the upper-floors, due to the substandard residential accommodation proposed.

- 4.2.3. In March 2022 the Planning Authority granted permission for development comprising the demolition of a house and outbuildings located approximately 75m to the north of the application site on Ballymun Road to facilitate the construction of a five to six-storey block partially over basement comprising 52 apartments (DDC ref. 2683/21). This decision was appealed to the Board (ABP ref. 313193-22) in April 2022.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

- 5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 16th day of September, 2021, in respect of a proposed development comprising 112 apartments and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- development strategy, including building heights and scale, and the protection of the character and setting of the Protected Structure on site;
- relationship with adjoining lands;
- landscaping, cycle access and open space, including contributions in lieu of any shortfall;
- residential amenity, including daylighting for adjoining properties and the proposed apartments, and the impacts on St. Mobhi Road residences;
- other matters, including drawing details.

5.2. Board Opinion

- 5.2.1. In their Notice of Pre-Application Consultation Opinion (ABP ref. 310668-21) dated the 5th day of October, 2021, An Bord Pleanála stated that it was of the opinion that the documents submitted require further consideration and amendment to constitute

a reasonable basis for an application under section 4 of the Act of 2016. In the opinion of An Bord Pleanála, further consideration and/or justification would be necessary with respect to the following:

- the relationship between the proposed development and the protected structure on site needs to be addressed as part of an Architectural Heritage Impact Assessment and conservation specifications are required for the proposed works.

5.2.2. In the opinion of An Bord Pleanála, the following specific information, in addition to the standard strategic housing development application contents, should be submitted with any application for permission arising:

- design strategy for building heights to provide the optimal architectural solution;
- details of any impacts on the development potential of Bon Secours hospital;
- a method statement addressing construction impacts on adjoining lands and trees;
- details of material and finishes;
- a report addressing residential amenities;
- daylight and sunlight assessment;
- documentation addressing archaeological matters raised by the Planning Authority;
- a quality audit;
- details and consideration of cycle access, management and parking provision.

5.2.3. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- the Department of Housing, Local Government and Heritage (National Monuments Section – Architectural Heritage);
- Irish Water;
- The Heritage Council;

- The Arts Council / An Chomhairle Ealaíon;
- An Taisce;
- Dublin City Childcare Committee.

5.3. Applicant's Response to Opinion

- 5.3.1. The application includes a report titled 'Response to An Bord Pleanála Pre-Application Consultation Opinion'. Section 2 of this report provides a statement with respect to further consideration and justification for the relationship of the proposed development with Bealnagowan House. Section 3 of the report outlines the specific application information that has been submitted with the application in response to the Board's request, while also detailing how the development is considered to comply with the respective requirements listed in the Board's opinion.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040, and within this framework Dublin is identified as one of five cities to support significant population and employment growth. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations.
- 6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 3(a) (40% of homes in existing settlement footprints), 3(b) (50% of new homes in the five largest cities, including Dublin), 4 (attractive, liveable, well-designed urban

places), 11, 13 (development standards), 27 (transport alternatives) and 35 (increased densities) all relating to densification and compact urban growth.

Ministerial Guidelines

6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Architectural Heritage Protection Guidelines for Planning Authorities (2011);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Housing for All – A New Housing Plan for Ireland (2021);
- Climate Action Plan (2021);
- Water Services Guidelines for Planning Authorities – Draft (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);

- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2nd Edition 2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

6.2. Regional Planning Policy

- 6.2.1. The ‘Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031’ supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objective (RPO) of the RSES is considered relevant to this application:
- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.
- 6.2.2. According to the RSES, the site lies within the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing

delivery, integrated transport and land use, and the alignment of growth with enabling infrastructure.

6.3. Local Planning Policy

Dublin City Development Plan 2016-2022

- 6.3.1. The application site and adjoining lands have a land-use zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'. Permissible uses in 'Z1' areas include residential uses. There is a requirement for 10% of 'Z1' lands that are to be developed to be provided as meaningful public open space, although this can be addressed via contributions in lieu of a shortfall in certain circumstances. The indicative plot ratio for developing 'Z1' lands is stated as 0.5 to 2.0 in the Development Plan, and a 45% to 60% indicative site coverage is also provided for.
- 6.3.2. The former residence on site is included within the record of protected structures (RPS) appended to the Development Plan (RPS ref. 8699) and the site is located within a zone of archaeological interest.
- 6.3.3. Under housing policy QH1 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines, a number of which are listed in Section 5.1 above. Policy SC13 promotes sustainable densities with due consideration for surrounding residential amenities. The Plan includes a host of policies addressing and promoting apartment developments.
- 6.3.4. Section 16.7.2 of the Development Plan sets out building height limits referenced in policy SC17, including a 16m restriction for commercial and residential buildings in the subject outer-city area. Relevant sections and policies of the Development Plan include the following:
- Section 4.5.3 - Making a More Compact Sustainable City;
 - Section 4.5.9 – Urban Form & Architecture;
 - Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);
 - Section 11.1.5 – Built Heritage;

- Section 16.2 – Design, Principles & Standards;
- Section 16.10 - Standards for Residential Accommodation;
- Section 16.38 – Car Parking Standards (Zone 3 – maximum of 1.5 spaces per residential unit) & Cycle Parking Standards (minimum of one space per residential unit).

6.3.5. Dublin City Council has recently prepared a Draft Dublin City Development Plan for the period 2022 to 2028. I note that the zoning and specific local objectives for the application site have not altered in the zoning maps accompanying this Draft Development Plan.

7.0 Statement of Consistency

7.1. The applicant has submitted a Statement of Consistency, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 3 of this Statement refers to the provisions of Project Ireland 2040, Housing for All – A New Housing Plan for Ireland (2021) and Ministerial guidelines, including those referenced in section 6.1 above. Section 4 of the applicant’s Statement focuses on regional planning policy. Within the Statement the applicant asserts that the proposed development would be in compliance with national and regional planning policy, as well as section 28 Ministerial guidelines. The applicant refers to their Planning Statement as providing a response addressing how the proposals comply with local planning policy.

8.0 Material Contravention Statement

8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this Statement is submitted with the application, as the proposed development applied for would materially contravene the provisions of the Development Plan with respect to the building height only. Within this Statement the applicant sets out their rationale to justify granting permission, including the following:

- the development is of national importance, given the positive implications of refurbishing and reusing the main building on site, which is included in the

National Inventory of Architectural Heritage (NIAH) under reference 50130046, due to its 'national' architectural and historic significance;

- the development accords with national and regional planning policy, as well as section 28 Ministerial guidelines, given the development contribution to much-needed housing in the built-up area of Dublin, consistency with development management principles in the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the 'Building Heights Guidelines') and consistency with density objectives of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (hereinafter the 'New Apartment Guidelines');
- the proposed building heights should be permitted having regard to the pattern of development in the area, including permissions granted in the area, such as the strategic housing development granted under ABP ref. 308905-20 for two six to seven-storey apartment blocks along Glasnevin Hill, approximately 230m to the southwest of the application site.

8.2. In conclusion, the applicant asserts that the Board may grant permission for the proposed strategic housing development, with building heights materially contravening the Development Plan, having regard to the provisions set out under subsections 37(2)(b)(i)(iii) and (iv) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

9.0 Observers' Submissions

9.1. A total of 42 submissions were received within the statutory period from local representative groups, local-elected representatives and residents of the neighbouring and wider area. These submissions include recent and historical photographs of the site and surrounding area, including aerial photographs, as well as extracts from planning documents, extracts from planning applications, a Planning Authority conservation report, personal information, legal correspondence, extracts from books and a thesis on local matters, video files, surveys, lighting studies, photomontages, an engineering report, a technical note on traffic and transport,

directories extracts, a fire services report, social media correspondence and newspaper articles. These submissions can be summarised as follows:

Principle of the Development

- the proposed restoration of Bealnagowan House is welcomed, however, it is difficult to justify the scale of development proposed in ending dereliction of this property;
- proposals would result in overdevelopment of a backland infill site at an excessive scale and density that would be more appropriate for a city centre or greenfield site;
- consideration of whether the proposals comply with the core strategy of the Development Plan is required;
- the applicant has not fully addressed matters raised in the Board's opinion (ABP ref. 310668-21), including the potential impacts on architectural heritage and an updated sunlight and daylight study;
- the Board should not apply the provisions of section 37(2)(b) of the Act of 2000 in this case, as the applicant has not provided appropriate justification for the proposed building heights and as other material contraventions of the Development Plan arise with respect to policy CHC2 (Protected Structures and their curtilage), section 16.10.3 (10% public open space provision), policy GI33 and section 16.10.1 (communal open space provision) and residential accommodation standards;
- material contravention of the Draft Dublin City Development Plan 2022-2028 would arise;
- proposals fail to comply with NPOs 11, 13, 33 and 35 of the NPF and regional planning policy and the proposals would set a poor precedent for further similar development;
- based on the likely costs of the apartments, these appear to be targeted towards an institutional investor and would not address acknowledged ongoing housing problems;

- Bealnagowan House should be repurposed as a single-family house accessible to the public on set days of the year and the proposed development should not be gated;
- some form of community use should be considered for this site;

Urban Design and Visual Impact

- block 3 would effectively be a seven-storey building and is described incorrectly as a six-storey building in the statutory notices;
- the proposed development would be monolithic and excessive in terms of scale, bulk, height and massing, contrary to the draft Dublin City Development Plan 2022-2028, section 28 Ministerial guidance and current Development Plan provisions regarding the approach for taller buildings;
- the proposed development would have a negative visual impact with insufficient building setbacks from the site boundaries;
- an abrupt transition in building heights would emerge when compared with surrounding heights, in material contravention of the Development Plan provisions in this regard, and measures to address the scale and height of the proposed development would not be effective, particularly considering the drop in ground levels on site and the loss of screen planting;
- reduced building heights should be sought;
- the proposed apartment blocks would have a visually-intrusive, incongruous and over-dominant appearance relative to the heights of the neighbouring traditional two-storey housing and Protected Structures;
- an inaccurate and inconsistent visual representation of the proposed development has been provided in the application, as it incorrectly includes screening vegetation, it fails to show the development in a winter setting and it suggests St. Mobhi Boithirin is wider than it actually is;
- an insufficient zone of theoretical visibility for the project and viewpoint locations for the computer-generated images (CGIs) and photomontages has been identified. The additional photomontages submitted by observers

accurately portray the negative impact of the development when viewed from neighbouring properties to the north and east;

Impact on Architectural Heritage

- Bealnagowan House, also known as 'Wendon' and by other names, is the only twentieth-century domestic building within the Dublin City Council area classified in the NIAH as of national rating and both the building and its curtilage form a Protected Structure. Nos. 49 to 75 St. Mobhi Road were constructed by the same design team and builder in 1929 and the subject Protected Structure was built in harmony with these houses;
- buildings along the north side of St. Mobhi Boithirin have no architectural group reference with Bealnagowan House, while the mews housing along this street are sympathetic to the setting of the Protected Structure;
- the original flat roof portions on the ends of each wing to the Protected Structure did not feature doors or windows opening onto them, therefore, it is inaccurate to state that the balconies would be reinstated in the subject proposals;
- the addition of the balconies to the Protected Structure should be resisted as it would not be an appropriate intervention, as it would facilitate overlooking of neighbouring properties and as it would not be in keeping with the design language of the Protected Structure;
- the proposed buildings would be substantially taller than the Protected Structure, in breach of the Development Plan architectural heritage provisions, including policies CHC2, CHC5 and CHC6;
- proposals would impact on the original overall geometry of the gardens to the Protected Structure and the proposed pocket park or mini park is wholly inappropriate, as it breaches the design language of the site;
- two of the three outbuildings proposed for demolition are original structures, but they are not of critical value;
- the original front door was in timber and not steel;

- the boundary treatment along St. Mobhi Boithirin should screen views into the property;
- proposals would erode the character of the area and lack sensitivity to the surrounding residential character area, which features a Z2 conservation area zoning;
- proposals feature a lack of consideration for St. Mobhi Church, a Protected Structure (ref. 1519), which it would have a dominant and oppressive impact upon;
- precedent to refuse permission due to the impacts of a development on an adjacent Protected Structure, is provided for via the Board's decisions to refuse permissions for apartment developments on a site approximately 1km to the south (under ABP refs.303875-19 and 307463-20);
- breaches of sections 58 and 59 of the Act of 2000 (duty and works regarding Protected Structures), including responsibility for the protection of Bealnagowan House, are not adequately addressed in the application;

Development Standards

- a poor housing mix is proposed, which would not provide a large number of single-bedroom units and would fail to deliver family-size units;
- the proposed development would feature an excessive proportion of single-aspect apartments;
- a poor provision of natural lighting to the proposed apartments would arise, resulting in a requirement for artificial lighting and high-energy costs;
- a poor quality of accommodation is proposed for the Part V units and a greater distribution of these units could have been provided for, as well as improved levels of lighting, increased aspect and use of standard glazing, as opposed to opaque glazing;
- the open space proposed would form poor-quality residual space;
- units would not be of sufficient scale to accommodate homeworking;
- the locations of the waste storage area adjacent to housing and cycle parking should be revisited;

- lack of childcare proposed, despite spaces being required and with insufficient childcare spaces in the area, as well as school spaces;
- the cumulative impact of the proposed development alongside other developments in the Glasnevin area needs to be considered with respect to social infrastructure, including medical facilities;

Impacts on Neighbouring Amenities

- there would be significant impacts on lighting to neighbouring properties relative to the appropriate standards, including nos. 1, 2 and 3 Mobhi Mews, the south-facing properties in The Haven and other neighbouring residences, with implications for heating and energy efficiencies, as well as vegetation growth;
- there are several inaccuracies in the lighting assessment submitted with incorrect assumptions regarding window frame width and transmittance value for triple-glazing, a lack of assessment of nos.1 to 3 Mobhi Mews and failure to consider the impact of 10m-high trees on lighting levels;
- excessive overshadowing and overbearing impacts would arise for properties in the neighbouring area, including the houses and apartments to the north and east, the hospital and the public roadway;
- there would be a loss of privacy for residents as a result of the potential for excessive overlooking of houses along Mobhi Mews and St. Mobhi Road, with implications for the health and well-being of the respective residents;
- noise and light pollution would arise;
- proposals would be injurious to the amenities of the area and therefore, contrary to the provisions of the Building Heights Guidelines and land-use zoning objectives;
- permission should not be allowed for alterations to the eastern boundary;

Access, Traffic and Parking

- a less impactful vehicular access could have been chosen by using the existing entrances, as the proposed access would require exiting traffic to enter at a single-lane pinch point along the public road;

- the existing road infrastructure, including St. Mobhi Boithirin, St. Mobhi Road and Stella Avenue to the east, is of limited capacity and width, and is not capable of accommodating the associated construction traffic, waste collection and emergency vehicles;
- local bus services would not have sufficient capacity to serve the additional population arising from the development with information to demonstrate same not available;
- there are inadequacies in the existing public transport, the Metrolink project is postponed and unlikely in the short-term, and the BusConnects project does not have permission to proceed at this point with doubts remaining over its anticipated capacity;
- there would be insufficient provision for car parking on site based on parking standards, the need for visitor spaces and car ownership trends, with the area already suffering from overspill parking, including parking by patrons of Bon Secours hospital;
- increased traffic congestion would arise in an area already suffering from extensive congestion, with existing and proposed developments impacting further on this, including cycle lanes on Griffith Avenue, as well as proposed and permitted development along Glasnevin Hill and Ballymun Road;
- increased traffic would lead to conflicts with other road users and the potential for impacts on road safety, including school children using St. Mobhi Boithirin as a through access;
- a superficial unrealistic approach has been undertaken in the traffic modelling submitted with the application, with an overreliance on traffic survey figures extrapolated during the Covid pandemic period when movement was restricted, and with no consideration for the revised junction layout at Griffith Avenue / St. Mobhi Road, including the resultant increased pressure on neighbouring roads;
- the travel plan submitted with the application is not credible and a car parking management plan has not been submitted;

Construction Impacts

- there would be disruption during the two to three year construction works, as a result of vibration, dust and noise emissions, and the requirement to remove large volumes of excavated materials;
- the construction works would have health and safety implications, including the potential for falls from the public road into the excavation works;
- there would be implications for the structural integrity of neighbouring houses arising from the construction works, including the potential pile-driving of foundation elements;
- trespassing would be likely to occur on the site;

Drainage and Services

- insufficient site investigations and details of excavations were undertaken with implications for surface water drainage and servicing;
- the impacts of installing services and drainage needs to be considered with respect to the adjoining properties, including the potential flood risks;
- it is unclear how surface water would be collected and discharged from the site with only limited scope for drainage to the boggy area on lower ground to the southwest of the site;
- the Claremont stream, a tributary of the Tolka river, traverses this site under the proposed ramped access and its location does not appear to match the alignment of the culvert in the applicant's drawings, which could lead to flooding;
- the water network lacks capacity and upgrade works for water supplies would be undertaken outside the site boundaries without the relevant consent being provided with the application, resulting in project splitting and limiting scope for comprehensive EIA, AA and Water Framework Directive (WFD) assessment;
- the Irish Water Annual Environmental Report 2020 for the Ringsend wastewater treatment plan (WWTP), which would treat foul wastewater from this development, states that it was operating at 50% over its capacity and

failing to comply with emission-limit values, thereby operating in breach of the Urban Wastewater Treatment Directive;

- the cumulative impact of the proposed development alongside other developments in the Glasnevin area needs to be considered with respect to engineering infrastructure;

Trees and Biodiversity

- there would be an excessive loss of trees, including street trees (refs.T984 and T985) not within the site along St. Mobhi Boithirin;
- the application features minimal regard for biodiversity, including the importance of the stream and site for wildlife, such as trees, foxes, badgers, squirrels, birds and bats protected under legislation;

Archaeology

- the proposed development would impact on subsurface archaeology and would breach policies CHC9 and CHC010 of the Development Plan relating to the protection and preservation of National Monuments;
- the proposals fail to recognise that the site is fully falling within the area of a National Monument Service (NMS) recorded settlement (ref. DU018-005);
- a temple structure once occupied the area along St. Mobhi Boithirin at the service entrance to the Bon Secours hospital;

Applicant Details

- queries regarding the applicant and whether they have been suitably identified, as the referenced partnership is not a registered company;
- the applicant details are required to allow for a comprehensive planning assessment;
- the applicant is simply trying to maximise profits;

Application Details

- the application features misuse of intellectual property, infringing on copyright law and breaches of law with respect to use of material that is asserted to have been illegally obtained;

- the application should be invalidated as it includes erroneous information and as it lacks information, including fritted glass samples, basement impact assessment and hydrology details, incorrect reference to the separation distance between St. Mobhi Church and the proposed development (block 1), incorrect site notices, which should have been on a yellow background, incorrect site development boundaries on the shadow study drawings, incorrect distances from St. Mobhi Road gardens and incorrect application form details;
- the application is premature, as it does not constitute a reasonable basis for an application due to the insufficient consideration of site conditions;
- there was very limited time to view the exorbitant volume of information submitted with the application and make an observation;

Other Matters

- the test pits referenced in the applicant's EIA Screening Report were not undertaken for environmental or ecological investigations, therefore, they cannot be relied upon;
- fire damage to Bealnagowan House in 2017 only related to a portacabin structure;
- permission must be refused as it cannot be determined whether the proposed development would cause a deterioration of the status of the Tolka River or jeopardise the attainment of good surface water status or jeopardise the attainment of good ecological potential and good surface water chemical status by the deadline set down in the WFD;
- assessment regarding the WFD must occur, but cannot occur due to lacunae, therefore, the Board cannot conduct a lawful EIA screening;
- the statement under Regulation 299B(1)(b)(ii)(II)(C) does not satisfy statutory requirements given shortcomings in assessment of the results of the Strategic Environmental Assessment (SEA) of the Development Plan and Building Heights Guidelines;
- lack of community consultation;

- devaluation of neighbouring property prices would arise;
- the strategic housing development process is not fit for purpose.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted a report from its Chief Executive Officer in relation to the application, summarising the external consultee and observers' submissions received, and providing planning and technical assessments of the proposed development. The views of the Chief Executive Officer of the Planning Authority can be summarised as follows:

Principle and Density

- residential use is permissible on this site;
- the site is in an accessible location where higher density is to be encouraged based on national and local planning policy;
- the proposed plot ratio (1:1.8) would be within the Development Plan parameters for 'Z1' lands, while the proposed site coverage (42%) would be below the normal standard for development in this zone, although this is not unusual;
- while the Protected Structure is of national rating in the NIAH, this does not automatically follow that any proposed development on the site would be of national importance;

Layout, Height and Design

- the development would not make a positive contribution to the urban neighbourhood;
- the layout does not provide for convenient access from block 1 to the site amenities, due to the intervening positioning of the vehicular access ramp;
- a condition would be necessary with respect to the shortfall in public open space proposed;

- the proposed building height represents a material contravention of the provisions of the Development Plan;
- it has not been demonstrated that the development would successfully integrate with the Protected Structure on site and a neighbouring Protected Structure;
- there is no assessment of five of the verified photomontages in the applicant's Townscape and Visual Impact Assessment, but there is discussion of these views in the Architectural Heritage Impact Assessment, albeit focussing on the impact on architectural heritage, rather than the overall visual impact;
- the Architectural Heritage Impact Assessment incorrectly refers to the Protected Structure as not being visible from photomontage viewpoint 5;
- no viewpoint photomontage was undertaken from St. Mobhi Church grounds, which would be sensitive to the development, and a viewpoint photomontage looking west from St. Mobhi Road would have been useful;
- the Townscape and Visual Impact Assessment provides limited discussion as to what constitutes a positive or neutral impact;
- caution is required in the interpretation of the photomontage views submitted by the observers;

Residential Development Standards

- the housing typology would add to the mix of housing in the area and the provision of Part V units is noted, although there are concerns regarding block 1 units;
- the residential mix and private open space sizes comply with the standards;
- a minimum of 33% of the units should be dual aspect with 58% dual aspect units proposed;
- communal open space amounting to 622sq.m would be required, while 1,537sq.m of such space is proposed, and this would appear to receive adequate levels sunlight;
- it is difficult to clearly understand the extent that screen planting along the eastern boundary would affect lighting to the proposed apartments;

- sunlight to 13 apartments, including balconies, would be inadequate and would not be mitigated by compensatory measures;
- there would be overlooking and overbearing impacts between apartments in blocks 1 and 2;
- limited communal facilities are proposed for residents as part of this development and a condition should be attached to ensure residents' facilities are not separate commercial facilities with noise mitigation for the gym;
- the development is unlikely to generate substantial demand for childcare spaces and the social infrastructure audit assessment is noted;

Neighbouring Residential Amenities

- there would be sufficient separation distance between the living areas proposed in block 3 and the internal areas of houses along St. Mobhi Road;
- the setback of proposed block 3 onto the eastern boundary in combination with its height and unbroken length, would not appear sufficient to mitigate the overbearing impacts of the development when viewed from the rear of houses along St. Mobhi Road;
- planting is proposed along the eastern boundary to address overlooking of properties along St. Mobhi Road;
- use of fritted glass in the block 1 windows facing The Haven would not address privacy concerns arising from the scope for overlooking from the development balconies;
- the five to six-storey development onto St. Mobhi Boithirin would be likely to have undue impacts for residents of The Haven opposite the site, as a result of its overbearing position and the loss of light;
- impacts on lighting to nos.53, 59 and 69 St. Mobhi Road would appear to be as a result of the height of the proposed development, as opposed to extensions to these houses, as was asserted by the applicant;
- some impacts on evening lighting to the line of houses between nos.57-63 St. Mobhi Road is noted, but overall the adjoining gardens would receive sufficient lighting relative to the standards;

- the extent of impact on lighting to houses at nos. 1-4 The Haven is unclear;
- lighting impacts on Mobhi Mews have not been assessed and the proposed development may be visually dominant and overbearing from no.3 Mobhi Mews, while the balcony to the east wing of Bealnagowan House may result in noise and privacy concerns;
- the lighting assessment of the development's impact on the hospital property is of no utility and consideration should be given to the potential for overshadowing and overbearing impacts on the hospital boundary;

Traffic and Parking

- the site is well served by public transport;
- cycle parking required by the Planning Authority has been provided and standard conditions should apply;

Other Matters

- the intention to undertake predevelopment testing of the site for archaeological remains is noted;
- the results of the applicant's ecological assessment are noted, including the survey findings;
- AA and EIA are matters for the Board to consider as the competent authority in this regard;

Conclusion, Recommendation and Statement

- the proposed strategic housing development would not meet the development management criteria and principles set out in the Building Heights Guidelines, with unacceptable injurious impacts on the character and setting of a Protected Structure, undue impacts on neighbouring residential amenities and insufficient residential amenity for future residents of the development;
- conditions are recommended in Department reports should the Board decide to grant permission;
- the Planning Authority recommend a refusal to grant planning permission for three reasons, which can be summarised as follows:

Reason 1 – height, bulk, massing, articulation, design and proximity of the proposed development relative to a Protected Structure, which would contravene policy CHC2 (a), (b) and (d) and section 11.1.5.3 of the Development Plan;

Reason 2 – height, proximity, massing and orientation of the proposed development would have undue impacts on properties in The Haven and on St. Mobhi Road, which would contravene the Z1 land-use zoning objective for the site and the mitigation measures to address privacy would have deleterious impacts for future residents;

Reason 3 – limited outlook and insufficient sunlight, overbearing impacts and unacceptable overlooking, absence of independent access from block 1 to the communal open space.

10.2. Inter-Department Reports

- Archaeology Section – two conditions recommended;
- Conservation Officer – refusal of permission recommended, as per reason 1 of the Planning Authority recommendation. Amendments are listed should the Board decide to grant permission, including reductions in scale, revised, materials and colours, augmented soft landscaping, maintaining of trees on the southwest boundary and boundary walls, provision of additional drawings and specific work methods and details;
- Drainage Division – no objection, subject to conditions, although the surface water management is not acceptable;
- Air Quality Monitoring and Noise Control Unit – should permission be granted, conditions are recommended to be attached;
- Housing & Community Services – applicant has engaged with the Housing Department and is aware of their Part V obligations;
- Transportation Planning Division – no objection, subject to conditions;
- Environment and Transportation Section – waste requirements are listed;

- Planning and Property Development Department – a bond condition, a contribution in lieu of a shortfall in public open space and a section 48 development contribution would apply.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the Central Area Committee of the Local Authority on the 10th day of February, 2022. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive's Report and these can be summarised as follows:

- housing would be welcome, but the proposals would result in overdevelopment of the site;
- concerns expressed regarding building heights, the impact on Bealnagowan House, including inaccuracies in the Architectural Design Statement submitted by the applicant, and the inappropriate gating of the development contrary to Development Plan standards;
- absence of photomontage viewpoints from St. Mobhi Road rear gardens;
- concerns regarding design, the inclusion of one and half bedroom apartments, the absence of windows on the south elevation to block 1 and the poor provision of lighting to apartments;
- Part V units would be single-aspect units and are not well distributed in the development;
- concerns regarding the traffic impacts in an already congested area and on a cul de sac with insufficient parking provision proposed, which could have indirect impacts, including impacts on pedestrian safety,
- lack of community engagement and gain, and an absence of childcare facilities;
- the impact on bat and wildlife habitats has not been addressed;
- queries regarding how the flow in the Claremont stream would be treated, particularly in order to address potential flood risk.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Irish Water

- water – the applicant is required to upsize the existing 3-inch watermain to 150mm for approximately 90m on St. Mobhi Boithirin;
- wastewater – a new connection is feasible without infrastructure upgrade;
- conditions are recommended, including those relating to connections and agreements, and compliance with Irish Water’s standards, codes and practices.

Department of Housing, Local Government and Heritage

- archaeology - a condition requiring pre-development testing should be attached to any grant of planning permission ensuing, and this should be undertaken by a suitably qualified archaeologist to ensure the continued preservation of objects of archaeological interest;
- nature conservation – conditions are recommended, including the submission of a Construction Environmental Management Plan (CEMP) to include measures to prevent the mobilisation of pollutants to water runoff from the development site and restriction of clearance of vegetation to periods outside the bird breeding season;

An Taisce

- concerns regarding the impact of the proposals on the Protected Structure on site, which is a rarity in Dublin and of ‘national’ significance based on the NIAH rating;
- overbearance of the proposed blocks on the character, special interest and setting of the Protected Structure;
- excessive heights of blocks 2 and 3 relative to the Protected Structure and the surrounding pattern of development;
- mitigation measures are needed to address impacts, such as a reduction in building heights / footprint.

11.1.1. The applicant states that The Heritage Council, The Arts Council / An Chomhairle Ealaíon and the Dublin City Childcare Committee were notified of the application. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

12.0 Oral Hearing

12.1. The submission received from Brendan Joseph Madden has requested that an oral hearing be held in respect of this application, as they state that they have a condition that would make it easier to discuss matters orally rather than in writing. I note that Section 18 of the Act of 2016 provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board shall:

(i) have regard to the exceptional circumstances requiring the urgent delivery of housing, as set out in the Action Plan for Housing and Homelessness, and;

(ii) only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

12.2. Having regard to the circumstances of this case, to the issues raised in the observations and submissions received by the Board, including the submission of the observer addressing in detail the asserted impacts of the proposed development, and the assessments set out in sections 13, 14 and 15 below, I consider that there is sufficient information available on the file to reach a conclusion on all matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this case.

13.0 Assessment

13.1. Introduction

13.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive Officer's report received from the Planning Authority, issues raised in the observations on file,

the planning and environmental context for the site, and my visits to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Density;
- Urban Design and Impacts on Architectural Heritage;
- Building Heights and Scale;
- Visual Impact Assessment;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Access, Parking and Traffic;
- Services;
- Biodiversity and Archaeology;
- Material Contravention.

13.1.2. Observers have made numerous claims with regard to the applicant in this case, which are not matters of relevance in the assessment of this planning application, including the various asserted criminal or civil matters raised and the asserted breaches of sections 58 and 59 of the Act of 2000. The Planning Authority has not raised any concerns regarding any past failures of the applicant in this case with respect to previous permissions. Negative commentary with respect to the strategic housing development application process are also opined by observers to the application and discussion as to the merits or otherwise of this process are not matters for consideration in this assessment. I am also satisfied that consultation in line with the requirements of the relevant legislation has been undertaken.

13.2. Development Principles

Strategic Housing

13.2.1. The application site has been assigned a land-use zoning 'Z1' within the Dublin City Development Plan 2016-2022 for 'sustainable residential neighbourhoods', with a

stated objective 'to protect, provide and improve residential amenities'. The proposed development would comprise 112 residential units with ancillary communal facilities. This residential use is permitted in principle based on the land-use zoning objectives contained in the Development Plan. The application seeks permission to demolish three existing outbuildings on site measuring a gross floor area of 172sq.m, which are stated to have been used for ancillary residential purposes associated with the former residence on site. These buildings would be removed and they would not form useable floor space as part of the subject development. As these structures are within the curtilage of a Protected Structure, I consider the principle of demolishing these structures further below, with respect to the impact of the proposed development on architectural heritage.

- 13.2.2. The proposed buildings would comprise a stated 8,275sq.m of residential floor space, including the apartments to be formed in Bealnagowan House. It is proposed to provide 100sq.m of communal amenity floor space in the form of a residents' gymnasium, which I am satisfied would be for the enjoyment of the development residents and, therefore, this space can be categorised as ancillary residential floor space. If the gym was opened to the general public and considered to be non-residential floor space, this would amount to 1.2% of the overall development gross floor area. A stated total of 1,845sq.m of associated undercroft / basement floor space for parking, plant and bin stores is also proposed and there would be a 25sq.m plant area at ground floor. The undercroft / basement area and plant would provide ancillary floor space for the apartments only. Accordingly, the non-residential floor space would not exceed 4,500sq.m or 15% of the overall development gross floor area and, as such, I am satisfied that the proposed development would comfortably come within the statutory definition of a 'strategic housing development', as set out in section 3 of the Act of 2016.

Phasing

- 13.2.3. The development phasing strategy within the applicant's Construction Management Plan does not outline if the refurbishment works to the Protected Structure would be undertaken in advance of the new build elements. Should the proposed development receive a grant of planning permission, given the present condition of Bealnagowan House and its primacy on site, a condition should be attached

requiring phasing proposals to be submitted with the renovation of the Protected Structure and immediate area as part of the initial phase of the development.

Land-Use Zoning and Specific Objectives

- 13.2.4. As stated above residential uses are permitted in principle on these lands. Consequently, I am satisfied that the proposed development would not materially contravene the Development Plan in relation to land-use zoning objectives for the site. Observations assert that the proposed development would materially contravene the provisions of the Draft Dublin City Development Plan 2022-2028, however, this is not the statutory plan for this area at present, therefore, a material contravention under the terms of section 37 of the Act of 2000 would not arise.
- 13.2.5. Observers assert that the proposed development should also feature an element of community use that would be open to the public. In this regard I note that the land-use zoning objectives do not specifically require a community use on this site. I address matters relating to the provision of communal facilities for the development residents, as well as the provision of public open space, further below. Consequently, I am satisfied that the proposed development would not be required in principle to feature an element of community use.
- 13.2.6. The observations assert that the proposed development may possibly not comply with the core strategy of the Development Plan. Table E of the Development Plan refers to an estimated housing capacity of 14,400 units in the 'rest of the city' area, excluding certain areas, over the 2016 to 2022 period. While the applicant has not addressed this matter in their application, the observers have provided no figures as evidence that the housing capacities for this part of the city have been surpassed. Central Statistics Office (CSO) data available to the public, accounting for the number of residential units commenced in the entire Dublin City Council area over the period since adoption of the Development Plan in 2016 until February 2021, states that 10,110 units were subject of commencement notices. Consequently, the housing capacity outlined in the Development Plan for the 'rest of the city' area would be highly unlikely to have been surpassed and I am satisfied that the proposed development would not materially contravene the core strategy provisions of the Development Plan.

Housing Tenure

- 13.2.7. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements, and the Housing Department should be notified of the application.
- 13.2.8. Appendix 2A of the Development Plan addresses the supply of social housing in the city and requires 10% of new units on all residential zoned land to be reserved for the purpose of social housing. The applicant has submitted Part V proposals that comprise the provision of 11 one-bedroom apartments (10%) to Dublin City Council, from ground to fourth-floor level of the development in block 1 and at lower-ground floor level in 3. The Housing Division of the Planning Authority has stated that the applicant's representative has engaged with the Planning Authority on this matter and is aware of their obligations, and that the Planning Authority's preference is to acquire units on site.
- 13.2.9. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021, inter alia, amending provisions with respect to the Part V percentage allocation, dependent on the date of purchase of a site. The applicant's Part V Proposal report includes correspondence asserted to demonstrate that the applicant purchased the subject application site in December 2020 and as a result a 10% Part V requirement would be applicable. Evidence to the contrary is not available to me and a 10% Part V requirement would appear to continue to apply. I am satisfied that Part V requirements can be finalised with the Planning Authority by means of a condition, should the Board decide to grant permission for the proposed development.
- 13.2.10. The observations and Elected Members from the Planning Authority refer to the Part V units not being well distributed throughout the development and featuring a poor quality of accommodation. An assessment of the quality of the accommodation is undertaken below under section 13.8 of this report. The Housing Division of the Planning Authority has not objected at this juncture with respect to the distribution of units and this can be agreed as part of a condition in the event of a permission being

granted for the proposed development. Notwithstanding this, a dispute in reaching an agreement on this matter can be referred to An Bord Pleanála for determination.

13.2.11. In conclusion, I am satisfied that the Part V housing proposal details provided accord with the requirements set out within the relevant Guidelines, the proposed Part V provision can be finalised at compliance stage and the overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.

13.2.12. The applicant has not specifically applied for build-to-rent units in their application and within their Material Contravention Statement the applicant refers to the proposals comprising 'build to sell' units. Observations assert that the units would be targeted towards institutional investment and that this would not address ongoing housing problems. Based on the section 28 Guidelines addressing the regulation of commercial institutional investment in housing, there is not a requirement to regulate investment in the proposed units, as apartments are exempt from a restrictive ownership condition. I acknowledge that the apartments in the subject proposed development could be owner-occupied or rented in the future.

13.3. **Density**

13.3.1. The proposed development would feature a density of 233 units per hectare. When compared with residential densities in the immediate and wider urban environment, such densities would be clearly at the higher end. The subject development would have a plot ratio of 1.8 and a site coverage of 42%.

13.3.2. The Planning Authority consider the site to be located in an accessible location where higher density is to be encouraged based on national and local planning policy. The observations assert that the proposed scale and density of this development would be more appropriate for a greenfield or city centre site, and would lead to overdevelopment of the site. It is also asserted by observers that the proposals would be reliant on use of public transport that does not have sufficient capacity at present to facilitate the development, and as such it would not be in keeping with NPOs 11, 13, 33 and 35 of the NPF, which prioritise the provision of

quality new homes at locations that can support development in a sustainable manner and at an appropriate scale relative to their location.

- 13.3.3. The applicant considers that the site is in a 'Central and/or Accessible Location', that is suitable for high-density development based on the site context, including its location within easy walking distance of high-capacity bus routes and its proximity to various employment centres, such as Bon Secours hospital and Dublin City University. The applicant also refers to the density of development as being capable of being accommodated on site, while providing for viable use of Bealnagowan House.

Development Plan Policy

- 13.3.4. The Development Plan does not specifically set out minimum or maximum density limitations for residential developments. However, it does specifically refer to the density provisions set out in the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (2009) (hereinafter the 'Sustainable Residential Development Guidelines'), which set out where increased residential densities will generally be encouraged, including in city or town centres, on brownfield sites within city or town centres, along public transport corridors, on inner-suburban / infill sites, on institutional lands and on outer-suburban / greenfield sites.
- 13.3.5. No parties to the application contest the site being defined as a brownfield site and I am satisfied that the site does conform to a 'brownfield' site based on the definition provided in the Sustainable Residential Development Guidelines, although it is not within a city or town centre. The Guidelines refer to walking distances from public transport services as best guiding densities along public transport corridors with scope for increased densities in locations within 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station. The nearest public bus stops to the application site include stop nos.40 and 150 located approximately 150m to 220m to the east and southeast on St. Mobhi Road and stop nos.153 and 182 located on Glasnevin Hill fronting the Met Éireann building approximately 230m to the southwest of the application site. These bus stops provide access to Dublin Bus routes 4, 9, 11, 83, 83a and 155. The Guidelines also refer to the capacity of public transport services requiring consideration with respect to appropriate densities, a

matter that I specifically address further below. The site is approximately a 25 to 30-minute walk from Drumcondra DART station and Cabra Luas stop.

- 13.3.6. I am satisfied that based on guidance the site would most suitably fall into the category of a site located within a public transport corridor. Such areas are stated in the Sustainable Residential Development Guidelines to generally be suitable for minimum net residential densities of 50 units per hectare, subject to appropriate design and amenity standards, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. The proposed development meets the minimum net density target. The Development Plan sets out that 'higher densities' will be promoted in areas within the catchment of high capacity public transport. Definitive maximum densities for developments within public transport corridors are not specified in the Development Plan or the Sustainable Residential Development Guidelines, and given this level of ambiguity it cannot be reasonably considered that development at the density proposed on the application site could be considered to contravene the provisions in the Development Plan with respect to residential density.
- 13.3.7. Section 16.4 of the Development Plan states that proposals for higher densities must demonstrate how the proposals contribute to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. These matters are further discussed below with respect to urban design and the amenities of the area.

National and Regional Policy

- 13.3.8. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures including, amongst others, increased building heights. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output and apartment type development is necessary. The RSES for the region further supports consolidated growth and higher densities.

- 13.3.9. In relation to Section 28 guidance addressing housing density, the Sustainable Residential Development Guidelines, which I have addressed above, the Building Heights Guidelines and the New Apartments Guidelines all provide further guidance in relation to appropriate densities and support increases in densities at appropriate locations, in order to ensure the efficient use of zoned and serviced land. All national planning policy indicates that increased densities and a more compact urban form is required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.
- 13.3.10. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes and in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.
- 13.3.11. The New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards a smaller average household size, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include ‘central and/or accessible urban locations’, ‘intermediate urban locations’ and ‘peripheral and/or less accessible urban locations’. The Guidelines also state that ‘the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors’.

Access to Public Transport

- 13.3.12. The applicant considers the site to constitute a ‘central and/or accessible urban location’ based on the terminology in the New Apartment Guidelines, as it is located within close proximity to numerous bus services, including those of frequent service.

The Planning Authority consider the site to be well served by public transport. Observers to the application refer to the insufficient capacity of existing public transport in this area and doubts over future transport projects to address capacity issues, as well as a lack of information to demonstrate that capacity would be available to serve the proposed development. In considering the general provision of public transport available in this area, I would note that the capacity of services is intrinsically linked to frequency, as inferred in section 5.8 of the Sustainable Residential Development Guidelines.

13.3.13. The no.4 bus connects Harristown with Blackrock via the city centre, with services every 12 minutes between 07:00 and 19:00 hours Monday through Friday, and less frequent services outside of this during operational hours. The no.9 bus connects Charlestown Shopping Centre with the Greenhills area via the city centre providing four to five services per hour between 07:00 and 19:00 hours Monday through Friday. The no.11 bus connects the Glasnevin area with Blackthorn Avenue via the city centre providing four services per hour between 07:00 and 09:00 hours Monday through Friday and two to three services per hour between 09:00 and 23:00. The nos.83 and 83a bus services connect Harristown with Crumlin via Dublin city centre providing four to five services per hour between 07:00 and 18:00 hours Monday through Friday and less frequent services outside of this. In addition to these services, Dublin bus route 155 connecting Ballymun with Bray via Dublin city centre provides three services per hour between 06:00 hours and 23:00 hours Monday through Friday with reduced services outside of this. By connecting with the city centre this would provide for good links to various other public transport modes.

13.3.14. The applicant and observers note intentions for BusConnects Core Bus Corridor 2 to result in revised services in this area and I recognise the Development Plan objective for significant upgrades in terms of dedicated bus lane infrastructure to improve bus travel times. When the public laneway at the western end is accessible, the application site would be a four-minute walk from Glasnevin neighbourhood centre.

Location Category

13.3.15. I note that the Guidelines state that for a site to be in a central and/or accessible urban location it must be within easy walking distance to/from a high frequency urban bus service. Easy walking distance is referred to in the Guidelines as being

up to a five-minute walk time or up to 500m distance from a site. I am satisfied that based on bus timetables and guidance within the New Apartment Guidelines defining 'high-frequency' bus services as those operating at a minimum of every ten-minutes during peak hours, the bus stops along St. Mobhi Road and Glasnevin Hill within easy walking distance of the application site feature 'high-frequency' bus services. Based on the existing bus services referenced above and assuming double-decker bus capacity of 85 persons for each service, the current services within easy walking distance of the application site cater for in the region of 1,360 to 1,785 persons during the hours of 07:00 to 18:00 Monday through Friday.

13.3.16. The completed proposed development would be likely to cater for an approximate maximum population of between 171 and 342 residents based on the number of bed spaces, and only a proportion of these residents would use local public transport services at varying times throughout the day. According to CSO census data, 13.6% of the population in Dublin city and its suburbs travelled to work, school or college by bus, mini-bus or coach in 2016. This would indicate that up to 47 persons in the proposed development would rely on similar transport requirements. Given the present provision of bus services and the additional potential future population residing in the proposed development, public transport services would be unlikely to be overwhelmed by the proposed development and would be sufficiently capable of serving the proposed development.

13.3.17. Under the terms of the Dublin Transport Authority Act 2008, the NTA is required to review the Transport Strategy for the Greater Dublin Area and I note that a Draft Greater Dublin Area Transport Strategy 2022-2042 has been published, with policy measures such as 'Measure BUS5 – Bus Service Network Monitoring and Review' outlining the intention of the NTA to continually monitor the demand for bus services in the Dublin Area as part of the roll-out of the new service network and as part of the monitoring and periodic review of the Transport Strategy, and to enhance or amend the service network as appropriate. While the Strategy is currently in draft format, I am satisfied that this reveals the intention, and the ongoing transport strategy approach, to constantly ensure public transport serving the greater Dublin area has capacity to meet demand, whether this be via reduced or increased levels of service. Overall I am satisfied that the site would have good access to high capacity and high frequency public bus services available in the immediate area.

13.3.18. As referenced above, I do not consider the site to be within a central location in the city. On the basis of the proximity and accessibility criteria analysed above, I am satisfied that the site can be categorised as being within an 'accessible urban location' and in accordance with the New Apartment Guidelines such locations can support higher-density residential development that may wholly comprise apartments. Minimum and maximum residential densities are not set within the New Apartment Guidelines for such locations, although I recognise that with regard to less accessible 'intermediate urban locations' the Guidelines refer to densities of greater than 45 dwellings per hectare being appropriate.

Neighbouring Densities

13.3.19. The immediate area to the application site is very much defined by low residential densities to the north, south and east, and low-rise non-residential development to the west. A density of 225 units per hectare was considered acceptable in April 2021 by the Board when deciding upon ABP ref. 308905-20 for an apartment development on Glasnevin Hill, approximately 230m to the southwest of the application site.

Density Conclusion

13.3.20. The statutory plan for this area does not set out minimum or maximum densities for this site, while strategic guidance in national and regional plans, as well as section 28 guidance highlights that increased densities should generally be sought in the subject location, primarily based on access to public transport. My assessment of the location of the site relative to the range of locations within the New Apartment Guidelines, would suggest that the site is within an accessible urban location where higher-density development should be sought. A general overview of planning decisions, would suggest that the density proposed on the subject site would be comparable with densities recently permitted for another large-scale housing development close to the site.

13.3.21. Having regard to national, regional and local planning policy, I am satisfied that the site, which is within the Dublin city and suburbs area of the metropolitan area, as defined in the RSES, is well placed to accommodate growth at the net density proposed of 233 units per hectare. In conclusion, the proposed density for the application site complies with the provisions of the Development Plan and

Government policy seeking to increase densities in appropriate locations and thereby deliver compact urban growth. Notwithstanding this, certain criteria and safeguards must be met to ensure a high standard of design and I address these issues in my assessment directly below.

13.4. Urban Design and Impacts on Architectural Heritage

- 13.4.1. The layout, massing, design and open space are considered in this section in terms of the urban design quality of the proposed development and the impacts on Bealnagowan House, with the potential impacts on the visual and residential amenities of the area primarily considered separately below in sections 13.6 and 13.7.
- 13.4.2. The observations assert that the proposed development would feature an excessive and monolithic scale, bulk, height and massing, which would be contrary to Development Plan provisions, as well as section 28 Ministerial Guidelines. Observers also raise concern in relation to the setbacks provided for the buildings from the site boundaries. The Planning Authority raise concerns with respect to the layout of the development, including the lack of convenient access between block 1 and the remainder of the development.
- 13.4.3. Section 16.2.1 of the Development Plan addressing 'Design Principles', seeks to ensure that development responds to the established character of an area, including building lines and the public realm. As part of their Architectural Design Statement, the applicant identifies a number of constraints affecting the site, including established building lines, neighbouring residential amenities, the future development potential of the hospital grounds and the Protected Structure. I would also note that the triangular shape of the site, the existing outbuildings and the culvert containing the Claremont stream, also form key constraints in the development of this site.

Layout and Massing

- 13.4.4. The applicant is proposing to construct three blocks with a landscaped semi-private courtyard space separating the blocks from the Protected Structure. Two blocks (1 and 2) would be positioned fronting onto St. Mobhi Boithirin and a rear block (3) would extend towards the southern corner of the site. A plaza would be provided

onto the St. Mobhi Boithirin frontage at the main pedestrian entrance area between block 2 and the Protected Structure. The entrance to block 1 and the Protected Structure would be off St. Mobhi Boithirin, while the entrance to blocks 2 and 3 would be off the central courtyard. The primary proposed vehicular access to an undercroft / basement car park would be provided off St Mobhi Boithirin between blocks 1 and 2, while a secondary vehicular access in the location of the existing gated vehicular access would be upgraded, in order to provide a set down area and a car parking space.

- 13.4.5. The applicant has provided a variety of material to rationalise their development designs, including an Architectural Design Statement and an Urban Design Statement. Section 2 of the applicant's Architectural Design Statement sets out how they consider the detailed design of the scheme to meet the 12 principles of the Urban Design Manual. According to the applicant, the proposed layout continues the building line of Bealnagowan House on St Mobhi Boithirin and re-establishes the currently fractured streetscape. The applicant also refers to the provision of connectivity across the site, however, as referenced by the Planning Authority, I would have reservations with respect to the positioning of block 1 relative to the remainder of the development, including access to basement car parking facilities, the communal space, including the play area, and the residents' gym. Future occupants of block 1 would have to exit and re-enter the site in order to access these facilities, due to the positioning of the vehicular access ramp bisecting the development. Such an arrangement would not provide satisfactory convenient permeability across the site, which would result in substandard amenities for future residents of block 1 and would lead to poor levels of inclusivity.
- 13.4.6. The building line along St. Mobhi Boithirin is not rigidly defined and features two-storey houses directly onto the street. On the opposite side of the street there are two-storey houses and three-storey apartment blocks set back 10m to 15m from the carriageway. While there are examples of existing buildings positioned adjoining and adjacent to the back edge of the pavement along St. Mobhi Boithirin, namely no.49 St. Mobhi Road, nos.1-3 Mobhi Mews and Bealnagowan House, these are two-storey buildings that are substantially lower than the five-storey block 1 and six-storey block 2 proposed in the subject development. I am satisfied that there is no

precedent providing for the positioning and scale of proposed blocks 1 and 2 along St. Mobhi Boithirin.

- 13.4.7. There is a clear relationship between proposed blocks 2 and 3 and the Protected Structure, with a setback of 11.8m and 15.8m between the existing and proposed buildings, allowing for future residents to overlook open spaces and pedestrian routes. Block 3 would be positioned 5.2m to 7.6m from the rear boundaries of the gardens along St. Mobhi Road and I consider the appropriateness of this relationship further below with respect to the impact of the development on neighbouring residential amenities (see section 13.7). The rear of block 1 and a corner element of block 2 would be situated directly onto the boundary with the hospital grounds. Block 3 would be positioned 2.6m from the hospital grounds. The layout of the blocks and their design would appear to attempt to address the future development potential of the hospital grounds, which currently primarily feature an open car park area along the application site boundary. Notwithstanding this, in addressing this context the rear southern elevation of block 1 would not feature windows, and I address the appropriateness of this in section 13.8 below.

Reuse of Bealnagowan House

- 13.4.8. Bealnagowan House is a Protected Structure that is included in the RPS under reference 8699 and this building is also included in the NIAH (ref. 50130046) as being of 'national' rating. The NIAH record refers to the structure as being an International-style former luxury house built in 1931. An Architectural Heritage Impact Assessment included with the application and observations to the application refer to the heritage value of the building on site, including historical details and the poor condition of the buildings proposed for demolition. Photographs and drawings of all of the existing buildings are included within both the applicant's assessment and the observations. The Planning Authority Conservation Officer also refers to the history of the house. It is proposed to reuse Bealnagowan House for residential purposes as part of the subject proposals, by undertaking various works externally and internally to the structure, including subdivision of the building into four apartments.
- 13.4.9. An Taisce has welcomed the principle of reusing Bealnagowan House and many of the observers to the application have welcomed its proposed restoration, while

requesting that it be repurposed as a single-family house. The Heritage Council did not respond to consultation regarding the application and the Planning Authority failed to comment on the principle of reusing the building for apartments. The Architectural Heritage Protection Guidelines for Planning Authorities refer to the original use as being the most appropriate use for a Protected Structure and state that the best method of conserving an historic building is to keep it in active use.

13.4.10. Bealnagowan House was used as a family home until 1971 and subsequently as part of temporary offices, including portacabin structures serving the Central Fisheries Board (DCC ref. 2092/00). At present the building is unoccupied and it would appear to have been in this state for several years. According to the applicant by restoring the Protected Structure to its original use and keeping it in active use, this would safeguard its conservation. I am satisfied that subdivision of the former house to provide for residential use in the form of four apartments would not strip the building of its value and distinctiveness as a Protected Structure and a building of architectural merit.

Demolition Works

13.4.11. As part of the proposed development it is also intended to demolish and remove three outbuildings on the site. Observers state that two of the three outbuildings proposed for demolition are original structures, but they are not of critical value. The Architectural Heritage Protection Guidelines for Planning Authorities require applicants to provide justification for demolition proposals and not to adversely affect the character of a Protected Structure. The subject outbuildings are within the original garden of the Protected Structure and within its curtilage. Policy CHC5 of the Development Plan only allows for demolition of such structures in exceptional circumstances. The applicant sets out that the structures are not original structures and they are of poor architectural quality and condition, and as a consequence their removal would not constitute a loss to the original fabric of the house. I am satisfied that all three outbuilding structures at present do not add to the character or setting of the Protected Structure. Based on the information available and the rationale presented, the proposed demolition of the outbuilding structures would appear reasonable in these circumstances, given their poor condition and the overall development strategy in providing for efficient use of these urban lands, while

refurbishing and renovating features of the architectural heritage of the site that are most worthy of conserving.

Works to Bealnagowan House

13.4.12. The observations object to various aspects of the proposed works to Bealnagowan House, including the revised treatments at first-floor level to both end wings. According to the NIAH record Bealnagowan House was extended at first-floor level circa 1960. Based on photographic and drawing records submitted by the applicant and observers to the application, I consider these extensions to have substantially altered the original form of the building by omitting the distinctive stepped wing elements. The NIAH record refers to these extensions as compromising the subtle balance of the original proportions to the house. According to the applicant's Architectural Heritage Impact Assessment, the original form of the building is to be restored with the first-floor extensions removed and no new extensions are proposed to the building in order for its original form and footprint to become fully legible. It is proposed to remove the wing extensions as part of the subject proposals, however, the drawings submitted illustrate the intention to construct two first-floor extensions on both wings with wraparound glazing and doors opening onto first-floor roof terraces. The Planning Authority has not commented in response to the application on the appropriateness or otherwise of the replacement extensions and the additional openings, although they do express concern regarding the provision of roof terraces to the Protected Structure and their impact on neighbouring residences. I acknowledge that the wing extensions would provide additional living and amenity space for the proposed apartment residents, and I note that the applicant's architectural rationale for these wing extensions appears to rely on their scope to provide access to restored terrace areas.

13.4.13. In their Architectural Heritage Impact Assessment the applicant states that the significance of Bealnagowan House has been obscured by extensions and alterations to the original design, which should be removed to reinstate the original form of the house. Based on the information submitted it would be feasible for the original form of the Protected Structure to be reconstructed and this would appear to provide for the optimum solution from an architectural heritage perspective in reusing the building. The removal of the wing extensions would be a welcome intervention in restoring the original form of the Protected Structure. Following guidance within the

Architectural Heritage Guidelines, any additions, such as the proposed replacement wing extensions, must have a positive contribution to the Protected Structure. While the symmetry of the building can be maintained via the introduction of both proposed replacement wing extensions, I am not satisfied that these extension would be sufficiently sympathetic with the original character of the house, including its form and stepped proportions, which make it difficult to differentiate the original and new elements.

13.4.14. The applicant asserts that the partial reinstatement of the original terraces on the building wings would have a positive impact on the character of the Protected Structure. The original house did not feature terraces onto the flat-roof wing areas, as is in evidence based on historical photographs of the building, and I am satisfied that the provision of terraces at first-floor level would comprise interventions that would not be in keeping with the original aesthetics of the building and would compromise the character of the building. The house features an original central rear terrace, which the applicant proposes to access from bedrooms in both of the first-floor apartments. This terrace would require some design feature to define the areas associated with each apartment. Furthermore, based on the New Apartment Guidelines, it is not essential for the subject additional first-floor terrace elements to be provided for the apartments in refurbishing this Protected Structure.

13.4.15. The internal features to the Protected Structure, including entrance loggia and existing staircase, doors, architraves, skirting and cornices and internal partition walls are to be retained, as much as is possible within the constraints of the current fire regulations. An outline conservation specification report for the proposed works is appended to the Architectural Heritage Impact Assessment and the applicant's conservation consultant has outlined the need for review of all method statements in reusing the Protected Structure to comply with conservation best practice. The Planning Authority has requested the attachment of conditions addressing procedures for the submission of an archival record of the building and the requirement for further building and construction details, including materials and method statements with respect to the proposed works, and conditions addressing these matters would appear warranted and reasonable to attach in the event of a grant of planning permission for the proposed development.

Works Immediate to Bealnagowan House

13.4.16. Observations raise several concerns regarding works surrounding the house on site and within the curtilage of the Protected Structure. Landscape and front boundary treatments are submitted with the application and according to the applicant, the original historic external elements, including forecourt, fountain, planters, walls and gates, are to be restored as part of the development. The nature of the proposed development is such that not all historic elements of the features within the gardens of Bealnagowan House would remain as part of the subject proposed development, but clearly a sustainable approach needs to be undertaken in this regard from a planning and development perspective. The NIAH record does not recognise the features within the grounds of the house as of importance in the description and appraisal of the property. The applicant intends maintaining the circular road layout with central fountain feature fronting the house, while maintaining the boundary wall onto St. Mobhi Boithirin fronting the house and in doing so I am satisfied that this would have a positive contribution in maintaining the character and setting of the house. The remainder of the landscaping would largely entail works referencing aspects of the previous garden layout directly to the rear of the house, including the barbecue pit feature. The Planning Authority assert that the use of hard landscaping, as opposed to the original lawn finish, directly to the rear of the house would be at odds with the original character of the rear gardens. I am satisfied that a sustainable approach has been undertaken in this regard, as the landscaping finishes would not substantively damage the setting or character of the Protected Structure. Finalised materials for the landscaping works can be agreed in the event of a grant of planning permission for the proposed development.

Impacts of New Apartment Blocks on Bealnagowan House

13.4.17. The vast majority of the observations object to the development on the basis of the impact of the proposed apartment blocks and associated works on the character and setting of the Protected Structure. The observers' concerns primarily relate to the height of the proposed apartment blocks relative to the Protected Structure, which they assert to have a visually-intrusive, incongruous and over-dominant appearance relative to the heights of the Protected Structure. The Planning Authority assert that the proposed development would sever the house from its historic landscape, primarily as blocks 2 and 3 would be of excessive scale and would have an overbearing impact on the legibility of the Protected Structure, resulting in a

significant and detrimental impact on its special architectural character and setting. The Planning Authority has recommended refusal of planning permission on these grounds, as this impact would contravene policy CHC2(a), (b) and (d) and Section 11.1.5.3 of the Development Plan aimed at conserving the special interest of Protected Structures. According to the applicant, the proposed layout maintains and enhances the setting of Bealnagowan House by providing a generous landscaped separation between old and new buildings, to maintain views to and from the Protected Structure and to allow a sensitive transition between old and new.

13.4.18. Separation distances from the six-storey blocks 2 and 3 from the Protected Structure are referenced above and these blocks would be approximately 12.6m higher than the roof of the Protected Structure. The context for the relationship between the new blocks and Bealnagowan House is best visualised via photomontage 17 and the various CGIs in the applicant's Architectural Design Statement. The mews buildings adjacent to the east of the site to a limited extent already undermine the setting of the Protected Structure, however, I am not satisfied that these mews buildings should be viewed as a means in justifying the subject proposals, particularly given their substantial difference with the proposed building heights.

13.4.19. The applicant states that their landscape and building design responds to the geometry, setting and language of Bealnagowan House and celebrates the Protected Structure as the central feature and main address of the development. The materials proposed, including cladding to lower and upper levels, as well as a light brick to the central levels, are stated by the applicant to comprise traditional high-quality materials used in a contemporary language and designed to reflect the Art Deco language of the Protected Structure, as well as being in keeping with neighbouring buildings. The Conservation Officer in the Planning Authority considers that the proposed development design and articulation would not be sufficiently sympathetic to the striking horizontal articulation of the Protected Structure.

13.4.20. I accept that the proposed materials would provide robust, low maintenance and long-lasting finishes to the buildings, although I have reservations regarding the manner in which these materials and the proposed building proportions relate throughout to the architectural language of Bealnagowan House. With the exception of the front façades to blocks 1 and 2 onto St. Mobhi Boithirin, there is limited

reference to the sleek, linear Art Deco style in the remainder of the development, and in block 3 the simple symmetric style is only present in the north elevation.

13.4.21. I am not satisfied that the positioning, scale, design and appearance of the proposed buildings (blocks 2 and 3) closest to Bealnagowan House, would be sympathetic to the aesthetics, character and setting of this building of national architectural importance, as reflected in the NIAH. The height of proposed blocks 2 and 3, where closest to the Protected Structure, would be overly dominant and would not respect the Protected Structure. These buildings would clearly compete with the setting of this Protected Structure. The Planning Authority also refer to the need for reduced building heights close to the Protected Structure, which could increase moving further from the Protected Structure, and this would appear more appropriate in these circumstances. I refer to the scope for this to be undertaken as part of this development further below when concluding on building heights and scale.

Public Open Space

13.4.22. Observers to the application assert that the development would not feature sufficient quality open space provision, and several observers have requested that the development should not be gated. Access through the application site for the public would not increase permeability in the area, therefore, gating of the development would not be problematic in terms of responding to wider levels of connectivity. 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'. There is a requirement in the Development Plan for 10% of 'Z1-zoned' lands to be provided as meaningful public open space in development proposals, which would amount to 480sq.m for the subject development. According to section 16.3.4 of the Development Plan, if necessary, contributions can be requested as conditions of a permission in lieu of a shortfall in public open space in a development.

13.4.23. The applicant states that 100sq.m of public open space would be provided within the development, in the form of a central plaza at the entrance onto St. Mobhi Boithirin celebrating Bealnagowan House. Given the site context proximate to the National Botanical Gardens, the limited proposed provision of public open space on site and the Development Plan provisions, I am satisfied that a contribution in lieu of the shortfall in public open space would be reasonable and necessary as a condition in

the event of a permission and the proposed open space provision would comply with the provisions of the Development Plan in this respect. An observer asserts that this shortfall in public open space would amount to a material contravention of the Development Plan, however, I fail to see how this can be arrived at given the provisions of section 16.3.4 of the Development Plan. The applicant's Daylight, Sunlight and Shadow Assessment report illustrates that over 50% of the proposed public open space would receive four hours of sunlight on the 21st day of March (the Spring equinox), which would exceed the minimum lighting requirements for such spaces, as set out in the BRE 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice.

Landscaping and Lighting

13.4.24. Extensive details of the features and materials within the public space are provided as part of the applicant's Landscape Proposal Report and Landscape Specifications Management and Maintenance Report, as well as the associated drawings. According to the report from the Chief Executive Officer of the Planning Authority, the Parks and Landscape/Public Realm Department did not respond during consultation, however, they had previously outlined a requirement for trees to be provided in the communal area between the new buildings and Bealnagowan House. While this would provide some degree of screening between the new and existing elements, given the proposed building heights the tree planting would be unlikely to substantially screen or soften the appearance of the new build elements against the older elements.

13.4.25. Lighting details have also been provided as part of the application package, including a surface-level lighting layout plan (drawing no. BHG-AXE-XX-XX-DR-E-60101 Revision P01). The proposed lighting stand positions do not appear to conflict with tree planting and underground service locations. The Planning Authority are satisfied that finalised lighting can be agreed as a condition in the event of a grant of permission for the proposed development and I am satisfied that this would be a reasonable request.

Conclusion - Urban Design and Impacts on Architectural Heritage

13.4.26. In conclusion, notwithstanding the loss of lower-value buildings and structures on site and having regard to the proposals to reuse Bealnagowan House, I am not

satisfied that the proposed replacement wing extensions to Bealnagowan House opening onto first-floor terraces would be sympathetic to the original design and form of the Protected Structure and these works would adversely affect the character of the Protected Structure. In line with the provisions of section 11.1.5.3 of the Development Plan, I am satisfied that the building can be rejuvenated without the necessity for harmful replacement extensions. In failing to restore the form and features that contribute to the special interest of Bealnagowan House, the proposed development would not comply with policy CHC2(a) of the Development Plan, which aims to protect the special interest of Protected Structures. Furthermore, I am not satisfied that the proposed development would substantially harmonise and respect the architectural heritage of the Protected Structure on this site, with the height and scale of the proposed buildings closest to Bealnagowan House competing with this Protected Structure and not sufficiently articulating the sleek Art Deco style of the Protected Structure, and in doing so detracting from the setting and character of the Protected Structure. Consequently, this aspect of the proposed development would fail to comply with policy CHC2(d) of the Development Plan, requiring new development not to harm the curtilage of a Protected Structure and to complement the special character of a Protected Structure. Further consideration of the proposed building heights and scale is undertaken directly below.

13.5. Building Heights and Scale

- 13.5.1. The Planning Authority refer to the height of the development requiring a reduction to minimise overbearing impacts on neighbouring properties, a matter which I specifically consider under section 13.7 below. I address the issue of building heights and scale, specifically with respect to visual amenities in the proceeding section 13.6. The proposed building heights and scale are asserted to be excessive by the observers to the application, which they consider to feature an abrupt transition when compared with surrounding building heights, including two-storey housing, thereby materially contravening the provisions of the Development Plan. While several observers require a reduction in building heights, many of the observers do not consider that there are mitigating factors that would address their concerns in this regard. The Elected Members consider the proposed heights to be in breach of Development Plan provisions and the applicant considers the height of

the proposed buildings to materially contravene the specific provisions of the Development Plan, although they assert these heights to be appropriate primarily having regard to contemporary national guidance, the reuse of the NIAH building on site and the pattern of permitted development in the area.

- 13.5.2. Many observers assert that block 3 is incorrectly described as a six-storey building in the application statutory notices, as it would conform to a seven-storey building towards the southern end. While I recognise that proposed block 3 reads from the application drawings as a seven-storey building towards its southern end and it would have been more appropriate to reference this in the notices, this description also refers to the building being six storeys over an undercroft level, which indirectly points to the seven storey height of the building, and for clarity the full height of each new block in the proposed development over the immediate ground level is provided by the applicant in the statutory notices. Consequently, I am satisfied that the notices include adequate information to sufficiently describe the height of proposed block 3.

Context and Proposals

- 13.5.3. The existing building on site features a maximum height of 7.3m to roof parapet level, similar to the height of the nearest two-storey housing to the north and east. The highest element of the proposed development would comprise the southern end of apartment block 3, which would be 23.1m. Block 2 would be a six-storey building measuring a maximum stated height of 21m, while block 1 would be five storeys and would be 16.3m in height. Existing ground levels drop gradually by approximately 4.1m from the northeast corner to the southern corner. The variations in building heights are illustrated on the section drawing (no.A12-009) and contiguous elevations drawing (no.A11-500). With the exception of the tower to St. Mobhi Church and the five-storey buildings in Bon Secours hospital, the proposed development would be substantially higher than the majority of existing buildings in the immediate area.
- 13.5.4. The policy basis for my assessment of the proposed building heights is informed by both national and local planning policy. In terms of national policy, I assess the development against the Building Heights Guidelines, which provide a detailed approach to the assessment of building heights in urban areas. I have considered

these Guidelines alongside other relevant national planning policy standards, including national policy in the NPF, particularly NPO 13 concerning performance criteria for building height, and NPO 35 concerning increased residential density in settlements. I have had regard also to the observers' submissions, to the application details, including the Townscape and Visual Impact Assessment, the photomontages and CGIs, and the Architectural Design Statement, as well as my visits to the site and its surroundings.

Local Planning Policy

- 13.5.5. In terms of local planning policy, I have had regard to the Development Plan. In order to protect and enhance the skyline of the city and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the character of the city, policy SC17 of the Development Plan refers to the criteria, principles and development standards in chapter 16 of the Development Plan. Section 16.7.2 of the Development Plan sets 16m as the maximum height permissible for residential and commercial buildings in this low-rise area of the outer city. The Plan also states that building heights could increase up to 24m in areas within 500m of rail hubs, which are stated in the Development Plan to comprise existing and proposed Luas, mainline, DART, DART Underground and Metro stations. The site is not within 500m of an existing rail hub and while I am aware of a Transport Infrastructure Ireland (TII) project to construct a Metro link line, including a station within 500m of the site at Griffith Park, I am not aware of an application or permission for such a project. Each of the proposed apartment buildings would fall into the category of mid-rise buildings that would exceed the 16m height limit criteria recommended for this area. Consequently, I am satisfied that the proposed development could reasonably be considered to materially contravene the provisions of Development Plan policy SC17 with respect to building heights. As stated, the applicant has addressed this matter in their Material Contravention Statement and, accordingly, it is open to the Board to consider the proposal in terms of a material contravention and I refer the Board to section 13.12 hereunder in relation to same.

National Planning Policy

- 13.5.6. The Building Heights Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be

acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 Guidelines have informed my assessment of the application. SPPR 3(a) of the Building Heights Guidelines states that where a Planning Authority is satisfied that a development complies with the criteria under section 3.2, then a development may be approved, even where specific objectives of the relevant Development Plan may indicate otherwise. Section 3.1 of the Building Heights Guidelines presents three broad principles that Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights:

1. does the proposal positively assist in securing National Planning Framework objectives of focusing development into key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?
2. is the proposal in line with the requirements of the Development Plan in force and such a plan has taken clear account of the requirements set out in Chapter 2 of the Building Heights Guidelines?
3. where the relevant Development Plan or Local Area Plan pre-dates these Guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant Plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

13.5.7. As noted and explained throughout this report, by focussing development in key urban centres and supporting national strategic objectives to deliver compact growth in urban centres, I am satisfied that the proposed development meets the requirements set out in item 1 of 3 directly above. The Planning Authority is also of the opinion that the site is suitable for a higher density of development, in accordance with the principles established in the NPF.

13.5.8. Item 2 above would not be met as part of the subject proposals. Blanket height limits relative to context, as well as limited scenarios are applied in the Development Plan, which I am satisfied does not take clear account of the requirements set out in the Guidelines and lacks the flexibility to secure compact urban growth through a

combination of both facilitating increased densities and building heights, while also being mindful of the quality of development and balancing amenity and environmental considerations.

- 13.5.9. In relation to the question in item 3 above, it cannot be demonstrated that implementation of the policies of the Development Plan, which predate the Guidelines, support the objectives and policies of the NPF.
- 13.5.10. The applicant has provided a Material Contravention Statement that asserts compliance with SPPR 3(a) of the Building Heights Guidelines. In principle, I am satisfied that there is no issue with the height in terms of compliance with national policy, therefore the issue of height should be considered in the context of SPPR 3(a), which refers to the criteria in section 3.2 of the Building Heights Guidelines. Section 3.2 of the Building Heights Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of the relevant city/town, at the scale of the district/neighbourhood/street and at the scale of the site/building, in addition to featuring specific assessments.

Section 3.2 Criteria: At the scale of relevant city/town

- 13.5.11. The first criteria under section 3.2 of the Building Heights Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. The Planning Authority consider the site to be well served by public transport and my assessment above addressing the location of the proposed development with respect to appropriate densities, indicates that the site would be within reasonable walking distance of high frequency and high capacity public bus services, which would link with other modes of public transport. The applicant refers to future Metro link and BusConnects proposals to serve the area, which the observers refer to being unlikely in the short term. I do not consider the site to be well served by existing Luas or DART services given the substantive walking distance of 2.3km (25 to 30-minute walk time) to the nearest Luas stop and Dart station. Furthermore, while I recognise the Development Plan objective to support the Metro link project, as referred to above I am not aware of a planning application or permission for this project.

- 13.5.12. National and local policy recognises the need for a critical mass of population at accessible and serviced locations within the metropolitan area. I am satisfied that the site is reasonably-well located and serviced with options to access existing high-frequency, high-capacity public transport routes, with links between modes, as well as increased access and connections available through more active modes of walking/cycling, and with an array of services and amenities within walking and cycling distance of the site.
- 13.5.13. Overall, I am satisfied that the level of public transport currently available is of a scale that can support the resultant future population. Additional planned services in this area would be supported by providing for developments such as this, which will support a critical mass of population at this accessible location within the metropolitan area, in accordance with national policy for consolidated urban growth and higher densities.
- 13.5.14. Point two under this part of the section 3.2 criteria relates to the scale of the development and its ability to integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, the setting of key landmarks and the protection of key views. The Planning Authority asserts that the proposals have not been demonstrated to properly integrate into the area. Furthermore, the Planning Authority also query whether the Townscape and Visual Impact Assessment is sufficient to meet this part of the criteria, as five of the applicant's photomontage views are reviewed in the applicant's Architectural Heritage Impact Assessment by a conservation architect and historic buildings consultant and they are not reviewed in the Townscape and Visual Impact Assessment. The applicant states that this approach was taken given the sensitivity of certain views as part of the wider historic setting.
- 13.5.15. While a more consistent collaborative approach with respect to the significance criteria utilised by the applicant's consultants would have been more preferable, I am satisfied that the approach undertaken would not be substantially at odds with the guidance set out in the Guidelines for Townscape and Visual Impact Assessment (3rd Edition, 2013, The Townscape Institute and Institute of Environmental Management & Assessment). Notwithstanding this, a visual impact assessment of the proposed development, including all photomontage viewpoints, is undertaken in the proceeding section of this report (section 13.6), which clarifies that the

photomontages provide a reasonably accurate portrayal of the proposed development and allows a thorough visual assessment. This visual impact assessment undertaken below in section 13.6 concludes that the proposed development, specifically blocks 1, 2 and 3 onto St. Mobhi Boithirin and where closest to Bealnagowan House, would be out of character with the established character in this suburban part of the city.

13.5.16. With regard to the contribution of the development to place-making and the delivery of new streets and public spaces, I note that the development would feature the provision of an area of public open space. The proposal does not have sufficient regard to its proximity to neighbouring properties and in my view it would negatively impact on the amenity of adjacent properties to the east (see section 13.7 below). Following on from reasons outlined above with respect to failure to integrate with the surrounding character, I do not consider the development would make a positive contribution to place-making.

Section 3.2 Criteria: At the scale of District / Neighbourhood / Street

13.5.17. The bullet points under this section of the Building Heights Guidelines relate to how the proposals respond to the overall natural and built environment and contribution to the urban neighbourhood and streetscape, whether the proposal is monolithic in form, whether the proposal enhances the urban design of public spaces in terms of enhancing a sense of scale and enclosure, the issue of legibility through the site and integration with the wider urban area and the contribution to building/dwelling typologies available in the neighbourhood. The Planning Authority assert that at this scale the proposed development would not respond appropriately to its overall natural and built environment, nor would it make a positive contribution to the receiving environment.

13.5.18. The applicant considers the development to respond to its overall natural and built environment by providing a high-quality design, with building heights and positions sensitive to their context and with materials and landscaping making a positive contribution to the streetscape. The block arrangement would provide for passive surveillance of the public realm, open spaces and the pedestrian and cycle routes running through the site. As referred to above, I do not consider the proposed development to make a make a positive contribution to the urban neighbourhood and

streetscape along St. Mobhi Boithirin. Limited modulation in the six to seven-storey building heights for block 3, which would extend for an unrelieved length of 55m proximate to the rear boundary with housing along St. Mobhi Road, would result in the development having an excessively overbearing appearance when viewed from numerous adjoining houses and gardens.

13.5.19. In terms of how the development responds to the overall natural environment, I note the loss of trees primarily along the western boundary to facilitate the proposed buildings, including the basement / undercroft structure, and the loss of two street trees to facilitate access. The loss of trees along the frontage and boundaries would not be extensive or substantially out of character with the surrounding area.

13.5.20. The requirements of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' (2009) have been complied with as part of the applicant's submission of a Site Specific Flood Risk Assessment, which matters relating to flood risk addressed further below in section 13.10.

13.5.21. With regard to the consideration of the criteria relating to legibility, the proposals would not make a substantive positive contribution to the improvement of legibility in the wider urban area.

13.5.22. The mix of residential units is discussed further below, and I am satisfied that given the existing nature of housing in the area, which is primarily formed by clusters of family-size houses, the provision of apartments would add to the typology of housing in this area.

Section 3.2 Criteria: At the scale of site / building

13.5.23. As per the Building Heights Guidelines, in relation to consideration at the scale of the site/building, I have considered in more detail in section 13.7 the impact of height on the amenity of neighbouring properties, including issues such as daylight, overshadowing, loss of light, views and privacy. I consider the form of the proposed development not to be reasonably-well considered in this regard, as issues arise with respect to the positioning of the six to seven-storey block 3 relative to the St. Mobhi Road properties (see section 13.7 hereunder).

Section 3.2 Criteria: Specific Assessments

13.5.24. A number of specific assessments have been undertaken and submitted with this application, including a report addressing daylight and sunlight. The applicant does not consider specific impact assessments in relation to micro-climatic effects to apply, and given the nature of the receiving environment and development scale it would be unlikely that the proposed development would be prone to substantive micro-climate effects. Evidence to the contrary has not been submitted by parties to the application.

13.5.25. A Stage 1 AA Screening Report, NIS and an Ecological Impact Assessment (EclA), including bat survey, have been submitted as part of the application to demonstrate no significant impact on ecology, and no likely adverse impacts on protected habitats or species. According to the applicant, likely impacts for telecommunication channels are not considered to arise, while safety for air navigation is not addressed. The heights and location of the proposed buildings are such that safety implications for air navigation would not reasonably arise. A Planning Report addressing the architectural heritage of the house on site and referring to the surrounding context, is included with the application. Strategic Environmental Assessment would not be required for this project and screening for EIA concludes that an EIA would not be necessary (see section 14 below). I am satisfied that adequate information has been submitted to enable a thorough assessment of the impact of the proposed development.

Building Heights and Scale Conclusion

13.5.26. Overall, I am not satisfied that the proposed development would make a positive contribution to the area and would not respond well to the built environment in visual terms. Should the Board consider granting planning permission, the Planning Authority has suggested a reduction of two storeys for each block in the development, however, the substantial and collective alterations required to comprehensively address shortcomings in the development, including existing and new build elements, would materially impact the nature and extent of the development, which I am not satisfied can be dealt with as conditions of a planning permission. Furthermore, it is not clear if such reductions would result in the development continuing to exceed the Development Plan building height standards.

13.5.27. The Board may in circumstances approve development for higher buildings, even where specific objectives of the relevant Development Plan may indicate otherwise, as per SPPR 3(a). In this regard, the as proposed building heights are greater than the standard heights outlined within the Development Plan and would be greater than the height of existing neighbouring buildings. I am not satisfied that the proposed development would provide for a well-considered development at this accessible urban site, and the building heights proposed would not be in accordance with national policy and guidance in this regard.

13.6. Visual Impact Assessment

- 13.6.1. The observations assert that the proposed development would have a negative visual impact, would be out of character with the surrounding low-rise, low-density setting. The Planning Authority recognise that the development would change the character of the area, with positive impacts arising from the restoration of the vacant Protected Structure.
- 13.6.2. The site primarily comprises a low-rise former residence and associated garden area that are unkempt and feature a treeline on the western boundary. The site contains a Protected Structure, but it is not located in an Architectural Conservation Area. St. Mobhi Church located 15m to the west of the site is also a Protected Structure (ref. 1519). The Development Plan do not identify any protected views or landscapes of particular value directly effecting the site.
- 13.6.3. A Townscape and Visual Impact Assessment and a booklet of photomontages, as well as contextual elevations and sections accompanied the application. CGIs of the development are provided as part of the applicant's Architectural Design Statement. A total of 17 short, medium and long-range viewpoints are assessed in the Townscape and Visual Impact Assessment and the Architectural Heritage Impact Assessment.
- 13.6.4. Observations assert that the applicant has presented a visually inaccurate portrayal of the development, including the extent of screening vegetation and the width of St. Mobhi Boithirin, while a winter setting for the development has not been provided in the photomontages submitted. The photomontages submitted with the application include visual representations, which I am satisfied would appear to provide a

reasonably accurate portrayal of the completed development, including those elements along St. Mobhi Boithirin. Guidelines for Landscape and Visual Impact Assessment suggest that winter settings are used dependent upon the varying degrees of screening by vegetation. In this context I do not consider there to be extensive screening offered by vegetation, in fact, the proposal would remove the most substantive elements of screening vegetation, therefore, photomontages in a winter setting would not be necessary.

13.6.5. The applicant’s assessment of the visual impact asserts that the immediate landscape is of ‘medium’ townscape sensitivity for a residential character area. The most sensitive visual receptors comprise the adjacent housing areas to the north and east, as well as St. Mobhi Church to the west. Short-term construction stage landscape / cityscape impacts and permanent operational impacts are considered by the applicant to result in negligible to minor / moderate significance. Overall, the applicant considers the development to have minimal visual impact on the streetscape and townscape, it would not detract from the significance of the Protected Structure on site and it would not have a significant visual impact on St. Mobhi Church.

13.6.6. The following table 5 provides a summary assessment of the likely visual change from the applicant’s 17 selected viewpoints arising from the completed proposed development.

Table 5. Viewpoint Changes

No.	Location	Description of Change
1	St. Mobhi Road – 220m south	Existing housing would screen views of the development from this medium-range viewpoint. There would not be a visual impact from this viewpoint.
2	St. Mobhi Road – 80m southeast	Existing housing would screen views of the development from this short-range viewpoint. There would not be a visual impact from this viewpoint.
3	St. Mobhi Road – 80m east	Partial upper-level building formation for proposed block 3 would be visible between a pair of semi-detached houses, but the remainder of the development would be substantially screened by the houses and street trees. I consider the magnitude of visual change from this short-

		range viewpoint to be slight in the context of the receiving urban environment.
4	Home Farm Road – 250m east	Partial upper-level building formation for proposed block 3 would be visible amongst street trees, but the remainder of the development would be substantially screened by houses and street trees. I consider the magnitude of visual change from this long-range viewpoint to be slight in the context of the receiving urban environment.
5	St. Mobhi Road – 80m northeast	Partial upper-level building formation for proposed blocks 1, 2 and 3 would be visible behind housing on St. Mobhi Road and St. Mobhi Boithirin. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving urban environment.
6	Stella Avenue – 185m northeast	Existing housing and street trees would largely screen views of the development from this medium-range viewpoint. I consider the magnitude of visual change from this location to be negligible in the context of the receiving urban environment.
7	Griffith Avenue – 190m north	Existing housing would screen views of the development from this medium-range viewpoint. There would not be a visual impact from this viewpoint.
8	Ballymun Road – 150m west	Partial upper-level building formation for proposed blocks 1 and 2 would be visible behind various buildings and mature trees. I consider the magnitude of visual change from this medium-range viewpoint to be slight in the context of the receiving urban environment.
9	Glasnevin Hill – 220m southwest	Existing housing and the Met Éireann offices would screen views of the development from this long-range viewpoint. There would not be a visual impact from this viewpoint.
10	Glasnevin Hill / Cremore Park– 350m west	The curtilage features to existing housing and drop in topography would screen views of the development from this long-range viewpoint. There would not be a visual impact from this viewpoint.
11	Glasnevin Hill - 270m southwest	Existing hospital buildings and the drop in topography would screen views of the development from this long-

		range viewpoint. There would not be a visual impact from this viewpoint.
12	Glasnevin Hill / Tolka bridge – 350m southwest	Mature trees and existing housing would screen views of the development from this long-range viewpoint. There would not be a visual impact from this viewpoint.
13	St. Mobhi Boithirin – 20m west	The entire façade to blocks 1 and 2 would be visible from this short-range viewpoint approaching the site. An open boundary would be provided onto the roadside fronting block 1 and some screen planting would be added to the front setback area to block 2. I consider the magnitude of visual change from this short-range view to be substantial in the context of the receiving urban environment.
14	Bon Secours Hospital grounds – 30m southwest	The mature line of trees along the site boundary would be felled, a new boundary wall would be installed and the upper levels to blocks 1, 2 and 3 would be visible from this short-range viewpoint within the hospital car park. I consider the magnitude of visual change from this short-range view to be substantial in the context of the receiving urban environment.
15	Church Avenue – 80m west	The features within the curtilage of St. Mobhi Church, including trees, would largely screen views of the development from this short-range viewpoint. I consider the magnitude of visual change from this location to be slight in the context of the receiving urban environment.
16	Church Avenue – 100m west	Partial upper-level building formation for proposed block 3 would be visible behind St. Mobhi Church, mature trees and boundary walls. I consider the magnitude of visual change from this medium-range viewpoint to be slight in the context of the receiving urban environment.
17	St. Mobhi Boithirin – 20m east	The front façade and upper levels to block 2 would be visible from this short-range viewpoint approaching the site and set behind the Protected Structure. Street trees would screen the lower levels to the front façade of block 1 onto St. Mobhi Boithirin. I consider the magnitude of visual change from this short-range view to be substantial in the context of the receiving urban environment.

- 13.6.7. Observers assert that an insufficient zone of theoretical visibility (ZTV) for the project has been identified, however, I note that the ZTV has not been illustrated in the application. In the immediate area the development would be most visible from the approaches on St. Mobhi Boithirin to the west and east, from the housing areas to the east and north, with only intermittent views of the higher building elements from local vantage points in the neighbouring areas.
- 13.6.8. I am satisfied that a reasonable representative sample of viewpoints has been provided in the photomontages submitted, however, I consider the Townscape and Visual Impact Assessment would have benefited from an assessment of a photomontage viewpoint directly fronting the site. Notwithstanding this, I have viewed the site from this area and I have considered the likely impact of the development presented in the application from this area and other vantage points in the vicinity.
- 13.6.9. The observers have also submitted additional photomontages, which they assert to accurately portray the negative impact of the development when viewed from neighbouring properties to the north and east. The Planning Authority urge caution in using these photomontage images, as a methodology of how they were produced has not been provided. From experience, it is unlikely for applicant's to be provided with access to third-party residential properties when preparing photomontage viewpoints. Notwithstanding this, the photomontages submitted by the observers provided additional context as part of my visual impact assessment of the proposed development.
- 13.6.10. Observations assert that the application features a lack of consideration for St. Mobhi Church, and that the development would have a dominant and oppressive impact upon on this Protected Structure. Photomontage viewpoints 8, 15 and 16 allow for the development to be viewed in the context of St. Mobhi Church and the visual impact of the proposed development from these locations would only be slight, as per the present relationship of St. Mobhi Church with a neighbouring five-storey building in Bon Secours hospital. Accordingly, the development would not impact on the character and setting of this neighbouring Protected Structure.
- 13.6.11. The CGIs submitted illustrate the development in summer settings with landscaping matured and in good maintenance. Environmental conditions would also influence

the appearance of the development from the selected viewpoints and I am not aware of any permitted proposals that would have substantive cumulative visual effects alongside the proposed development.

13.6.12. The proposed development would change the site from a low-rise former residential development to a higher-density apartment scheme with buildings of up to seven storeys. This represents a substantial increase in building heights and scale when considering the existing low-rise buildings primarily characterising the site and immediate area. The development would substantially alter the character of the site and the magnitude of visual impact on the townscape would be substantial, particularly where the new build elements are viewed alongside Bealnagowan House.

13.6.13. I am satisfied that the visual change would be largely imperceptible from the wider areas, but substantial visual impacts would arise on the St. Mobhi Boithirin approaches to the site, from the housing area to the east and north and from the hospital grounds to the west. Where potentially discernible from long-range views, the proposed development would read as part of the wider urban landscape and screening offered by existing buildings and mature tree planting would largely negate the visual impact of the development from the wider area. The appearance of the development onto St. Mobhi Boithirin would be overly dominant with block 1 sited directly onto the back edge of the footpath and of much greater height than other buildings in a similar context along this street, while blocks 2 and 3 would not respect the setting and character of the Protected Structure on site. In conclusion, the proposed development cannot be absorbed at a local neighbourhood level, as it would harm the character and appearance of the area and the visual change arising from the proposed development would be substantive along St. Mobhi Boithirin.

13.7. Impacts on Neighbouring Amenities

13.7.1. The observations assert that the proposals would have undue impacts on the residential amenities of properties in the area, as a result of overlooking, overshadowing and overbearing impacts, as well as the loss of light and privacy. The Planning Authority assert that the proposed development would have overbearing impacts for the housing area to the east, while also having undue impacts for residents of The Haven opposite the site to the north, arising from

overlooking, overbearing position and loss of light. As highlighted by the Planning Authority, the hospital grounds to the west would not be particularly sensitive to the proposed residential development.

Context

- 13.7.2. The nearest existing residential properties are located to the northeast along Mobhi Mews, to the north along St. Mobhi Boithirin and to the east along St. Mobhi Road. Separation distances to these neighbouring properties are identified on the proposed site layout plan (drawing no.A11-050) and height differences are illustrated on the site section and elevation drawings (nos.A11-120, A11-121, A11-500 and A12-009). The five-storey element to block 1 would be approximately 19m from the closest housing along nos.1 to 7 The Haven, with an approximate height difference of 8m between the proposed block 1 roof parapet and the existing roof ridge height to these houses. The front six-storey element of block 2 would be 18.6m from no.1 The Haven and 23.7m from the closest apartment block in Mobhi Court. The setback sixth-floor roof parapet to block 2 would be approximately 12.6m over the existing roof ridge height to no.1 and 7.5m above the height of the closest apartment block in Mobhi Court. Proposed six to seven-storey block 3 would be between 5.1m and 7.5m from the rear boundary of gardens along nos.57, 59, 61, 63, 65 and 67 St. Mobhi Road, with the closest house no.57 approximately 49m to the east of block 3. The highest roof parapet to block 3 would be approximately 11m higher than the roof ridge height to the nearest houses along St. Mobhi Road.

Overlooking and Loss of Privacy

- 13.7.3. In discussing standards specifically with respect to houses, the Development Plan refers to a traditional standard separation distance requiring 22m between the rear of two-storey houses and provisions for this to be relaxed where it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. While not directly applicable in assessing new apartment developments, this traditional standard can be used as a guide in assessing the adequacy of the proposals with respect to the potential for excessive overlooking between the proposed apartments and existing housing.
- 13.7.4. The applicant's block arrangement would not position the highest elements of the proposed buildings furthest from the neighbouring residences. The applicant refers

to the intention to install fritted glass to windows in blocks 1 and 2 along St. Mobhi Boithirin, however, this may not substantially address views towards The Haven from the respective apartments, including their associated balconies, and such glazing may impede natural lighting to the apartments. Notwithstanding this, given the separation distances listed above, as well as the Development Plan provisions in this regard, and the fact that the closest houses in The Haven would be separated by the intervening public road, I am satisfied that the proposed blocks would not provide for excessive direct overlooking or loss of privacy to the internal areas of housing closest to the development. The proposed east-side terrace to Bealnagowan House, which I have raised concerns with respect to above in section 13.4, would be located 9m from the rear elevation of no.3 Mobhi Mews. Observers have raised concerns regarding the potential for overlooking properties from this terrace, including no.3 Mobhi Mews, and I am satisfied that this aspect of the proposals could be considered to result in excessive potential for direct overlooking of no.3 Mobhi Mews, including its rear garden. Omission of the terrace would be possible to address this impact and this could be sought as a condition in the event of a grant of planning permission. Increased separation distances and limited viewing angles towards windows in nos.1 and 2 Mobhi Mews would reduce the potential to overlook internal areas in nos.1 and 2 from this terrace.

- 13.7.5. In relation to the potential to overlook the private amenity areas of neighbouring housing, I recognise that this would reasonably only arise to the east along St. Mobhi Road from block 3 and from the proposed east side terrace to Bealnagowan House towards no.3 Mobhi Mews. Existing boundary treatments would restrict views into the rear gardens of nos. 1 and 2 Mobhi Mews. Properties on the opposite side of the development along St. Mobhi Boithirin feature front gardens and communal areas.
- 13.7.6. Each of the adjoining neighbouring houses along St. Mobhi Road feature gardens with a depth of at least 39.5m to the rear onto the application site, with scope for overlooking reducing with distance from balconies and terraces on the east side of proposed block 3 to these gardens. Existing boundaries separating each of the properties, as well as extensions and shed structures would to an extent screen some private amenity areas from view from the proposed upper-level apartments in block 3. There would already be scope for overlooking of these amenity areas from the first-floor windows of the neighbouring houses and the applicant proposed

planting trees along the boundary with these rear gardens to further mitigate the impacts. However, given the height of block 3 with living areas, balconies and terraces orientated directly overlooking rear gardens and with limited setbacks and scope for substantive mitigation, the proposed development would reasonably allow for excessive direct overlooking of private amenity areas to the properties at nos. 57, 59, 61, 63, 65 and 67 St. Mobhi Road. Substantive mitigation measures would be required to sufficiently reduce the potential for excessive overlooking of these neighbouring residences from block 3 and I am not satisfied that this could be solely achieved by tree planting, given the proposed height of block 3.

Outlook and Overbearing Impacts

- 13.7.7. The proposed development would be highly visible from the rear of houses along St. Mobhi Road, including their rear gardens, and the front of housing along The Haven. Consequently, it would change the outlook from these neighbouring properties. Given the separation distances from neighbouring existing houses to the proposed blocks and the location of the site in a built-up urban area, substantive impacts on outlook from neighbouring housing would not reasonably arise with an open outlook and sky view maintained for neighbouring residences.
- 13.7.8. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. The proposed development clearly exceeds the prevailing lower building heights of the area. The most sensitive neighbouring properties, including the existing and proposed building height differences and the minimum separation distances between these buildings, are detailed above. Observers and the Planning Authority assert that the proposed development would be overbearing on neighbouring properties along St. Mobhi Road, given the limited setback of proposed block 3 onto the eastern boundary, in combination with its height and unbroken length. Having visited the area and reviewed the application documentation, including the photomontages and CGIs, I consider that the extent of visual change that would arise from the rear of St Mobhi Road, would be substantial having regard to the positioning of the six to seven-storey block 3 and its unrelieved 55m length across the rear boundary of these properties. Excessively overbearing impacts for residents of properties along nos.3 to 7 The Haven would also arise as result of the height block 1 and its positioning

directly onto the back edge of the footpath. While two-storey mews housing has been constructed along St. Mobhi Boithirin in a similar position, this housing is not of the same height or scale as the subject proposals.

Daylight Provision

13.7.9. In assessing the potential impact on light access to neighbouring properties where the occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. Observers and the Planning Authority raise concerns regarding the potential for the development to result in loss of light to neighbouring properties, including those highlighted in the applicant's assessment where target standards would not be achieved.

13.7.10. The applicant has provided a Daylight, Sunlight and Shadow Assessment report assessing the effect of the proposed development on the vertical sky component (VSC) and relying on the standards of the aforementioned BRE 209 Guide. The BRE 209 guidance on daylight is intended to be used in assessing daylighting to rooms in neighbouring houses, including living rooms, kitchens and bedrooms. When considering the impact on existing buildings, criteria is set out in figure 20 of the guidance, and this can be summarised as follows:

- if the separation distance is greater than three times the height of the proposed building above the centre of the main window, then the loss of light would be minimal. Should a lesser separation distance be proposed, further assessment would be required;
- if the proposed development subtends an angle greater than 25° to the horizontal when measured from the centre line of the lowest window to a main living room, then further assessment would be required;
- if the VSC would be greater than 27% for any main window, enough skylight should still be reaching this window and any reduction below this level should be kept to a minimum;

- if the VSC with the development in place is less than 0.8 of the previous value, occupants would notice a reduction in the amount of skylight;
- in the room impacted, should the area of the working plane that can see the sky be less than 0.8 the previous value, then daylighting is likely to be significantly affected. Where room layouts are known, the impact on daylight distribution in the existing building can be assessed.

13.7.11. The tests above are a general guide only and the BRE 209 guidance states that they need to be applied flexibly and sensibly with figures and targets intended to aid designers in achieving maximum sunlight and daylight for residents and to mitigate the worst of the potential impacts for existing residents. It is clear that the guidance recognises that there may be situations where reasonable judgement and balance needs to be undertaken cognisant of circumstances. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues and impacts may arise and also to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin metropolitan area, the need for increased densities within zoned, serviced and accessible sites and the need to address impacts on existing residents, as much as is reasonable and practical.

13.7.12. The existing baseline VSC for 50 windows on neighbouring properties was calculated and presented in the applicant's report, and the results were compared with the proposed development in place. I am satisfied that the applicant appears to have sufficiently modelled the position of windows serving the neighbouring houses to enable a precise assessment of the impacts on lighting to these houses. I am not satisfied that the VSC assessment has been targeted to all existing neighbouring windows, rooms and houses that have greatest potential to be impacted, as the applicant has not assessed the impact on no.3 Mobhi Mews, which the proposed development would appear to subtend below an angle of 25° from the ground-floor window to this house.

13.7.13. Baseline VSC values of between 26% and 39% are outlined in section 8 of the applicant's report for all tested windows. Estimated VSC values with the proposed development in place of greater than 27% or 0.8 of the existing value would arise for the majority of the tested windows, with the exception of four windows along nos.1 to

4 The Haven. The applicant has calculated the average daylight factor (ADF) for these four windows and asserts that they would achieve between 1.93% and 2.75% ADF, which would comply with the minimum target standard of 1.5% sought under the BRE 209.

- 13.7.14. When comparing the relationship of proposed block 3 with Mobhi Mews and proposed block 1 with nos.1 to 4 The Haven, as well as the broader VSC test results, it is not likely that the proposed development would have a significant impact on VSC to housing along Mobhi Mews.
- 13.7.15. VSC target values set out in the BRE 209 Guide are largely complied with as part of the proposed development and where shortfalls arise the applicant has clarified that sufficient daylighting would be provided to the respective rooms. I am satisfied that based on the worst-case scenario results presented, any potential for loss of light to other houses would be minimal and assessment of their VSC levels would not be necessary. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to daylighting to neighbouring properties would not be warranted.
- 13.7.16. An observer refers to the applicant's calculation of lighting transmittance through windows along The Haven as being based on these windows featuring double glazing, when in fact that feature triple glazing and a broader frame area, and, as such, the impacts on lighting have not been accurately calculated. There is only a slight difference in light transmittance values when comparing double and triple glazing, and this is not referenced in the BRE 209 Guide as an issue, while the difference in frame width is not likely to present substantive changes in the test results. Accordingly, there would not be likely to be substantial implications for lighting arising from the applicant's calculations.
- 13.7.17. The impacts of lighting on the hospital grounds has been estimated in the applicant's report based on a notional building constructed adjoining the culvert wayleave crossing these adjoining lands. Given the orientation and positioning of the proposed blocks on site, the proposed development would be unlikely to significantly impede the future development potential of the adjoining hospital lands by reason of loss of light and it is unclear at this juncture if development on the immediate hospital grounds would have a particular sensitivity with respect to access to light.

Sunlight Provision

- 13.7.18. British Standard (BS) 8206-2:2008 recommends that interiors where the occupants expect sunlight should receive at least one quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of APSH during the winter months. As part of their Daylight, Sunlight and Shadow Assessment the applicant has also calculated the expected levels of APSH for the main windows serving habitable rooms within 50 neighbouring properties, again excluding the houses at nos.1 to 3 Mobhi Mews.
- 13.7.19. I acknowledge that an updated BS EN 17037:2018 'Daylight in Buildings' guide replaced the BS 8206-2: 2008 in May 2019 (in the UK) and an Irish Standard (IS) EN 17037:2018 has also been published, however, I am satisfied that these guidance documents do not have a material bearing on the outcome of my assessment and that the relevant guidance documents remain those referenced in the Building Heights Guidelines (i.e. BRE 209 and BS 8206-2: 2008).
- 13.7.20. Of the 50 window points tested, a total of 48 points would meet the target recommended APSH values over the annual period and 46 points would meet the target recommended APSH values during the winter period when sunlight is most valuable. Where windows do not meet this recommendation, this is stated to be predominantly as a result of their orientation with south-facing windows much more capable of achieving the targets. In developing sites at the scale proposed, it is not possible for all rooms to feature south-facing windows and discretion needs to be applied when assessing such proposals against the guidance. Recommended APSH values would not be achieved for nos.59 and 69 St. Mobhi Road and recommended winter APSH values would not be achieved for nos. 2 and 4 The Haven, as well as nos.53 and 59 St. Mobhi Road.
- 13.7.21. I am satisfied that the sun lighting to the neighbouring properties as a result of the development would substantially allow for recommended targets to be met with only a small proportion of marginal shortfalls in sunlight calculated to arise. As noted above, flexibility needs to be applied when using the relevant guidance document, particularly in the context of redeveloping the site to accommodate a sustainable level of development in an urban context.

Overshadowing

13.7.22. Observations assert that the proposed development would overshadow neighbouring properties. The BRE 209 Guide requires greater than half of neighbouring gardens to receive at least two hours of sunlight on the Spring equinox. Simulation images on page 41 of the applicant's Daylight, Sunlight and Shadow Assessment report illustrate those properties with greatest potential to be overshadowed by the proposed development, including nos.1 to 3 Mobhi Mews and St. Mobhi Church. A series of shadow images at various times and dates throughout the year with the proposed development in place and the existing situation are provided in appendix E of the applicant's report. The applicant's images reveal very limited alteration in the level of sunlight that would be achieved in neighbouring amenity areas when comparing the existing situation and the situation with the proposed development in place. Based on the information provided showing compliance with the minimum requisite standards, I am satisfied that excessive overshadowing of neighbouring gardens and green spaces would not arise as a result of the proposed development.

Nuisance and Construction Impacts

13.7.23. Observations assert that the proposed development would result in nuisance for neighbouring residents as a result of disruption during the construction phase. The construction phase is estimated to take place over 18 months according to the applicant's Construction Management Plan. This Plan sets out intended measures to address traffic during the construction phase, as well as control noise, dust and vibration emissions below relevant levels. As highlighted above, limited demolition works are proposed as part of this development with the removal of structures and excavation works. Any construction phase impacts, including associated lighting, would only be of a temporary nature and would also be subject of a final project CEMP that can be agreed with the Planning Authority in the event of a grant of planning permission.

13.7.24. Observers refer to the requirement to excavate 7,000m³ of material on site. Outline procedures for hauling of material have been provided and it is intended to reuse cut material generated on site, where possible. The Planning Authority do not object to the construction element of the proposed development and numerous conditions are suggested to be attached to a grant of permission with respect to the control of noise

and air quality. Concerns raised by observers regarding construction phase parking requirements and the need to ensure the free flow of traffic along the surrounding streets can be addressed as part of the construction traffic management plan to be finalised as part of the applicant's project CEMP.

13.7.25. With respect to the health and safety implications, such as potential falls and trespassing, as raised by observers, I note that the applicant states in their Construction Management Plan an Operational Health & Safety Management Plan would be provided as part of a final CEMP, and I note that the contractor would need to comply with the requirements set out in the Public Health Act. Operational phase noise impacts from the proposed development, including the residents' gymnasium of minimal area, would not be substantively different than those presently arising in the area.

13.7.26. Observers have raised concerns regarding the potential for structural impacts on neighbouring properties, including dewatering, as well as pile-driving and other works along the site boundaries. The scale of works subsurface would not be substantial with limited excavation works throughout primarily for services and foundations, and these works would be at a remove from the nearest neighbouring residential properties. The applicant has set out specific methods of work along the culvert containing the Claremont stream. The excavation works are not extensive and I note that these works would also be subject to further site investigations and engineering details prior to and during the construction stage. As per the request of the Planning Authority, a final CEMP can be agreed in the event of permission, and I am satisfied that finalisation of and adherence to such a plan would ensure the management of demolition and construction activity is carried out in a planned, structured and considerate manner that minimises the impacts of the works on local residents and properties in the vicinity. Furthermore, while noting concerns expressed by observers regarding the fact that the works would be immediate to residential properties, a standard condition to restrict construction hours would be applicable.

13.7.27. The observers also raise concerns in relation to the potential for unwanted odours and vermin along neighbouring residences, due to the proposed siting of the bin stores serving block 1 and Bealnagowan House. The block 1 bin store would be fully enclosed, while the bin store serving Bealnagowan House would not be substantive,

as it would only serve four two-bedroom apartments. Substantive impacts arising from odours and vermin would therefore not be likely to arise.

Anti-Social Behaviour

13.7.28. An observation asserts that the provision of an overhang to proposed block 1 would facilitate anti-social behaviour. Matters relating to anti-social behaviour are generally dealt with under differing legal codes, however, a sheltered terraced veranda fronting block 1 onto St. Mobhi Boithirin would not comply with the safety and security design guidelines of appendix 14 of the Development Plan, as it would create a dark, secluded, enclosed area accessible to the public. The terraced veranda feature would need to be enclosed as part of the proposed development in order to comply with the aforementioned guidelines in the Development Plan and this could be provided for as a condition in the event of a permission to grant the proposed development.

Conclusions

13.7.29. In conclusion, sufficient information has been provided with the application to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing or loss of light for neighbouring properties, however, the positioning and height of blocks 1 and 3 would have excessively overbearing impacts when viewed from neighbouring properties in The Haven and along St. Mobhi Road. Furthermore, the height and positioning of proposed block 1 would also result in the potential for excessive direct overlooking of rear gardens to St. Mobhi Road and the provision of an east-side first-floor terrace to Bealnagowan House would result in the potential for excessive overlooking of the internal area and rear garden to no.3 Mobhi Mews. Accordingly, the proposed development would be contrary to the provisions set out under section 16.10.8 of the Dublin City Development Plan 2016-2022, which require backland development not to cause significant loss of amenity to existing properties and section 16.10.10, which requires infill housing to have regard to the existing character of the street. Permission should be refused for reasons relating to the likely resultant impacts on neighbouring amenities.

13.7.30. The observations assert that the proposed development would lead to a depreciation in the value of property in the vicinity. Following on from the assessment above, and while I recognise the impacts on neighbouring properties, sufficient substantive and objective evidence has not been provided to support claims that the proposed development would be likely to result in a depreciation of property values in the vicinity.

13.8. Residential Amenities and Development Standards

13.8.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the New Apartments Guidelines, the Development Plan and the Building Heights Guidelines, which also refer to documents providing guidance for daylight and sunlight assessments within new developments. The proposed apartments in Bealnagowan House would come within a category of development that would be open to relaxed development standards based on the terms of the New Apartment Guidelines.

13.8.2. I note that policy QH1 of the Development Plan seeks to have regard to various Department guidance documents, including the 'Sustainable Urban Housing: Design Standards for New Apartments' (2015). Section 16.10.1 of the Development Plan requires proposals for apartments to comply with the standards set out in the 2015 version of the New Apartment Guidelines. Since the adoption of the Development Plan, these section 28 New Apartment Guidelines were updated in 2018 and again in 2020. Where guidelines referred to in the Development Plan have been updated since the Development Plan was adopted, the Planning Authority refer to the current guidance in their report on this application, including the 2020 New Apartment Guidelines. This is considered to be a reasonable approach in assessing the acceptability or otherwise of the subject proposals.

13.8.3. Further to this, I am satisfied that the provisions within section 16.10.1 of the Development Plan are clearly standards and deviation from these standards would not be likely to be of a material nature, particularly where there is compliance with contemporary and more up-to-date development standards.

Apartment Mix

- 13.8.4. Observations assert that a poor housing mix is proposed as part of the development, with an absence of units suitable for family-living and an excessive provision of single-bedroom apartments. The mix of apartments proposed would comprise 47% one-bedroom and 53% two-bedroom apartments. Section 16.10.1 of the Development Plan requires a mix of no more than 25% to 30% of one-bedroom units in a development and a minimum of 15% of three or more bedroom units. The proposed development would not comply with this standard of the Development Plan. I do not consider this to be a material contravention of the Development Plan, as it only relates to non-compliance with a standard of the Development Plan, and not a policy of this Plan. Furthermore, the more contemporary requirements under SPPR1 of the New Apartment Guidelines state that apartment developments may include up to 50% one-bedroom or studio-type units and that there shall be no minimum requirement for apartments with three or more bedrooms. The Planning Authority consider the unit mix to comply with SPPR1 of the New Apartment Guidelines standards and I am satisfied that this would be the case.
- 13.8.5. The Elected Members of the Planning Authority refer to the proposals featuring 'one and half bedroom units'. This may refer to the applicant's proposals for eight of the two-bedroom apartments to serve three persons, rather than the standard four-persons. The eight two-bedroom three-person apartments would amount to 7% of the units in the scheme, which would be within the 10% provision normally allowed for in the New Apartment Guidelines.

Apartment Standards

- 13.8.6. The applicant asserts that the proposed apartments have been designed to fully accord with the apartment sizes within the New Apartment Guidelines. A Housing Quality Assessment with a Schedule of Accommodation has been submitted with the application, which provides details of apartment sizes, room sizes, storage space, aspect and private amenity space. Observations assert that the accommodation would not accommodate homeworking.
- 13.8.7. Minimum unit size requirements of 45sq.m and 73sq.m are respectively required in the Development Plan and the New Apartment Guidelines for standard one and two-bedroom units. The smallest one-bedroom unit would measure a stated 45sq.m and

the smallest two-bedroom apartment, excluding the three-person units, would measure a stated 73sq.m, thereby meeting the minimum apartment floor area standards. The two-bedroom units accommodating three-persons, are required to measure a minimum of 63sq.m based on the New Apartment Guidelines, and the smallest of these apartments in the proposed development would measure a stated 63sq.m in compliance with the standards. I do not consider this shortfall in two-bedroom unit size to represent a material contravention of the Development Plan, as it only relates to non-compliance with a standard of the Development Plan and more up-to-date standards apply.

- 13.8.8. The internal design, layout, block configuration, room sizes and storage space for each of the apartments and blocks, as identified in the drawings and Housing Quality Assessment, would appear to accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the appendix 1 standards. Floor to ceiling heights of 2.7m and 2.5m are identified respectively for the ground and upper-floor apartments in compliance with SPPR5 of the New Apartment Guidelines.
- 13.8.9. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines for the majority of apartments would also be achieved. A minimum of 6,693sq.m of residential floor required in the new build apartments would be required based on 61% of these apartments exceeding the 10% target, in the form of 46 one-bedroom and 20 two-bedroom units. It is proposed to provide 6,844sq.m of residential floor space in blocks 1, 2 and 3 of the new build element of the proposed development ensuring the proposed new build aspect of the scheme would exceed the additional floor space standard.
- 13.8.10. As acknowledged by the Planning Authority, private amenity space for each of the apartments, including balcony and terrace sizes and depths, would meet or exceed the minimum requirements set out in the New Apartment Guidelines and the Development Plan. As noted above, it would not be essential for the apartments in Bealnagowan House to be provided with new terrace space.
- 13.8.11. Under the heading 'Block Configuration', the Development Plan allows for a maximum of eight apartments per floor per core. The number of apartments per floor per core would not exceed 12, as per the less onerous lift and stair core provisions of SPPR6 of the New Apartment Guidelines, with a maximum of 11 units

per core in proposed block 3. Consistent with the assessment of unit mix and minimum floor area for two-bedroom apartments, I do not consider non-compliance with block configuration standards cited in section 16.10.1 of the Development Plan to represent a material contravention of the Development Plan. There is not a specific need under contemporary national guidance for up to eight apartments in an apartment development to be provided with lift and stair core access.

Dual Aspect Apartments

13.8.12. With regard to aspect, the Development Plan refers to standards contained in SPPR 4 of the New Apartment Guidelines, which require 33% dual aspect apartments in accessible urban locations, such as the application site. A total of 65 apartments are stated to form dual aspect units, which would equate to 58% of the apartments within the scheme. The Planning Authority acknowledge that there would be a sufficient proportion of dual aspect units, while observers consider there to be an excessive proportion of single-aspect units proposed. Units 13 and 16 and the apartments directly above these units with similar floor footprints in block 2, feature very limited secondary aspect with windows onto return elevations. These units could reasonably be considered as primarily only providing for single aspect, however, should the subject nine apartments be considered to be single-aspect units, 50% of the units within the proposed development would provide for dual aspect. The applicant intends installing fritted glass in openings along the north elevation of proposed block 1, which would limit the aspect from these openings, however, each of the nine relevant apartments would be provided with alternative aspect in an east or west direction. Having reviewed the drawings submitted, I am satisfied that the provision of dual aspect units would be in compliance with SPPR4 of the New Apartment Guidelines. North-facing single aspect units are not proposed.

Daylight Provision

13.8.13. Section 3.2 of the Building Heights Guidelines state that the form, massing and height of a proposed development should be carefully modulated, in order to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides such as BRE 209 and BS 8206-2:2008. Where

a proposal may not be able to fully meet all the requirements of the daylight provisions in these guides, this must be clearly identified and a rationale for any alternative, compensatory design solution must be set out, in respect of which the Planning Authority or An Bord Pleanála should apply their discretion, having regard to local factors, including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. Section 6.6 of the New Apartment Guidelines also states that Planning Authority's should have regard to the BRE 209 Guide and the BS 8206-2: 2008 standards with respect to daylight provision.

13.8.14. The applicant's Daylight, Sunlight and Shadow Assessment report provides an assessment of daylight and sunlight access within the proposed scheme having regard to the quantitative standards in the BRE 209 Guide. Observers assert that the apartments would be provided with poor levels of natural lighting and the Planning Authority raise concerns with respect to how the provision of daylighting to the proposed apartments has been calculated, asserting that the lighting levels have been misrepresented in the applicant's assessment. The BRE 209 Guide and BS 8206-2:2008 standards recommend that for the main living spaces/living rooms of residences, a minimum average daylight factor (ADF) of 1.5% should be achieved, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant has referred to these targets in their assessment, with results provided in tabular and graphic format.

13.8.15. The applicant has tested the ADF value for each of the habitable apartment rooms in the development. The results of testing for the proposed development calculated ADF values between the range of 2.05% to 11.03% for the living/kitchen/dining rooms and 1.23% to 8.78% for the bedrooms. This suggests that on the basis of the worst-case scenario, all bedrooms and living/kitchen/dining rooms in the proposed development would comply with the ADF target values in the BRE 209 Guide. The Planning Authority refer to the fact that a number of windows in block 2 have not been included in the calculations and the use of a single figure for glazing transmittance. In this regard I note that inclusion of the windows referenced by the Planning Authority may potentially improve daylighting to the apartments, while a reasonably conservative light transmittance value (70%) has been utilised for the

applicant's daylight assessment, although the transmittance value of the fritted glazing to windows in proposed block 1 would most likely be less than the 70% value used. Notwithstanding this, the BRE 209 and BS 8206-2:2008 guidance allow for flexibility with regard to targets and do not dictate a mandatory requirement. The New Apartment Guidelines recognise that a discretionary approach should be taken with regard to compliance with daylight provision in certain circumstances and I am satisfied that such an approach would be reasonable given the potential limited shortfall in ADF relative to the standards for 20 rooms in block 1.

13.8.16. In conclusion, I am satisfied that the daylighting to the proposed development would provide for suitable levels of residential amenity for future residents of the development.

Sunlight Provision

13.8.17. The Planning Authority raise concerns regarding the provision of sunlight to the proposed apartments, however, I note that quantitative standards with respect to daylight provision and not sunlight provision are referred to in the Building Heights Guidelines and New Apartment Guidelines. Notwithstanding this, as part of their Daylight, Sunlight and Shadow Assessment the applicant has also calculated the expected levels of APSH for the main living room windows within the proposed development, including for the winter months.

13.8.18. Of the 50 window points tested, a total of 48 points or 96%, would meet the target recommended APSH values over the annual period and 46 points or 92% would meet the target recommended APSH values during the winter period when sunlight is most valuable. Where windows do not meet this recommendation, according to the applicant the shortfall would be marginal and such shortfalls would be predominantly as a result of their positioning on lower levels that are less capable of achieving the targets. In developing sites at the scale proposed, it is not possible for all rooms to feature south-facing windows and discretion needs to be applied when assessing such proposals against the guidance.

13.8.19. As noted above, flexibility needs to be applied when using the relevant guidance document, particularly in the context of redeveloping the site to accommodate a sustainable level of development and I am satisfied that the sun lighting to the

proposed development would adequately meet the residential amenity levels for future residents.

Privacy and Overlooking

13.8.20. As mentioned the Development Plan refers to the traditional standard 22m separation distance in attempting to preserve the amenities and privacy of adjacent occupiers and this standard can be used as a guide in assessing the adequacy of the proposals with respect to the potential for excessive overlooking between the proposed apartments. At ground and upper-floor level this separation distance would not be achieved between proposed blocks 1 and 2 (11m) and between Bealnagowan House and blocks 2 and 3 (11.8m to 15.8m). Other than landscaping features such as raised planters and tree planting at surface level, specific design measures are not proposed to address the potential for direct overlooking between the respective units. While the provision of communal space and the main pedestrian and cyclist route through the complex would to an extent serve as a visual distraction between Bealnagowan House and blocks 2 and 3, the same would not arise with respect to blocks 1 and 2, as the short stretch of vehicular access would not serve to sufficiently alleviate concerns with respect to the potential for excessive direct overlooking between east-facing apartments in block 1 and west-facing apartments in block 2. It would be difficult to revise the proposals to address overlooking between blocks 1 and 2, as the east and west-facing windows in blocks 1 and 2 respectively are primary access areas for light to the proposed apartments and any omission of windows or installation of opaque glazing would be likely to materially impact on lighting to these apartments. The Planning Authority also refer to this issue regarding the proximity of blocks 1 and 2 apartment windows and I am satisfied that this further justifies the need for block 1 to be omitted from the proposed development.

13.8.21. In general, there is sufficient space fronting the buildings to ensure that the privacy of future residents on the ground floor would not be substantially undermined by residents and the public passing by these windows. The provision of planting within landscaped privacy strips to serve as defensible space in locations fronting terraces and windows throughout the development has been proposed, including apartments onto the communal amenity space and pedestrian routes. Privacy strips would also

be provided fronting the windows and terraces serving the ground-floor north-facing windows in blocks 1 and 2 onto St. Mobhi Boithirin.

Communal Open Space

13.8.22. According to section 16.10.1 of the Development Plan and appendix 1 of the New Apartment Guidelines, the communal open space provision to serve the development should amount to a minimum of 5sq.m per one-bedroom unit and 7sq.m for a two-bedroom unit. Based on the housing mix and these planning provisions, the proposed development would require 622sq.m of communal open space. According to the applicant, communal amenity areas would be provided in the form of a 340sq.m front courtyard area to Bealnagowan House and a central space within the development amounting to 1,197sq.m with a children's play space (80sq.m). The front courtyard space is dominated by a circular driveway and set down area serving the scheme, which would have limited functionality as amenity space for residents. Based on the New Apartment Guidelines, the play space should be increased in area as a condition in the event of a permission arising for the scheme, to approximately 85sq.m. An observer considers the shortfall in play area to result in a material contravention of policy GI33 of the Development Plan, which seeks to provide children's play facilities in new residential developments to an appropriate standard. The policy does not directly refer to the minimum requirement of 85sq.m play space in a residential development and I fail to see how such a minor shortfall in area (5sq.m) could be considered material, particularly given the surplus provision of communal space, which would reasonably facilitate the development complying with policy GI33. The location and area of the central communal space would accord with the requirements set out in the New Apartment Guidelines.

13.8.23. There is variety in the function and aesthetics of the central communal space, including the soft landscape area to the western side. Over half of the communal open space would receive at least two hours of sunlight on the 21st day of March, which would exceed the minimum requirements set out within the BRE 209 Guide. In conclusion, I am satisfied that the communal open space proposed would provide a reasonable level of amenity for future residents based on the relevant applicable standards.

Communal Facilities

- 13.8.24. The Planning Authority consider the provision of a gymnasium amounting to 100sq.m in the basement to block 3, as providing limited communal facilities for future residents of the development. I am satisfied that the provision of residents' amenity facilities would be comparable with other contemporary apartment schemes of a similar scale and would be in line with the provisions set out in the New Apartment Guidelines.
- 13.8.25. The Elected Members from the Planning Authority and observations assert that there would not be an appropriate provision of childcare facilities in the area to serve the development and the subject development should feature provision for same. Policy SN17 of the Development Plan looks to facilitate childcare facilities in certain settings and appendix 13 of the Development Plan provides guidelines for childcare facilities stating that for new residential development proposals, a benchmark of one childcare facility for every 75 units is recommended. Deviation from this shall have regard to the make-up of the proposed development and the results of any childcare needs assessment carried out for the area. The applicant's Childcare Demand Report addresses the standards within the 'Childcare Facilities - Guidelines for Planning Authorities' (2001), including the requirement for a childcare facility with space for 20 children for every development comprising 75 dwellings.
- 13.8.26. Based on a demographic profile of the area and the provisions within the New Apartment Guidelines and the Childcare Facilities Guidelines, including an allowance to omit the 53 proposed one-bedroom units from calculations, the applicant asserts that the development would generate a requirement for six childcare spaces. The applicant's audit of childcare facilities within 1km of the application site, identified that there were 20 childcare spaces available in late 2021.
- 13.8.27. The Planning Authority recognise that the development would be unlikely to attract a substantive requirement for childcare spaces. Dublin City Childcare Committee has not responded to consultation regarding the application. I am satisfied that based on the information presented and available, there would be sufficient childcare spaces available in the area to serve the development in compliance with policy SN17 of the Development Plan, as well as the provisions of the New Apartment Guidelines and the Childcare Facilities Guidelines.

Waste and Recycling Management

13.8.28. The applicant has submitted an Operational Waste Management Plan, setting out how the type and storage volumes for waste have been calculated for the apartments, as well as details of how waste operators would service the site. This plan sets out that four bin stores to serve future residents would be provided at basement and ground level, with one store allocated to each block. The bin stores for blocks 2 and 3 would be at basement level in reasonably convenient locations relative to their respective block cores. The internal bin stores for block 1 would be at ground level fronting St. Mobhi Boithirin, while an external bin store area would be provided on the eastern gable wall elevation to Bealnagowan House. All bins would be moved by facilities management to a staging area at the bottom of the vehicular access ramp and the waste service operator would collect the bins from this area and return them when emptied according to the applicant. It is unclear if the use of a temporary collection point along the public road would lead to restricted traffic flows along the road and this has been raised as an issue by observers to the application. A more suitable arrangement would be for a set down area to be allocated for waste and recycling collection vehicles. It is not clear how the external bin store serving Bealnagowan House would be enclosed, which would need to be in manner sympathetic to the Protected Structure. Notwithstanding this, I am satisfied that sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and further details relating to waste and recycling management, including the finalised collection point details and screening for the external bin store, can be addressed in response to a condition in the event of a grant of permission.

Social Infrastructure

13.8.29. Policy SN5 of the Development Plan requires a social audit to accompany applications for development of this scale, as well as implementation and phasing programme details. The Elected Members and observers query whether there would be sufficient school spaces to accommodate the additional population associated with the development. The applicant has provided a Social Infrastructure Audit addressing local transport, social and community infrastructure, and identifying childcare, education, sports and recreation, health and community facilities within approximately 1.5km distance of the site. The broadly identifies the main services

and resources in the immediate area, following the guidance contained within the Sustainable Residential Development Guidelines. The Planning Authority note the audit, including certain facilities omitted from it, while accepting that there would not be a large number of children of school-going age residing in the proposed development.

13.8.30. The existing social and community facilities, as well as convenience retail premises are located throughout the neighbouring area. Based on demographics, including 12% of the local statistical area featuring children of school-going age (5-18 years) and the nature of the development, including the absence of three-bedroom units, the development would be likely to create very limited demand for additional primary and post-primary school places.

13.8.31. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services, including public transport, shops, schools and other social infrastructure. Such services, whether commercial or social, are dependent on a critical mass of population to justify the establishment of additional services or for them to become or remain viable. In the immediate and wider environs of the site there are shops, medical facilities, parks, open spaces and schools, all of which would benefit from a development that is a comfortable walking or cycling distance from the site. Observers refer to the need to consider the cumulative demands from other developments in the area on existing services. The nature of development is such that non-residential services and facilities generally become and remain viable alongside increases in residential units.

13.8.32. I am satisfied that the development would be reasonably well serviced in respect of social and community infrastructure, the details submitted are in compliance with policy SN5 of the Development.

Building Lifecycle and Management

13.8.33. As required within the New Apartment Guidelines, a Building Lifecycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents, has been included with the planning application. Prior to the lease of individual units, the developer would have to achieve compliance with

the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific owners' management company.

Sustainability and Energy Efficiency

13.8.34. Objective CCO12 of the Development Plan promotes high energy-efficiency standards in existing and new developments. A Part L Planning Compliance report addressing the sustainability and energy efficiency of the proposed development has been submitted with the application and this includes specific reference to mechanical and electrical measures as part of the development strategy. A series of measures are listed in the report to address energy savings in the development. According to the applicant an exhaust air-source heat-pump system would be used for heating and hot water generation for all apartments, promoting energy reduction. According to the applicant, optimisation of lighting, heating and ventilation technologies, together with high levels of insulation and air tightness will make the building fully compliant with the requirements of Part L of the building regulations nearly zero-energy buildings (NZEB). All apartments are to achieve an A2 building energy rating (BER).

13.8.35. I am satisfied that the information provided with the application reveals that due consideration for energy efficiency has been undertaken as part of the design of the development, in compliance with the Development Plan provisions. Further consideration of energy efficiency matters will be evaluated under a separate code, including Part L of the building regulations.

Residential Amenities and Development Standards - Conclusion

13.8.36. In conclusion, subject to conditions, for the most part the proposed development would provide a suitable mix and standard of apartments and open space, meeting the relevant design standards and providing a suitable level of amenity for future residents. However, concerns arise with respect to the close proximity of directly-facing apartments in blocks 1 and 2 and the potential for excessive direct overlooking to arise, which would undermine the quality of residential accommodation in the respective apartments within these blocks.

13.9. Access, Parking and Traffic

13.9.1. The Transport Planning Division of the Planning Authority did not object to the proposed development, requiring standard matters to be addressed as conditions in the event of a planning permission for the proposed development. The vast majority of observations from neighbouring residents and the comments from Elected Members highlight concerns in relation to the capacity of existing roads infrastructure and the potential for the development to result in increased traffic congestion in the immediate area.

Access and Connectivity

13.9.2. The site is currently only accessible by vehicles from St. Mobhi Boithirin, which features footpaths on both sides and serves as an access road to housing within The Haven and an emergency access to Bon Secours hospital. It does not provide a through vehicular route, although pedestrian and cyclist movements to Church Avenue and Ballymun Road are possible through a laneway on the western end of the road. Double-yellow lines along the south side of the road fronting the application site restrict on-street parallel parking to the northern side of the road to marked spaces. The site features gates and a garage with a doorway directly onto the back edge of the footpath along St. Mobhi Boithirin.

13.9.3. The vehicular access to serve the proposed development would be provided at the existing recessed entrance to the front of Bealnagowan House, with the main vehicular access approximately 55m to the west of this facilitating access to a basement car park. A set down area would be provided along the circular driveway fronting Bealnagowan House, as well as a parking space. The primary pedestrian access would be via the pocket park positioned equidistance from the vehicular accesses. The pedestrian access would also facilitate emergency vehicle access to surface level within the development. According to the applicant's DMURS compliance statement, with the removal of two street trees at the car park access that are noted to be of concern in the applicant's Quality Audit, visibility distances from both vehicular accesses onto the St. Mobhi Boithirin would comply with the 23m minimum required in the DMURS based on the restricted design speed of the road to 30km/h. Observers object to aspects of the access, including the use of a 2m setback in identifying visibility splays and the number of vehicular accesses that the

observers claim to be excessive. From an architectural heritage perspective the existing access fronting Bealnagowan House would preferably remain and the footprint and positioning of this house is such that an alternative access would be necessary to on-site parking and for emergency vehicle access. The DMURS typically require a 2.4m setback when identifying visibility splays at access points with a 2m setback only in difficult circumstances, which I am satisfied the subject proposals would not necessarily conform to. The vehicular access fronting Bealnagowan House would continue to facilitate sufficient visibility splays from a 2.4m setback, whereas a 2.4m setback for the car park entrance may require the removal of an additional street tree 15m to the west side of the access and with this sufficient visibility splays would be provided for.

- 13.9.4. The applicant's Quality Audit notes the need for improvements along the public footpath at the car park access and the provision of signage, which the applicant appears to have addressed via tactile paving and other details on drawing no. BAL-CSC-ZZ-XX-DR-C-0008. Revised locations for doorways in the basement from the circulation core serving block 2 would be required to further address safety concerns in the Quality Audit and the gradients (1:20) on the sloped access would appear suitable for cyclists and vehicles to access the basement. Swept path analysis for car parking spaces is also recommended in the applicant's Quality Audit and this is a matter raised by observers as highlighting problems with the basement car parking layout. The applicant has illustrated swept path layouts for four parking spaces on drawing no. BAL-CSC-ZZ-XX-DR-C-0009 revealing that with turning movements these car parking spaces can be entered and exited. The parking space fronting Bealnagowan House may impede vehicular movement around the fountain feature.
- 13.9.5. Observers also assert that the right-turn movement out of the basement car park onto the road would be unsafe as it would be likely to result in head-on collisions with approaching traffic from the east. Should cars be parked on the opposite side of the road to the application site, the remaining roadway width would only allow for a single vehicles to pass. Notwithstanding this, I note that prior to exiting the car park, vehicles would be required to stop before turning right onto the roadway. As noted above sufficient visibility relative to the DMURS is provided for and if there is an approaching vehicle, drivers would need to let these cars pass if they are not taking the left turn into the basement.

- 13.9.6. Observers refer to the quality and availability of pedestrian and cycle infrastructure being limited in the vicinity of the application site. As noted above, increased demand for such infrastructure generally justifies increased provision of such infrastructure and the existing infrastructures would appear capable of absorbing the increased pedestrian and cycle traffic arising from the proposed development.
- 13.9.7. The observations assert that the subject area is both well served and not well served by public transport. The Transport Planning Division of the Planning Authority consider the site to be well served by public transport. Numerous reports within the application, including the applicant's Residential Travel Plan, provide details of public transport services currently available in the environs of the site, as well as future proposals. As noted in section 13.3 above, based on the information available, I am satisfied that the site would have easy access to amenities via public transport and other than offering anecdotal evidence that public transport is heavily used at certain times, parties have not provided any evidence to demonstrate that there would not be capacity in public transport to cater for the proposed development. From the assessment above, it is clear that information is available to allow a full, thorough, meaningful and comprehensive assessment of the capacity of public transport services and this does not obstruct the potential for the subject lands to be developed, as is asserted by an observer to the application.

Parking

- 13.9.8. The applicant is proposing a total of 52 car parking spaces to serve the development, 51 of which would be at basement level. Three of the spaces would feature access for persons with a disability and five spaces would feature electric-vehicle charging points. Five motorcycle parking spaces are also proposed and it is proposed to provide three residents' car-share / car-club spaces in the basement. The observations and comments from Elected Members assert that the proposed provision of car parking would be incapable of sufficiently serving the development based on parking standards and car ownership trends, with a need for visitor spaces and the area already suffering from overspill parking, including parking by patrons of Bon Secours hospital. This asserted under provision of car parking could have indirect impacts, including impacts on pedestrian safety according to the Elected Members.

- 13.9.9. The applicant considers the provision of car parking to serve the residential units to be appropriate with reference to public transport availability, modal splits, the maximum Development Plan standards, which allow for up to 168 car parking spaces to serve the development and the provisions of the New Apartment Guidelines seeking to reduce car parking provision in accessible urban locations.
- 13.9.10. The New Apartment Guidelines advocate the consideration of reduced overall car parking in urban locations served by public transport or close to urban centres, particularly in residential developments with a net density of greater than 45 units per hectare. The applicant has provided a Residential Travel Plan (Mobility Management Plan) with the application and this would include various measures to influence use of more sustainable modes of transport as part of the development. Observers query the ability to achieve targets set within this Plan. The proposed ratio of parking per apartment (0.44) when excluding car club spaces would be comparable with many other recently permitted strategic housing developments in a similar context within the city, including the neighbouring aforementioned Glasnevin Hill redevelopment (ABP ref. 308905-20), which would feature a ratio of 0.4 parking spaces per apartment.
- 13.9.11. I am satisfied that car parking standards below the Development Plan maximum standards for the residential element of the proposed development would be reasonable, given its location relative to public transport services. Based on the information submitted with the application, I am satisfied that sufficient car parking would be provided to serve the proposed development. The implementation of a mobility management plan and a parking management strategy should be a condition in the event of a permission. The parking management plan should detail how access to the basement car parking would be managed. Ducting to allow for all car spaces to feature electric-vehicle charge points should also be required as a condition in the event of a permission.
- 13.9.12. A total of 255 cycle parking spaces would be provided, comprising 199 standard spaces for residents internally at ground and basement level, and 56 visitors' spaces at surface level, 28 of which would be covered. All visitor spaces would be of the 'Sheffield' type stands. Seven cargo spaces are proposed at basement level. This cycle parking provision would exceed the Development Plan minimum standards, as well as the New Apartment Guidelines standards, requiring a minimum of 235

spaces. Blocks 2 and 3 would have easy access through circulation cores to the basement cycle parking facilities. Cycle parking can be allocated to residents of Bealnagowan House in the proposed surface level spaces to the rear of the house and cycle parking would be provided for residents of block 1 at ground-floor level. I am satisfied that the quantum and location of cycle parking for the residential development would be welcome in supporting sustainable transport options.

Traffic

- 13.9.13. The observers refer to an array of concerns regarding the potential for the development, as well as other developments, to increase traffic congestion already experienced in the area, which would impact on road safety, including along St. Mobhi Boithirin. The volume of traffic along St. Mobhi Boithirin is limited due to the fact that it is a cul de sac serving a limited number of residences in The Haven and an emergency access to Bon Secours hospital.
- 13.9.14. The applicant submitted a Traffic and Transport Assessment as part of their application and the observers assert that this does not provide for a realistic model of the likely impacts of traffic on the local roads network arising from the development. The applicant's assessment includes traffic survey details for six junctions along St. Mobhi Road, Griffith Avenue and Rathlin Road. The applicant's modelling refers to the implications for traffic movement consequent to the operation of the BusConnects project. Observers refer to the proposals under BusConnects to result in unsuitable or lengthy routes serving the proposed development. The number of vehicular trips associated with the proposed development exiting onto St. Mobhi Boithirin during the morning peak hour is predicted to amount to 32 trips, with 23 returning trips during the evening peak hour. Peak hours are not defined by the applicant, but for such assessment I note that they generally conform to approximately 08:00 – 09:00 hours in the morning and 17:00 – 18:00 hours in the evening.
- 13.9.15. Using Picady software analyses the applicant undertook modelling of the traffic associated with the operational development both with and without the BusConnects project in situ. The proportionate increase in traffic at the modelled junctions would vary from 0.37% to 6.76% in the morning peak hour to 0.56% to 5.26% in the evening peak hour. With the exception of the junction of St. Mobhi Boithirin and St.

Mobhi Road, proportionate increases in traffic at the junctions below 5% in peak hours is predicted. The increases above 5% forecasted for the St. Mobhi Boithirin and St. Mobhi Road junction are stated by the applicant to arise from the extremely low volumes of existing trips at the junction and the applicant has modelled traffic at the junction both with and without the proposed development in situ in the opening year (2024), as well as five and 15 years following development completion. The applicant's Traffic and Transport Assessment asserts that, if permitted, the proposed development would not result in any material queuing of traffic at the St. Mobhi Boithirin / St. Mobhi Road junction in 2039, with only a slight impact arising. The traffic modelling accounts for general traffic increase expected in the wider Dublin area, which I am satisfied would reasonably account for additional traffic arising from other neighbouring developments in the area, should they be completed.

13.9.16. I am satisfied that based on the information provided in the Traffic and Transport Assessment, a reasonable approach to modelling future traffic scenarios on the local road network with the development in place has been set out and this does not reveal substantive impacts on traffic, including the St. Mobhi Road / St. Mobhi Boithirin junction. The assessment broadly follows the TII guidance on this matter and the technical note submitted by the observers does not reveal that the increase in traffic associated with the proposed development would have significant impacts on the flow of traffic in the area. Furthermore, the Planning Authority has not objected to the findings of the traffic assessment, and I am satisfied that the applicant has provided adequate justification and rationale for the approach undertaken in their Traffic and Transport Assessment with sufficient information included for the purpose of this assessment. Observers refer to the failure of the applicant to account for recent Covid-19 interim mobility interventions at the junction of Griffith Avenue and St. Mobhi Road. I note the limited proportionate increase in traffic forecasted by the applicant at this junction arising from the proposed development (0.37% to 0.83% during peak hours), and I am satisfied that the mobility interventions would not lead to substantive changes in my conclusions with respect to the likely traffic impacts arising from the proposed development.

13.9.17. The site is located on zoned lands with reasonable access to an array of services. The proposed development would provide for a substantive scale of development, reusing an existing vacant former house and its grounds. There would undoubtedly

be some increase in traffic numbers as a result of the proposed development, which would invariably add to the existing congestion. However, traffic congestion at peak periods in an urban area such as this would be anticipated to occur and various measures and design features have been set out within the application and as part of the proposed development to support the use of public transport, cycling and walking, as an alternative to the use of private vehicles. All road networks feature limited capacity in terms of accommodation of private cars and increased population in locations such as the application site area, which are reasonably well served by public transport and have the capability for additional services as demand requires, should be developed in the interest of providing for sustainable communities.

Conclusion

13.9.18. In conclusion, subject to conditions, the proposed development would not reasonably result in an unacceptable risk of traffic hazard or significant additional traffic congestion in the area, and it would feature an appropriate provision of car and cycle parking.

13.10. **Services**

13.10.1. The observations assert that the proposed development would impact on existing services, including water supply and drainage. The application was accompanied by an Engineering Services Report, including various appendices.

13.10.2. From the outset I note that observations assert that insufficient site investigations and details of excavations were undertaken as part of the project and that this would have implications for surface water drainage and servicing. The culverted Claremont stream traverses a 12.5m section under the western side of the application site, draining southwards to the Tolka River. It is asserted by observers that the precise position of the stream culvert has not been accounted for in the application and the Planning Authority request that the exact location of this culvert should be accurately determined prior to construction work commencing. Within the application various drawings identify the location and levels of the culvert, and appendix F to the applicant's Engineering Services Report provides specific details of the method used in surveying the location of the culvert, including photographs, as well as the location of underground tanks proximate to this culvert. I am satisfied that there is a sufficient

level of detail provided with the application to address the location of the culvert as part of the proposed development. In addition to the applicant's survey drawings, Irish Water has also provided details of their service infrastructure in the vicinity of the site.

Surface Water Drainage

- 13.10.3. There is an existing 225mm-diameter public stormwater drain running along St. Mobhi Boithirin, however, based on the drainage drawing (no. BAL-CSC-ZZ-XX-DR-C-0002), it is proposed to drain surface water and stormwater from the site into the culvert containing the Claremont stream. The Planning Authority is not satisfied with the applicant's surface water management proposals referring to the need to attenuate water discharge from the site in accordance with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works and at a greenfield runoff rate of no more than 2 litres per second per hectare.
- 13.10.4. Features to be provided in the interception of rainwater falling onto the application site would include surface attenuation in the form of green roofs, tree pits, permeable paving and a soakaway positioned in the southern corner of the site, which observers state to feature boggy ground. In the event that stormwaters to the soakaway exceed its capacity, excess stormwater would subsequently flow to one of two underground attenuation tanks, which the applicant states to be appropriately sized to accommodate same. Stormwater discharge into the existing culvert would be restricted with a flow control device and to a discharge rate of 2.4 litres per second, which is stated by the applicant to meet the greenfield run-off rate. As per requirements of the Planning Authority, the basement level would be drained separate to the levels above with a fuel interceptor installed prior to discharge of waters from the basement to a foul pump station, which would subsequently discharge any waters from the basement level to Irish Water wastewater infrastructures along St. Mobhi Boithirin. According to the applicant, the surface water management measures would have sufficient capacity to accommodate 1-in-100 year storm events and a 20% freeboard for climate change factors, in accordance with the requirements of the Greater Dublin Strategic Drainage Study.
- 13.10.5. The Planning Authority require a minimum 3m buffer from the stream culvert, which the applicant has stated would be provided, with a 3m buffer on the west side and a

5m buffer on the east side from the proposed building foundations. The Planning Authority state that no additional loading should be placed on this culvert, while the applicant has stated that the ramped access would apply the same loading as the road along St. Mobhi Boithirin. Details of how the proposed entrance arrangement would eliminate loading on the existing culvert are stated to be provided by the applicant and the Planning Authority has requested details of the proposed structure to protect the culvert. I am satisfied that information provided with the application demonstrates that sufficient consideration for the safe operation of the culvert on site has been undertaken as part of the design of the proposed development.

13.10.6. The Greater Dublin Strategic Drainage Study drawing appended to the applicant's Site Specific Flood Risk Assessment illustrates very limited locations where structures have been built over the Claremont stream culvert. Part of an existing outbuilding structure proposed to be demolished as part of the development is currently situated over the alignment of the culvert on the application site. Should maintenance be necessary on the 12.5m stretch of the culvert on the application site, access to the basement would be likely to be restricted, which would have substantial implications for residents' parking and access to other communal amenities. The applicant has not provided any details of how access to the basement level, including car parking, would be facilitate in the event of maintenance being required to the culvert and a method statement to provide for same would be required as a condition in the event of a grant of permission.

13.10.7. In their Architectural Design Statement the applicant states that the surface water network on site would feature an oil interceptor prior to the discharge point, however, this is not indicated on the drainage drawing (no.BAL-CSC-ZZ-XX-DR-C-0002). There would be a fuel interceptor from the basement car park, and while there would only be limited parking or set down area for vehicles at surface level on site and subsequently limited scope for hydrocarbons to be deposited in this area, given the proposals to provide a direct discharge to the Claremont stream, installation of a fuel interceptor prior to the discharge point would appear necessary and warranted to filter out hydrocarbons from entering the stream and downstream waters.

Foul Water

13.10.8. It is proposed to discharge foul wastewater from the development after pumping to an existing 225mm-diameter foul sewer running eastwards under the road fronting the site. This wastewater would ultimately drain to and be treated at Ringsend wastewater treatment plant (WWTP). Observers refer to the Irish Water Annual Environmental Report 2020, which states that the Ringsend WWTP was operating at 50% over its capacity and failing to comply with emission-limit values, thereby operating in breach of the Urban Wastewater Treatment Directive. This report refers to the 2020 status of the WWTP and Irish Water has commenced upgrade of the WWTP to ensure that it operates in compliance with the Urban Wastewater Treatment Directive standards. Irish Water have no objection to this aspect of the proposals noting that the connection to their wastewater infrastructure can be facilitated. I consider the foul drainage proposals to serve the subject development to be satisfactory, subject to appropriate and standard conditions.

13.10.9. Observers refer to the position of an underground sewerage pipe running through the site parallel to the eastern boundary, which is stated to be referenced on the applicant's boundary section drawing (no.BAL-CSC-ZZ-XX-DR-S-0022) with the annotation 'approximate location of underground pipe'. This does not appear on Irish Water infrastructure maps for the area, which are included in appendices to the applicant's Engineering Services Report. The applicant does not intend placing buildings over this underground pipe, but works would be undertaken along its route, including the installation of other undergrounds services, as well as landscaping and tree planting. The applicant would need to clarify the status and condition of this underground pipe and ensure any works would not impact on this pipe should it be confirmed to be operational.

Water Supply

13.10.10. There is an existing 3-inch diameter watermain running along the frontage of the site, which the proposed development would connect into. Irish Water requires the applicant to fund the upgrade of the existing 3-inch watermain to a 150mm-diameter watermain for approximately 90m along St. Mobhi Boithirin. Subject to standard connection agreements and the upgrade of the Irish Water watermain

infrastructure, I consider the water supply proposals to serve the subject development to be satisfactory.

Flood Risk

13.10.11. The applicant submitted a site specific flood risk assessment and this asserted that based on information available, including Office of Public Works (OPW) mapping, the site is not at risk of tidal, fluvial, pluvial (surface water) or groundwater flooding. Historic flood events were not noted on site, with the closest flood events recorded along the Tolka River, approximately 350m downstream of the site. As stated the proposed stormwater system has been designed to address storm events and climate change and I also recognise the secant wall and other features proposed to safeguard the culvert infrastructure. The applicant's flood risk assessment refers to stormwaters from the application site as draining to the existing stormwater sewer on St. Mobhi Road, which is not the case, as the stormwaters are proposed to drain into the culvert. Notwithstanding this, given the limited run-off from the application site, which would be restricted to a greenfield run-off rate, the proposed development would not be likely to increase the potential for flooding to the receiving catchment, including the culverted river. Furthermore, the maximum height of the existing culvert (22.3m) would be below the invert levels (22.4m and 22.7m) of the proposed attenuation tanks, which would curtail the stream from surcharging the attenuation tanks (see section A-A to drainage drawing no. BAL-CSC-ZZ-XX-DR-C-0002).

13.10.12. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the site is within an area of low probability for flooding (flood zone C) and the proposed development is 'less vulnerable' and therefore appropriate for the site. In conclusion, based on the information available, I am satisfied that the development would be at low risk of flooding and it would not increase the risk of flooding to other lands.

13.11. Biodiversity and Archaeology

Local Ecology

13.11.1. This site lies within an urban area and current land uses in the vicinity are detailed in section 2 above. Observers assert that the wildlife and habitats of the site, including

the Claremont stream, have not been sufficiently considered as part of the subject proposals. An EclA was submitted with this application following walkover, bird and bat surveys in May 2021. This EclA outlines the habitats and species identified on site during the surveys, as well as referring to designated sites for nature conservation in the vicinity. After alleviation, the applicant asserts that no significant negative residual effects are likely to arise for the local ecology. The Department of Housing, Local Government and Heritage require a CEMP to include measures to prevent the mobilisation of pollutants to water runoff from the development site and the restriction of clearance of vegetation to periods outside the bird breeding season.

13.11.2. The site primarily comprises modified habitats dominated by buildings (BL3), garden grassland (GA2) and scrub mosaic (WS1). Numerous trees would be removed as part of the development and protected plant species were not identified. No bat roosts were identified in the buildings on site. One bat was observed (Leisler's species) crossing the site during bat surveys, with the house on site secured in such a manner as not to contribute to bat roosting. Lighting is not anticipated to affect commuting bats, given the existing levels of urban lighting surrounding the site. The site does not contain open watercourses. Only common garden bird species were observed using the site. Habitat listed in Annex I of the Habitats Directive or species listed in Annex II have not been identified on the subject site and those habitats identified are of low local biodiversity value.

13.11.3. Butterfly bush (buddleia) and sycamore trees, both medium impact invasive species were identified within the site. Sycamore would be removed from the site, while the removal of butterfly bush can be undertaken as part of site clearance. Non-native species listed in schedule 3 to the European Communities (Birds and Natural Habitats) Regulations 2011 were not recorded on site.

13.11.4. The culverted Claremont stream drains to the River Tolka, which drains into the Tolka estuary, which are stated by the Environmental Protection Agency (EPA) in the third cycle of the river basin management plans to be 'at risk' of not achieving 'good' status by 2027 in line with the Water Framework Directive (WFD). Prior to draining into Dublin Bay, the Tolka estuarial waters pass through the Liffey estuary, which is under 'review' according to the EPA third cycle assessments. Following the EPA's third cycle assessments, the Dublin ground waterbody, which the site is situated

over, is subject to 'review' in terms of attainment of future 'good' status for this waterbody.

13.11.5. Based on the current understanding of the project, there is potential for minor localised effects on the River Tolka and the aforementioned estuarial surface waterbodies. However, within their EclA the applicant sets out surface water and construction management measures to avoid direct and indirect impacts on the culverted stream. Urban wastewater is a known cause of pressure on the Tolka, however, the subject proposed development would discharge wastewaters and basement level waters to piped municipal services, which would be treated at Ringsend WWTP, prior to discharge in Dublin bay. Dublin Bay coastal waterbody is stated by the EPA to be 'not at risk' of achieving WFD 'good' water status.

13.11.6. The applicant has addressed the implications of the proposed project and the project design measures with respect to the WFD in their Statement on EIA Screening Process. I am satisfied that with the successful implementation of the stated measures it is not likely that the project would cause any significant deterioration in water entering the culvert or a change in downstream waterbody status, including groundwater. Accordingly, the project would not prevent attainment, or potential to achieve, future 'good' status of waters in downstream waterbodies.

13.11.7. With the implementation of the identified alleviation measures and the submission of a CEMP for the project, with measures to address water runoff and ecological monitoring prior to site clearance, I am satisfied that the residual impact on local ecology would be no more than negligible and there would be no deterioration on downstream water status.

Trees

13.11.8. The applicant's arborist has identified 42 trees on site or adjacent to the boundaries of the site, and they set out proposals with respect to these trees, including reducing lateral growth where trees from adjoining properties overhang the application site. The applicant proposes the removal of one group of trees comprising cut back Leylandii located along the boundary with the hospital and 22 additional trees on site primarily in the northwest corner of the site, including self-seeded sycamores. All trees that are required to be removed from the application site are of low or poor quality with a limited future life expectancy. Two Swedish whitebeam trees fronting

the site along St. Mobhi Boithirin would need to be removed to facilitate the proposed access arrangements. Observers object to the removal of trees from the site, as well as the street trees. Street trees front onto the western half of the site and scope to provide an alternative location for the vehicular access is limited by the position of the Protected Structure on site.

13.11.9. Proposals with respect to tree protection were submitted as part of the Arboricultural Report and a tree protection plan drawing (no. 210131-P-12-C). Replacement tree planting would be planted throughout the site, as illustrated and listed on the Landscape Masterplan drawing (no.211104_LP_01_J). I am not aware of any tree preservation orders relating to the trees on site. In the event that permission is granted for the proposed development, I recommend the attachment of conditions with respect to the engagement of an arborist as part of the landscape works to best provide for protection of the trees to be maintained on site.

Archaeology

13.11.10. The application site is located within a zone of archaeological interest and proximate to various national monuments, including an ecclesiastical site (DU018-005001), a walled graveyard (DU018-005002) and burial grounds (DU018-005004, DU018-005005 and DU018-005007). Observers refer to a temple structure that is stated to have been located along St. Mobhi Boithirin at the entrance to the Bon Secours hospital. Observations assert that the proposals do not have sufficient regard for the potential of the site to contain archaeological features and, accordingly, the proposed development would breach policies CHC9 and CHC10 of the Development Plan relating to the protection and preservation of National Monuments.

13.11.11. An archaeological assessment was submitted as part of the application and this provides an overview of settlement and recorded monuments in the area and it outlines details with respect to site investigation excavations, revealing that no archaeological remains were identified. The applicant recognises the potential for subsurface remains to be located on site given the location of neighbouring archaeological monuments and mitigation measures to address same are set out, including testing.

13.11.12. The Department of Housing, Local Government and Heritage has requested that a condition be attached in the event of a permission requiring pre-development archaeological assessment and testing by a suitably qualified archaeologist, as well as archaeological preservation if deemed necessary. The Planning Authority note the applicant's intention to undertake predevelopment testing of the site for archaeological remains.

13.11.13. I am satisfied that given the present developed nature of the site, the proposals to redevelop the site would not give rise to a situation that would preclude the granting of permission for substantive archaeological reasons and the proposed development would not be contrary to Development Plan policies CHC9 and CHC10. Notwithstanding this, given the potential for unknown archaeological features to survive on site, a condition similar to that required by the Department with respect to archaeological assessment and monitoring would appear reasonable and necessary to attach in the event of a grant of permission for the proposed development.

13.12. Material Contravention

13.12.1. Having regard to the above assessment, including the various submissions and my site visits, I am satisfied that the following would arise with respect to the potential for the proposed development to materially contravene the provisions of the Development Plan. The Board would not be in a position to invoke the provisions of section 37(2)(b) of the Act of 2000 for matters, other than the matter addressed in the applicant's Material Contravention Statement. Furthermore, the observations and Elected Members assert that material contraventions of the Development Plan would arise with respect to the core strategy, density, public open space, unit mix and playground area of the proposed development, and I am satisfied, for reasons outlined above addressing these matters, material contraventions of the respective provisions of the Development Plan would not arise. Observations assert that the Board should not apply the provisions of section 37(2)(b) of the Act of 2000 in this case.

13.12.2. As stated above, I consider that the proposed building heights would materially contravene the provisions of policy SC17 of the Development Plan, which aim to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out

in Chapter 15 (Guiding Principles) and Chapter 16 (development standards). This matter is addressed in the applicant's Material Contravention Statement and it is therefore open to the Board to invoke the provisions of section 37(2)(b) of the Act of 2000 in relation to this matter. However, as I consider the proposed development not to comprehensively satisfy the development management criteria set out in section 3.2 of the Building Height Guidelines, and as the provisions of SPPR3(a) of these Guidelines would not apply in this case, a grant of permission for the proposed development should be refused on this basis. Accordingly, I do not address the matter of building height further.

14.0 Environmental Impact Assessment Screening

14.1.1. The applicant has addressed the issue of EIA within an EIA Screening Report. This report contained information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001-2022 (hereinafter 'the Regulations'). I have had regard to same in this screening assessment. The information provided by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for subthreshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

14.1.2. This proposed development, is of a class of development included in Schedule 5 to the Regulations. Class 10(b) of Part 2 to Schedule 5 of the Regulations provides that mandatory EIA is required for the following classes of development:

- (i) construction of more than 500 dwelling units,
- (iv) urban development which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

14.1.3. Class 14 of Part 2 to Schedule 5 of the Regulations provides that mandatory EIA is required for:

- works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 14.1.4. The development would provide for the construction of 108 dwelling units and the subdivision of an existing building to provide four dwelling units, all on a site measuring 0.48 hectares in a built-up urban area, which is not a 'business district'. Having regard to classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Regulations, the proposed development, is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is well below the applicable 'class 10' thresholds for EIA, and further consideration with respect to 'class 14' demolition works is undertaken below.
- 14.1.5. The criteria within Schedule 7 to the Regulations are relevant in considering whether this proposed subthreshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area to the north and east. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The former use of the site is noted, and preliminary site investigations have been undertaken, which do not reveal any significant constraints in developing the site for an apartment complex. The development would be served by municipal drainage and water supplies. The site is not subject to any nature conservation designation and does not support habitats or species of conservation significance, as highlighted in the applicant's EIA. The site features a Protected Structure that would be upgraded and reused as part of the subject proposed development.
- 14.1.6. The various reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the impact of the proposed development, in addition to the cumulative impacts with regard to other permitted and existing developments in proximity to the site. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment.

14.1.7. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application including in particular the following:

- Planning Statement and Statement of Consistency with Dublin City Development Plan 2016-2022;
- Statement of Consistency with National, Regional and S.28 Ministerial Guidelines;
- Urban Design Statement;
- Architectural Design Statement;
- Townscape and Visual Impact Assessment;
- Engineering Services Report;
- Traffic and Transport Assessment;
- Construction Management Plan;
- Construction and Demolition Resource and Waste Management Plan;
- Ecological Impact Assessment Report;
- Architectural Heritage Impact Assessment.

14.1.8. In addition, noting the requirements of article 299B(1)(b)(ii)(II)(C) of the Regulations, the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation, other than the EIA Directive, have been taken into account. With regards to an observer's asserted shortcomings in relation to the applicant's statement provided under article 299B(1)(b)(ii)(II)(C) and the adequacy of same for the purposes of EIA screening, I refer to the recent Supreme Court judgement ([2022] IESC 30) on such matters, which does not support the observer's assertions, including matters set out in *Waltham Abbey v An Bord Pleanála* (No 1) [2021] IEHC 312. The following EU directives are directly addressed by the applicant in their submitted Statement on EIA Screening Process:

- Directive 2001/42/EC, SEA Directive;
- Directive 1992/43/EEC, Habitats Directive;
- Directive 2009/147/EC, Birds Directive;
- Directive 2000/60/EC, Water Framework Directive;
- Directive 2008/56/EC, Marine Strategy Framework Directive;
- Directive 2008/50/EC, Ambient Air Quality / Clean Air for Europe Directive;
- Directive 2008/98/EC, Waste Framework Directive;
- Seveso III Directive 2012/18/EU, Risk of Major Accidents;
- Directives 2003/4/EC and 2003/35/EC, Aarhus and ESPOO Conventions;
- Directive 2007/60/EC, Floods Directive;
- Directive 2010/75/EU, Industrial Emissions Directive.

14.1.9. Under the relevant themed headings, the EIA screening information prepared by the applicant has considered the implications and interactions between these directives and the proposed development, and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan. An observer asserts that lawful screening for EIA cannot be undertaken and that permission for the proposed development should be refused on the basis that it cannot be determined if the project would impact on the attainment of water status required for the purposes of the WFD. As concluded above in section 13.11, I am satisfied that the proposed development would not be likely to cause a deterioration of the water status of the River Tolka or downstream waterbodies.

14.1.10. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed

development does not have the potential to have effects of which would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on class 14 of Part 2 to Schedule 5 of the Regulations. In these circumstances, the application of the criteria in Schedule 7 of the Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required before a grant of permission can be considered. This conclusion is consistent with the EIA screening information submitted with the application. I am satisfied overall that the information required under article 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination can be issued confirming that there is no requirement for an EIAR to be prepared for the project based on the above considerations.

15.0 Appropriate Assessment

15.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment (AA) of a project under section 177U of the Act of 2000, are considered in the following section.

15.2. Compliance with Article 6(3) of the EU Habitats Directive

15.2.1. The Habitats Directive deals with the conservation of natural habitats, including wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. The proposed development on St. Mobhi Boithirin in Glasnevin, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3) of the Habitats Directive.

15.3. Stage 1 AA Screening

- 15.3.1. The applicant has submitted a Stage 1 AA Screening Report dated December 2021 and prepared by professional ecologists from Moore Group – Environmental Services. This Report provides a description of the proposed development and identifies European Sites within the possible zone of influence of the development.

Site Location

- 15.3.2. A description of the site is provided in section 1 above and throughout the assessments above. The site is brownfield containing former residential buildings and associated gardens and outbuildings that were most recently used for office purposes. Within their EclA the main habitat categories and species identified on site during surveys are referenced. The Claremont stream culvert traverses the site and the River Tolka is located approximately 350m to the south of the application site flowing east towards Dublin Bay. The Royal Canal is situated 1.3km to the south. No Annex I habitats were recorded within the application site during the applicant's habitat surveys and no species listed for protection under the Habitats Directive or the Wildlife Act were recorded as using the site. Butterfly bush (buddleia) and sycamore trees, both medium-impact invasive species, were recorded on the application site.

Proposed Development

- 15.3.3. A detailed description of the proposed development is provided in section 2 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the application documentation, including the Construction Management Plan and the Construction and Demolition Resource and Waste Management Plan. Foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at Ringsend WWTP. Following various construction site environmental management measures, as well as operational stage SUDS measures, surface waters would be discharged into the Claremont stream running through a culvert on the site. Ultimately the resultant treated wastewaters and surface waters from the proposed development would discharge to Dublin Bay.

15.3.4. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- Construction Phase – demolition, surface water runoff, disturbance and emissions, including dust, noise and vibration;
- Operation Phase – disturbance, surface water runoff and emissions to water.

Submissions and Observations

15.3.5. The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this Report. The Planning Authority refer to An Bord Pleanála as being the competent authority for the purposes of appropriate assessment of strategic housing development applications. Observers refer to the Ringsend WWTP as operating over its capacity in 2020, in breach of the Urban Wastewater Treatment Directive, while asserting that screening has not taken full account of cumulative impacts and that a Natura Impact Statement (NIS) should have been provided with the application.

European Sites

15.3.6. The nearest European sites to the application site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), comprise the following:

Table 7. European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
004024	South Dublin Bay and River Tolka Estuary SPA <ul style="list-style-type: none"> • Light-bellied Brent goose <i>Branta bernicla hrota</i> [A046] • Oystercatcher <i>Haematopus ostralegus</i> [A130] • Ringed plover <i>Charadrius hiaticula</i> [A137] • Grey plover <i>Pluvialis squatarola</i> [A141] • Knot <i>Calidris canutus</i> [A143] • Sanderling <i>Calidris alba</i> [A149] • Dunlin <i>Calidris alpina</i> [A149] • Bar-tailed godwit <i>Limosa lapponica</i> [A157] • Redshank <i>Tringa totanus</i> [A162] • Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] 	3.1km	east

	<ul style="list-style-type: none"> • Roseate tern [A193] • Arctic tern [A194] • Wetland and waterbirds [A999] 		
000210	<p>South Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Embryonic shifting dunes [2110] 	5.8km	east
004006	<p>North Bull Island SPA</p> <ul style="list-style-type: none"> • Light-bellied brent goose [A046] • Shelduck <i>Tadorna</i> [A048] • Teal <i>Anas crecca</i> [A054] • Pintail <i>Anas acuta</i> [A054] • Shoveler <i>Anas clypeata</i> [A056] • Oystercatcher [A130] • Golden plover <i>Pluvialis apricaria</i> [A140] • Grey plover [A141] • Knot [A143] • Sanderling [A144] • Dunlin [A149] • Black-tailed godwit <i>Limosa</i> [A156] • Bar-tailed godwit [A157] • Curlew <i>Numenius arquata</i> [A160] • Redshank [A162] • Turnstone <i>Arenaria totanus</i> [A169] • Black-headed gull [A179] • Wetland and waterbirds [A999] 	5.8km	east
000206	<p>North Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] 	5.9km	east

	<ul style="list-style-type: none"> • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • Petalwort <i>Petalophyllum ralfsii</i> [1395] 		
000199	<p>Baldoye Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] 	8.9km	northeast
004016	<p>Baldoye Bay SPA</p> <ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Wetland and Waterbirds [A999] 	9.3km	northeast
000205	<p>Malahide Estuary SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] 	10.4km	northeast

004025	<p>Malahide Estuary SPA</p> <ul style="list-style-type: none"> • A048 Shelduck (<i>Tadorna tadorna</i>); • A054 Pintail (<i>Anas acuta</i>) • A067 Goldeneye (<i>Bucephala clangula</i>) • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A162 Redshank (<i>Tringa totanus</i>) • A143 Knot (<i>Calidris canutus</i>) • A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A140 Golden Plover (<i>Pluvialis apricaria</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A149 Dunlin (<i>Calidris alpina</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A069 Red-breasted Merganser (<i>Mergus serrator</i>) • A005 Great Crested Grebe (<i>Podiceps cristatus</i>) • Wetlands 	10.4km	northeast
004113	<p>Howth Head Coast SAC</p> <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European dry heaths [4030] 	11.2km	northeast
003000	<p>Rockabil to Dalkey Island SAC</p> <ul style="list-style-type: none"> • Reefs [1170] • Harbour Porpoise (<i>Phocena phocena</i>) [1351] 	11.8km	east
004117	<p>Ireland's Eye SPA</p> <ul style="list-style-type: none"> • A017 Cormorant (<i>Phalacrocorax carbo</i>) • A184 Herring Gull (<i>Larus argentatus</i>) • A188 Kittiwake (<i>Rissa tridactyla</i>) • A199 Guillemot (<i>Uria aalge</i>) • A200 Razorbill (<i>Alca torda</i>) 	13.2km	northeast
002193	<p>Ireland's Eye SAC</p> <ul style="list-style-type: none"> • 1220 Perennial vegetation of stony banks • 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 	13.5km	northeast

004113	Howth Head Coast SPA <ul style="list-style-type: none"> • A188 Kittiwake (<i>Rissa tridactyla</i>) 	7.6km	northeast
000208	Rogerstown Estuary SAC <ul style="list-style-type: none"> • 1130 Estuaries • 1140 Mudflats and sandflats not covered by seawater at low tide • 1310 Salicornia and other annuals colonising mud and sand • 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) 	14.3km	northeast
004015	Rogerstown Estuary SPA <ul style="list-style-type: none"> • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A043 Greylag Goose (<i>Anser anser</i>) • A143 Knot (<i>Calidris canutus</i>) • A137 Ringed Plover (<i>Charadrius hiaticula</i>) • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A056 Shoveler (<i>Anas clypeata</i>) • A149 Dunlin (<i>Calidris alpina</i>) • A162 Redshank (<i>Tringa totanus</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • Wetlands 	14.7km	northeast
001209	Glenasmole Valley SAC <ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] 	14.7km	south

	<ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] 		
001398	Rye Water Valley / Carton SAC <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] • Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] 	14.9km	west

15.3.7. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site, aided in part by the EPA AA Tool (www.epa.ie). Table 1 of the applicant's screening report identifies the potential links from European sites to the application site. Distances and direction from the site to European sites are listed in table 6 above. I do not consider that any other European Sites other than those identified in table 7 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

Table 7. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
South Dublin Bay and River Tolka Estuary SPA 004024	QIs – 14 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	Yes Weak hydrological connections exist through:	
North Bull Island SPA 004006	QIs – 18 bird species To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it		

	To maintain the favourable conservation condition of the qualifying species	Surface water ultimately discharging to Dublin Bay	Yes
North Dublin Bay SAC 000206	QIs – ten coastal habitats and species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf	Wastewater from the site passes and would be treated in Ringsend WWTP, which also discharges to Dublin Bay.	
South Dublin Bay SAC 000210	QIs - Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf		

15.4. Potential Effects

15.4.1. Habitat loss and fragmentation would not arise given the location and nature of the site. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- surface water drainage from the proposed development site;
- increased noise, dust and/or vibrations as a result of construction activity;
- management of invasive species;
- increased wastewater being sent to Ringsend Wastewater Treatment Plant during the operational phase of the proposed development.

Construction Phase

15.4.2. Having regard to the information submitted with the application, including the Engineering Services Report and the Construction Management Plan, pollution

sources would primarily be controlled through the use of normal best practice site management. The proposed construction management measures outlined, including asbestos removal and disposal, are typical and well-proven construction (and demolition) methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.

- 15.4.3. As there is a culvert traversing the site, the applicant has set out specific measures to safeguard the functioning of this culvert, otherwise the proposed works would have the potential to undermine water quality flowing through the culvert to the River Tolka, which discharges to Dublin bay. In the absence of specific project construction management and pollution control measures, the potential impact of the project on downstream European sites comprising North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA, would be uncertain. Other than the immediate bay waters that the Tolka discharges into, the potential for likely significant effects on the qualifying interests of other European sites in the wider Dublin Bay catchment can be excluded given the nature and scale of the development and the distance and volume of water separating the River Tolka discharge area from European sites in the wider Dublin Bay area (dilution factor).
- 15.4.4. Survey details provided with the applicant's EclA do not highlight qualifying interest species or other species associated with the conservation objectives of European sites habituating the site or its adjoining area. The development would not increase disturbance effects to birds in Dublin Bay, including during construction and operational phases, given the separation distance from these sensitive areas across an extensive urban area.
- 15.4.5. Butterfly bush (*Buddleia*) and sycamore trees are respectively located in the southern and northern boundaries of the site and standard management measures typically necessary for their removal and disposal would be put in place as part of the project Construction Environmental Management Plan. Such management measures would be necessary for development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the management of these medium-impact invasive species would not be designed or intended specifically to mitigate any potential effect on a European site.

Operational Phase

- 15.4.6. During the operational stage surface water from the site would be discharged at rates compliant with the 'Greater Dublin Regional Code of Practice for Drainage Works' to the Claremont stream culvert after passing through a flow-control hydrobrake. As noted above, a fuel interceptor would be necessary to install as part of the surface water management proposals, in order to restrict the flow of hydrocarbons directly from the site into the culverted watercourse ultimately draining into Dublin bay.
- 15.4.7. Wastewater from the development would be treated at Ringsend WWTP and the proposed development would result in a residential loading equivalent to approximately 171 to 342 residents based on the number of bed spaces proposed. Having regard to the scale of the development proposed, it is considered that the development would result in an insignificant increase in the loading at Ringsend WWTP, which would in any event be subject to Irish Water consent, and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.
- 15.4.8. On the basis of the foregoing, without the installation of a fuel interceptor the proposed development would have potential impacts on the overall quality of waters in the area immediate to the River Tolka discharge into Dublin Bay and, accordingly, there would be a possibility of the operational proposed development undermining the conservation objectives of North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA via pollutants in the surface water runoff. The nature and scale of the development and the dilution effect would limit the operational phase surface water runoff impacts from the wider bay area.

In-combination Impacts

- 15.4.9. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased volumes to the Ringsend WWTP.
- 15.4.10. The expansion of the city is catered for through land-use planning by the various Planning Authorities in the Dublin area, including the Dublin City Development Plan 2016-2022. The Development Plan has been subject to AA by the Planning

Authority, who concluded that its implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising. Furthermore, I note that the first phase of upgrade works to the Ringsend WWTP extension (ABP ref. PL.29N.YA0010) serving an additional population equivalent of 400,000 persons were completed in December 2021 and the facility is currently operating under the EPA licencing regime that was subject to AA Screening.

15.4.11. The applicant's Stage 1 AA Screening Report refers to potential in-combination impacts with other permitted developments and land uses in the area. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

AA Screening Conclusion

15.4.12. The proposed development was considered in light of the requirements of Section 177U of the Act of 2000. Having carried out Stage 1 AA Screening Report for the project, it has been concluded that the project individually could have a significant effect on European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC), in view of the sites' Conservation Objectives, and an Appropriate Assessment is therefore required. The applicant has submitted a NIS addressing the potential for significant effects on these three sites.

15.4.13. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, given the absence of a pathway between other European sites and the application site, the separation distances to European sites, including across open exposed marine waters. In reaching this conclusion, with the exception of European Site No. 004024

(South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC), I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on European Sites.

Stage 2 - Appropriate Assessment

15.4.14. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interests of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC) using the best scientific knowledge in the field. All aspects of the project that could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are both considered and assessed.

Test of Effects & Mitigation Measures

15.4.15. As the site of the proposed development is at a remove from Dublin bay, no direct effects would occur. In terms of indirect effects the key element is the potential impact on water quality during construction and operation phases.

15.4.16. Construction management measures including specific measures to prevent pollution of the culverted section of the Claremont Stream on site and the River Tolka downstream will be incorporated into the CEMP, which will ensure that there are no likely effects on the River Tolka from surface water runoff, thereby avoiding negative effects on the European sites in Dublin Bay. I am satisfied that with the implementation of specific work method statements, as well as measures outlined in the NIS for the protection of surface water, including compliance with the Guidelines on the Protection of Fisheries during Construction Works in and Adjacent to Waters (IFI, 2016) and training for construction staff, the proposed development would not have likely significant effects on water quality entering the culvert.

15.4.17. I am also satisfied that with the installation of a fuel interceptor to trap and filter out hydrocarbons prior to the discharge of surface waters to the culvert, the proposed operational phase of the development would not have likely significant effects on water quality.

15.4.18. The evidence available provides certainty that the project would not result in pollution of water or significant adverse impacts for qualifying interests, and it can be

concluded that the proposed development would not be likely to have significant adverse impacts on European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC), in view of the sites' conservation objectives.

15.4.19. I am therefore satisfied that the development would not cause changes to the key indicators of conservation value, hence there is no potential for any adverse impacts to occur on either the habitat or the species associated with European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC).

In-combination Effects

15.4.20. Having regard to the foregoing, I consider that in-combination effects are not likely to arise for European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC).

Appropriate Assessment – Conclusion

15.4.21. The possibility of significant effects on all European sites has been excluded on the basis of objective information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above. I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA) and European Site No. 000206 (North Dublin Bay SAC), or any other European site, in view of the site's Conservation Objectives.

16.0 Conclusion and Recommendation

16.1. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be refused to be granted for the proposed development, for the reasons and considerations set out in the draft Order below.

17.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 14th day of January, 2022, by The Balnagowan Partnership care of McCutcheon Halley Planning Consultants of Kreston House, Arran Court, Arran Quay, Dublin 7.

Proposed Development:

The development will consist of:

- the demolition of three outbuildings, including a single-storey flat-roofed shed measuring a stated 47sq.m gross floor area (GFA), a single-storey flat-roofed shed of 100sq.m GFA and a glasshouse of 25sq.m GFA;
- the construction of 108 apartments with a cumulative GFA of 6,845sq.m in three blocks, including five-storey block 1, six-storey block 2 and six to seven-storey block 3 partially over basement/undercroft level car park with residents' gymnasium (100sq.m GFA);
- change of use of Bealnagowan House (Block 4), a Protected Structure, from most recent use as an office to residential use comprising four apartments, including refurbishment works, modifications and alterations;
- provision of a new and an upgraded vehicular accesses, as well as pedestrian and cyclist accesses off St. Mobhi Boithirin, landscaping works providing for public and communal open spaces with a children's play area, provision of car, motorcycle and bicycle parking spaces, and provision of set-down area fronting Bealnagowan House;
- all associated site and infrastructural works, including sustainable urban drainage systems (SUDS), lighting, landscaping, boundary treatments, plant areas, meter rooms and all associated site development works.

at Bealnagowan House, St. Mobhi Boithirin, Glasnevin, Dublin 9.

Decision

Refuse to grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, it is considered that the proposed development by reason of the design, scale, height and positioning of proposed block 1 directly onto the back edge of the footpath along St. Mobhi Boithirin and by reason of the height and scale of proposed blocks 2 and 3 proximate to the Protected Structure on site, would be out of character with the immediate streetscape, would seriously detract from the visual amenities and character of the area when viewed from the east and west along St. Mobhi Boithirin, and would not constitute an adequate design response for this urban infill site featuring a Protected Structure. Accordingly, the proposed development would not, therefore, be in accordance with the criteria set out under section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018.
2. Having regard to the Protected Structure on site and to the policies of the Dublin City Development Plan 2016-2022, it is considered that the proposed development, by reason of the design, height and scale of blocks 2 and 3 proximate to the rear of the Protected Structure, would compete with, would not be sympathetic towards and would seriously detract from the setting and character of the Protected Structure and would, therefore, be contrary to

policy CHC2(d) of the Dublin City Development Plan 2016-2022, which seeks to ensure that development protects, relates to and complements the special character of Protected Structures. Furthermore, having regard to the proposed provision of replacement first-floor wing extensions and associated terraces to the Protected Structure, the proposed development would compromise the character and original form of the Protected Structure and, therefore, would be contrary to policy CHC2(a) of the Dublin City Development Plan 2016-2022, which seeks to ensure that development protects, as well as restores the form and features that contribute to the special character of Protected Structures. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the established character and pattern of development in the vicinity, the provisions of the Dublin City Development Plan 2016-2022 and the nature and scale of the proposed development, with proposed five-storey block 1 positioned directly onto the back edge of the footpath along St. Mobhi Boithirin and with proposed six to seven-storey block 3 to be positioned proximate and parallel with the rear boundary of properties along St. Mobhi Road, it is considered that the proposed development would have an overbearing impact when viewed from neighbouring properties at nos. 3 to 7 The Haven and adjoining properties at nos. 57, 59, 61, 63, 65 and 67 St. Mobhi Road. Furthermore, the provision of windows and balconies on the east elevation of proposed block 3 directly facing onto the rear gardens of housing along St. Mobhi Road would result in excessive direct overlooking of the private amenity spaces to nos. 57, 59, 61, 63, 65 and 67 St. Mobhi Road. Accordingly, the proposed development would seriously injure the residential amenities of the stated neighbouring and adjoining properties, and would be contrary to the provisions set out under sections 16.10.8 and 16.10.10 of the Dublin City Development Plan 2016-2022, which require backland development not to cause significant loss of amenity to existing properties and infill housing to have regard to the existing character of the street. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the design and layout of the proposed development, including the position and proximity of directly-facing primary windows in blocks 1 and 2, providing for excessive direct overlooking between apartments in these blocks, and having regard to the fragmented position of block 1 separated from residents' amenities and communal facilities in the apartment complex by a vehicular access ramp, the proposed development would fail to provide an adequate level of connectivity and residential amenity for future occupants of the scheme and would be contrary to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020.

Colm McLoughlin
Senior Planning Inspector

13th July 2022

Appendices

Appendix A: EIA Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312492-22
Development Summary		Demolish outbuildings and construct 108 apartments in three blocks, change of use of Protected Structure to provide four apartments and associated development at Bealnagowan House, St. Mobhi Boithirin, Glasnevin, Dublin 9.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report, Natura Impact Statement and an Ecological Impact Assessment Report were submitted with the application.
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Dublin City Development Plan 2016-2022

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	There is a clear consistency in the nature and scale of development in the surrounding area, generally comprising low-rise buildings of varying uses, including residential and healthcare buildings. While the proposed building heights would not be in character or scale with surrounding heights, the proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development would take place on an existing residential site within Dublin city and would have minimal physical change for the locality with proposals prepared cognisant of the existing culverted Claremont stream traversing the site.	No

<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Asbestos has been identified in the office portacabin building and the outbuildings to be demolished. Proposals for safe removal and disposal of this material have been outlined and would be finalised as part of the project CEMP and Construction and Demolition Resource and Waste Management Plan (CDRWMP).</p> <p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard and specific measures outlined in a CMP and NIS would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a finalised project CEMP and a CDRWMP would satisfactorily mitigate the potential impacts.</p> <p>Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Operation of standard and specific measures outlined in a finalised project CEMP and a CDRWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor and a hydrobrake to the Claremont stream. Surface water drainage will be separate to foul drainage within the site and leaving the site.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in the submitted CMP. Management of the scheme in accordance with an agreed CEMP will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Yes</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the submitted CMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site would result in an intensification of use and an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.</p>	<p>No</p>

1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No		No
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ cSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	Yes	<p>Sensitive ecological sites are not located on site. The nearest European sites are listed in table 6 of this report. The site would have potential to impact on three European sites identified in the Dublin bay area via impacts on surface waters draining to these sites. With the implementation of standard measures and specific mitigation measures adverse impacts on these European sites are not anticipated. The Royal Canal proposed Natural Heritage Area (pNHA) is located 1.3km to the south of the application site. The proposed development would not result in significant impacts to any of these sites. Annex II habitats or habitat suitable for protected species, including plants, were not found on site during ecological surveys.</p>	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>The proposed development would not result in significant impacts to protected, important or sensitive species.</p>	No

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>The site and surrounding area does not have a specific architectural or landscape conservation status but it does contain a Protected Structure on site and the site and its immediate area is within an area known to feature archaeological remains. While the proposed development would impact on the character or setting of the Protected Structure on site, however, the significance of this impact is not considered to be significantly at odds with the wider environment.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features are in this urban location.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>The site features relatively level terrain and the proposed development would feature limited excavation works.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>Direct access would be provided to St. Mobhi Boithirin. The site is served by an existing urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	<p>No</p>

<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>A hospital is situated adjoining to the west of the site, however, arising from the project, including standard measures of the submitted CMP and CDRWMP, no significant construction or operational impacts would be anticipated for this facility.</p>	<p>No</p>
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3. Any other factors that should be considered which could lead to environmental impacts

<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>The applicant refers to a neighbouring planning applications throughout their application documentation, including residential developments along Ballymun Road and Glasnevin Hill. Reference is also made to transport infrastructure upgrade projects, as well as upgrades to wastewater treatment infrastructure. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No transboundary considerations arise</p>	<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>	<p>No</p>	<p>No</p>	<p>No</p>

C. CONCLUSION

<p>No real likelihood of significant effects on the environment.</p>	<p><input checked="" type="checkbox"/></p>	<p>EIAR Not Required</p>	
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<p>Real likelihood of significant effects on the environment.</p>	<input type="checkbox"/>	<p>Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)</p>	
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D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- the location of the residential units on lands zoned 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022 with a stated objective 'to protect, provide and improve residential amenities', and the results of the Strategic Environmental Assessment of the Development Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2022;

- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2022, and;
- the standard features and specific measures that would be required to avoid or prevent what might otherwise be significant effects on the environment, including measures proposed as part of the project Construction Management Plan and Natura Impact Statement and measures that would be provided as part of the finalised project Construction Environmental Management Plan and Construction and Demolition Resource Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector: _____ **Colm McLoughlin**

Date: **13th July 2022**