



An
Bord
Pleanála

Inspector's Report

ABP-312718-22

Development

Permission for development of eight-storey extension to the existing Beacon Hospital and Beacon One Apartment Complex. Development will provide a 5,746sq,m seventy-bed hospital extension. It will also separately provide 4 new apartment units. Substantive demolition of the existing eight-storey Beacon Hotel. The development will also include ancillary administration offices; staff and patient facilities, including all associated site works.

Location

The Beacon Hotel, Beacon Court, Sandyford Business Park, Dublin 18.

Planning Authority

Dún Laoghaire-Rathdown Co. Council

Planning Authority Reg. Ref.

D21A/0749

Applicant(s)

Beacon Hospital Sandyford Ltd.

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal	Third Parties
Appellant(s)	Steven & Bríd Ann Dagg Beacon One Management CLG
Observer(s)	None
Date of Site Inspection	8 th & 11 th May 2023
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.11ha, comprises a portion (the Beacon Hotel over eight floors) of a larger block of mixed-use development (Beacon Court). The hotel has been closed since 2020 – although the ground floor and part of the first floor are in use for staff facilities, COVID-testing and phlebotomy (as part of the adjoining Beacon Hospital). There is a double basement beneath the larger block and the internal, triangular-shaped courtyard to the east. The basement is used for parking, plant, deliveries, waste management/storage and hospital use. The hotel has the use of 54 parking spaces at lower basement level – which are now marked for Beacon Hospital use. There is access to both basement levels via lift- and stair-core within the hotel building. Vehicular access to the basement is off Blackthorn Road – with secondary access to upper basement level only, from Bracken Road (a cul de sac off Blackthorn Road, to the southeast). The Blackthorn Road basement access also serves the ambulance bays associated with the Beacon Hospital. There is a plant room and external plant on the roof. Some of the plant is screened behind metal cladding panels. There are some mobile telephone antennae and dishes on the roof of the building. The roof covering is tarred felt.
- 1.2. The site is located at the busy, signal-controlled junction of Blackthorn Drive and Drummartin Link Road – both thoroughfares containing turning lanes: pedestrian island refuges are provided at crossings. The block is set back from Drummartin Link Road; to allow for future road improvements. The intervening area is fenced-off (2.4m high palisade fencing) and is unused at present. Photographs submitted with the application indicate that part of the area was used as a site compound in the past. There are 8 semi-mature deciduous trees planted in a row within this space – close to the Beacon One Apartments complex. There is a two-way bicycle lane, footpath and grass margins on the Drummartin Link Road frontage. There is a one-way bicycle lane, footpath, grass margin and raised planters along the Blackthorn Drive frontage – with another bicycle lane on the opposite side of this road. A shallow flight of steps/ramp leads from Blackthorn Drive to the recessed (and slightly raised) hotel entrance. There is a small, recently-landscaped park area, on the opposite side of Blackthorn Drive, linking to the larger Blackthorn Park and playing fields to the north.

- 1.3. To the northeast, and within the same block, is the Beacon Hospital. The hospital extends into the two basement levels beneath. To the southeast, and within the same block, is the Beacon One Apartments complex – connected to the basement levels by stair- and lift-core. The aforementioned courtyard area has a gated vehicular access from Blackthorn Drive. The gates were open on the dates of site inspection – and it is not clear if they are ever closed. There is a yellow box painted on the road, directly in front of the vehicular access point. The courtyard comprises mostly hard-landscaping – with some raised planters and benches. There is a gas storage tank in the centre (screened from view). There are a number of vents in place, to the basement parking beneath. There is 15-minute parking for delivery vehicles in the centre of the courtyard; there were a number of such vehicles parked on the dates of site inspection. There is a vehicular control barrier on the at the southern end of the courtyard – where access would appear to be for service/emergency purposes only. There is a very small lawn area, with timber bollards and planters, immediately in front of the Beacon One Apartments complex. The courtyard area contains the main public entrance to the Beacon Hospital, which can also be accessed from the upper basement level. Access to the hospital from the lower basement, is for staff only. There is no current access to the hospital from Blackthorn Road (although this would appear to have been designed as the main entrance to the hospital): it is for emergency egress at present. There is a narrow, dedicated pedestrian access to the hospital (leading into the upper basement level) from Blackthorn Road – immediately adjacent to the vehicular access to the basement.
- 1.4. There are 3 access points to the Beacon Court Green Mall from the courtyard. This mall serves as access to clinics, a pharmacy, café area and outlying part of the hospital. There is a second mall (Orange) giving access to clinics – on the opposite side of the central concourse. There is dedicated pedestrian access from the courtyard to the eight-floor Beacon One Apartments complex. There is a small, covered smoking area opposite the entrance to the apartments. There is access to the hotel restaurant, foyer and fire escape stair-core from the courtyard. There is a further external fire escape & service stair from the first floor of the hotel into the courtyard. An aluminium frame is in place, immediately outside the hotel restaurant, fitted with outdoor heaters. There was no canopy above the frame on the dates of

site inspection, although screens around the area remain in place. The area is stated to have been used as a smoking area for the hotel.

- 1.5. There is a narrow service area between the hotel and the fenced-off area beside Drummartin Link Road. This area is accessible to vehicles, via metal gates on Blackthorn Drive – it would appear to have been used in the past for keg and bottle deliveries to the hotel: and is currently locked. Access to the electricity sub-station is from this area also. There is an external staircase within this area connecting ground level to the two basement levels.
- 1.6. External finishes of the hotel comprise timber cladding, composite stone panel cladding, metal cladding, aluminium windows and feature aluminium clad support columns and mosaic panels. There is both ground-level and high-level signage for the hotel – addressing Blackthorn Drive and Drummartin Link Road.

2.0 Proposed Development

2.1. Permission sought on 20th August 2021, for development as follows-

- Substantial demolition of eight-storey hotel (4,431sq.m) and replacement with 6,063sq.m floor area.
- Retention of ground floor electricity sub-station and double basement beneath.
- Expansion of adjoining Beacon Hospital into original hotel floor area – creating seventy bedspaces, emergency department, in-patient services, hospital café, and ancillary accommodation. New building will be of eight floors (but with greater floor-to-ceiling heights; resulting in a higher building than the existing hotel).
- New feature staircase extension on southwest façade of the building.
- Reconfiguration of lower basement area, to provide for bicycle-parking, motorcycle-parking and EV-charging at 5 spaces.
- Green roofs on new buildings.
- 4 new apartments at first-floor level – 3 one-bedroom units and 1 studio unit – with proposed access from the adjoining Beacon One Apartments complex.

- Open and enclosed plant at roof level (accessed by stair-core only).
- Removal of external stair to basement levels (located beside electricity sub-station).

2.1.1. The application is accompanied by the following documentation of note-

- Planning Report – 20th August 2021.
- Architect's Design Statement – 17th August 2021.
- Traffic & Transport Assessment – August 2021.
- Mobility Management Plan – August 2021.
- Site-Specific Flood Risk Assessment – August 2021.
- Engineering Planning Report – August 2021.
- Outline Construction & Demolition Waste Management Plan – August 2021.
- Construction Environmental Management Plan – August 2021.
- Visual Report – August 2021.
- Appropriate Assessment Screening Report – 17th August 2021.
- Planning Stage Energy Statement – 17th August 2021.
- Beacon Hospital Noise and Vibration Management Plan – 17th August 2021.
- Sunlight & Daylight Access Analysis – August 2021.

2.2. Following a substantial request for additional information, revised proposals were received on 15th December 2021, as follows-

- Access points to green roofs.
- Details of access/egress points for Beacon One Apartments complex.
- Removal of all landscaping proposals within courtyard area – which fell outside the red-line boundary of the site.
- Suggested possible landscaping for site compound on Drummartin Link Road.
- Revised public notices.
- Letter from firm of solicitors, confirming applicant's interest in the lands.

2.2.1. The submission was accompanied by the following documentation of note-

- Operational Waste Management Plan – 3rd August 2021.
- EIA Screening Report – 28 November 2021.
- Construction Material Sourcing and Management Plan – 3rd December 2021.
- Site Specific Flood Risk Assessment – December 2021.
- Construction Environmental Management Plan – December 2021.
- Outline Construction & Demolition Waste Management Plan – August 2021.
- Traffic & Transportation Assessment – December 2021.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 20th January 2022, Dún Laoghaire-Rathdown Co. Council (DL-RCC) issued a Notification of decision to grant planning permission, subject to 29 conditions – the principal of which are summarised below-

1. Development to be carried out in accordance with plans and particulars submitted with application, as amended by further information received on 23rd [sic] December 2021.
2. Relates to Mobility Management Plan.
3. Relates to appointment of a Travel Plan Manager.
4. Relates to Environmental Management Plan.
7. Relates to green roofs.
9. Requires compliance with Part V.
10. Sets out hours of construction.
11. Requires agreement in relation to a Construction Environmental Management Plan.
13. Relates to noise monitoring.
14. Relates to dust monitoring.

- 15. Relates to site compound location.
- 16. Deals with Operational Waste Management Plan.
- 17. Relates to noise/dust/vibration monitoring stations.
- 18. Applies to construction waste.
- 19. Deals with operational noise.
- 20. Deals with operational waste management.
- 23. Development contribution of €10,222.52 for surface water infrastructure.
- 24. Development contribution of €233,905.27 for roads infrastructure.
- 25. Development contribution of €151,730.50 for community & parks infrastructure.
- 26. Development contribution of €99,506.95 for roads infrastructure within the Sandyford Urban Framework Plan area.
- 27. Development contribution of €39,507.11 for community & parks infrastructure within the Sandyford Urban Framework Plan area.
- 29. Requires payment of a bond for completion of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report, dated 14th October 2021, includes a summary of objections received; incorporates all internal reports; and concludes that additional information should be sought in respect of this development. The report includes a planning history.

Report, dated 20th January 2022, includes a summary of objections received; incorporates all internal reports; and concludes that permission could be granted, subject to conditions.

3.2.2. Other Technical Reports

Municipal Services Department – Drainage

Report, dated 16th September 2021, indicates clarification of surface water drainage arrangements is required – together with access arrangements to green roof areas.

Environment Department – Parks & Landscape Services

Report, dated 23rd September 2021, requested additional information in relation to additional soft landscaping on Drummartin Link Road and Blackthorn Road [sic] and how to link the scheme with Blackthorn Park to the north.

Environment Section – Planning

Report, dated 24th September 2021, states- submitted plans lack relevant detail in relation to construction & demolition wastes (particularly in relation to any hazardous wastes); noise & vibration; dust & odour; complaints handling; and monitoring. In relation to operational phase, information is required in relation to noise, vibration and odour; waste storage (particularly clinical waste).

Transportation Planning

Report, dated 11th October 2021, indicates it is not clear if assessment includes patient/non-staff trips; and what increase there will be in traffic entering courtyard.

Environment Section – Planning

Report, dated 13th October 2021, is largely similar to report of 24th September 2021.

Environmental Health Office

Report, of 27th September 2021, states that proposal is acceptable subject to conditions. [A copy of this report is not on the file – although quoted (seemingly *verbatim*) in the Planner's Report].

Municipal Services Department – Drainage

Report, dated 5th January 2021 [sic] – (should read 2022), indicates no objection to the revised proposal, subject to conditions being attached.

Environmental Health Office

Report, dated 6th January 2022, indicating that submitted Operational Waste Management Plan is acceptable.

Environment Department – Parks & Landscape Services

Report, dated 7th January 2022, requests clarification of additional information.

Transportation Planning

Report, dated 10th January 2022, recommends permission subject to conditions. [A copy of this report is not on the file – although quoted (seemingly *verbatim*) in the Planner's Report].

Environment Section – Planning

Report, dated 12th January 2022, considered information submitted to be lacking in specifics. Conditions were suggested relating to monitoring, construction waste, liaison with the public, operational waste management, operational noise management and pest control. [A copy of this report is not on the file – although quoted (seemingly *verbatim*) in the Planner's Report].

3.3. Third Party Observations

There are a number of objections from residents/owners of units within adjoining Beacon Court. These objections have been summarised in the Planner's Reports.

4.0 Planning History

Ref. D03A/0228: Permission granted for change-of-use from office-based industry to hospital, apart-hotel suites and a gymnasium.

D09A/0175E: Extended permission granted for 5 years, until 18th September 2020. Permission has lapsed.

D09A/0175: Permission granted for extension to Beacon Hospital (Block J) and for clinical/medical/administration/training building (Block K).

Ref. D10A/0476: Permission granted to enclose a first-floor terrace to form a new hospital registration area.

5.0 Policy Context

5.1. National Planning Framework 2018

This Government policy document sets out strategic development policy for the entire country to 2040. It seeks to ensure that future growth of Dublin takes place within the metropolitan area – to facilitate compact and sustainable development.

5.2. Development Plan

The planning application was lodged during the currency of the old Development Plan. The relevant document is the new Dún Laoghaire-Rathdown County Development Plan 2022-2028. The site is zoned 'SNI' – 'To protect, improve and encourage the provision of sustainable neighbourhood infrastructure'. Hospital use is 'Permitted in Principle'. Residential use is 'Open for Consideration'. Specific Local Objectives 63 & 140 apply to this zoning block – 63: "To improve, encourage and facilitate the provision and expansion of medical/hospital campus at Beacon and Leopardstown Hospital", and 140: "To promote the subject lands as a location for an urban forest".

Drummartin Link Road (Regional Road R133) is indicated as a Strategic Road Reservation – the line of which abuts the site – The Dublin Eastern Bypass Route Reservation (NRA Corridor Protection Study, January 2011).

The junction of Drummartin Link Road and Blackthorn Drive is indicated as having 'Long Term Road Objectives/Traffic Management/Active Travel Upgrades – to provide a grade-separated junction.

Flood Zone Map 6 indicates that the building (presumably the lower basement) and parts of the adjoining road network are within Flood Zone B.

Appendix 5 of the Plan is a Building Height Strategy, and specifically refers to the Sandyford Urban Framework Plan. Policy Objective BHS 2 states, *inter alia*, "It is a policy objective to promote and support proposed heights as set out in any approved statutory Local Area Plans and as set out for certain areas in this County Development Plan (Sandyford Urban Framework Plan area...)".

5.3. Sandyford Urban Framework Plan (Appendix 16 of County Development Plan).

This Plan forms part of the Development Plan. This Plan aims to integrate the separate areas within the Plan boundary; so that the area develops as a coherent district. The appeal site falls within lands identified as Sandyford Business Park. For Zone 6: Sustainable Neighbourhood Infrastructure (SNI), there is an Objective- "To protect, improve and encourage the provision of sustainable neighbourhood infrastructure' [sic] in Zone 6 of Sandyford Business District". Hospital use is

‘Permitted in Principle’, whilst residential use is ‘Open for Consideration’. Specific Local Objectives 63 and 140, *inter alia*, are repeated in this Appendix. Map 2 indicates a Plot Ratio of 1:3. Map 3 indicates a building height limit of 4-9 storeys – without specifying what height a storey may be. The site is within Water Supply Zone A. Drawing No. 3 indicates that there is a Proposed or Under Construction Internal Walking Route along Drummartin Link Road, in front of the building. Drawing No. 7 indicates a ‘Green Routes Network linking Open Spaces via Pedestrian and or Cycle Routes’ along the Blackthorn Drive frontage of the site. Map No. 9 indicates that Blackthorn Drive provides ‘Existing Access Walking Routes & Cycling Routes’.

5.4. Natural Heritage Designations

- 5.4.1. The application was accompanied by an Appropriate Assessment Screening Report – dated 17th August 2021. The report concluded that the possibility of any significant effects on any European Sites, whether arising from the project alone, or in combination with other plans and projects, can be excluded. An Appropriate Assessment of the project was not required. The application was screened for AA by DL-RCC, and the same conclusion reached.
- 5.4.2. The development involves demolition and construction largely within the same footprint. The closest European Sites are the South Dublin Bay Special Area of Conservation (SAC) and South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) – located some 4.0km to the northeast. The Wicklow Mountains SAC and the Wicklow Mountains SPA are 6.1km and 6.2km respectively to the southwest. There are no watercourse linkages with any of these European Sites.
- 5.4.3. The proposed development is located within an established urban area, on zoned lands that are suitably-serviced. It is reasonable to conclude, on the basis of the information on the file (including the Appropriate Assessment Screening Report), which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 sites. A Stage 2 Appropriate Assessment is not, therefore, required.

5.5. EIA Screening

- 5.5.1. DL-RCC undertook pre-screening for EIA for this development; and concluded that an EIAR screening report was required. An EIA Screening Report (dated 28th November 2021) was submitted by way of additional information submission.
- 5.5.2. Schedule 5, Parts 1 & 2 of the Planning & Development Regulations 2001, (as amended) set out classes of development for which an Environmental Impact Assessment Report (EIAR) is required to be submitted. Class 10 refers to Infrastructure projects. Subsection (i) refers to more than 500 dwellings and subsection (iv) refers to urban development which would involve an area greater than 2ha in the case of a business district. The proposed development provides for 4 residential units and is on a site of 0.11ha – both of which are substantially below the thresholds set down in the Regulations. I would note that a change-of-use is in question on this site – where buildings already exist and are to be demolished. Class 13(a) refers to extensions which would bring a development above the thresholds set down in Parts 1 or 2 or where the extension would result in an increase in size greater than 25% or an amount equal to 50% of the appropriate threshold. The proposed increase in floor area is 1,632sq.m. This would not result in any thresholds being breached. The proposed development is, therefore, sub-threshold.
- 5.5.3. Demolition waste materials are listed – including proportions to be recycled. Having regard to the nature of the proposed development, comprising the demolition of an hotel and construction of an hospital extension and 4 apartments within the developed footprint, including all necessary site works, in an established urban area, where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. I would agree with the conclusions of the applicant's screening determination, that an EIAR is not required for this development.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are two 3rd Party appeals from-

- BPS Planning & Development Consultants, agent on behalf of Beacon One Management CLG, received on 10th February 2022.
- Stephen & Bríd Ann Dagg, 710 Beacon One Apartments complex, received on 14th February 2022.

6.1.2. The issues raised can be summarised in bullet point format as follows-

- The applicant does not have the permission of Beacon One Apartments to either connect to the complex or to include any of it within the red-line boundary. The public notices should not have mentioned the Beacon One Apartments complex.
- There is no indication given as to how the area around the new emergency department entrance from the courtyard would function.
- The applicant has refused to alter the red-line boundary of the site, as requested by the Parks Department of DL-RCC – thereby divesting itself of the need to carry out landscaping works on Drummartin Link Road.
- The applicant does not have sufficient legal interest in the entire site to make the application. This is evident from the solicitors' letter submitted with the additional information submission – reference being made to technical issues with maps – nothing but ambiguity and equivocation. The solicitor for the first 3rd party appellant does not consider that the applicant has sufficient title. There was no reason for DL-RCC to side with the applicant on this issue. The planning authority relies on section 34(13) of the Act.
- The hotel and apartment complex were built to be conjoined – compatible residential uses. The hospital and the apartment complex were not so built. The sharing of the same building by apartments and hospital would be prejudicial to public health. The hotel is an important part of the mix of uses in this area. No indication has been given as to whether the hotel use remains economically viable. The hotel is a landmark building/use.
- The development involves not only a change-of-use, but also a significant increase in floor area of 1,633sq.m. The new building will tower over the eight-storey apartments, at 33.0m in height compared to the 24.6m of the

Beacon One Apartments. It will impact negatively on adjoining apartments, the courtyard area and the wider Beacon Court scheme.

- There would be considerable disruption for residents during the demolition and construction phase. The uses are conjoined, not merely adjoining.
- The demolition of a perfectly serviceable hotel, to be replaced by an hospital, does not constitute sustainable development.
- The new hospital building would remove the visual continuity of the blocks when viewed from Drummartin Link Road. The tower element is not needed as a landmark or a way-finder – the hotel already acts as such. An additional two storeys are to be added, but the addition looks more like three storeys. The new building is more like a ten-storey structure. The increase is significant – notwithstanding reference in the Sandyford Urban Framework Plan, to up to nine storeys. The building is two storeys higher than the eight-storey Beacon One Apartments complex: it should be limited to nine storeys.
- The higher building will result in overshadowing of Beacon One Apartments – leaving some residents worse-off than they are at present. The new stairwell will impact on apartments beside it – particularly in the evening time, and will appear visually overbearing. The development will also result in greater overshadowing of the courtyard area. The Visual Report ignores the Beacon One Apartments complex. The new corner stairwell breaks the existing building line. The rooftop plant-rooms increase the height of the building and impacts negatively on visual amenity.
- The change-of-use results in an unacceptable loss of shared access lifts, for apartment users. Residents of the Beacon One Apartments complex will no longer be able to access their apartments from the courtyard via the hotel entrance onto the courtyard. This area acted as a set-down area for the hotel but remained open most of the time. When the hotel was closed-down, the new owners restricted use of the lift- and stair-core to emergency egress only via the stair-core. This is contrary to the original parent permission. When the hotel was closed, Beacon One Management was forced to take legal action to retain even an emergency exit stair.

- The development would result in the loss of an external stair, which serves as fire escape from the first floor of the hotel – which was formerly open to residents of Beacon One Apartments.
- Emergency egress should be provided for apartment occupants to the stair-core within the new corner tower element.
- The courtyard is a critical open space for all users of the Beacon Court complex. The ground-floor hospital extension and new entrance will reduce the amount of courtyard area open to occupants of Beacon Court. There is concern that emergency vehicles will use the courtyard to access the emergency department.
- The claim that there will be an increase of only 2.2% in traffic, is not credible. The hotel had a main entrance on Blackthorn Drive – the hospital will not. Detailed arrangements in relation to ambulance use of the courtyard should be in place. Beacon One Apartments management has objected in the past to too much hotel traffic using the courtyard. There is no access control or ticketing arrangements in place for the courtyard. Taxis and ambulances will use the area – rather than going into the basement car-park.
- Only a small number of hotel guests and staff would have had cars. Almost all patients to the hospital would arrive by car.
- There are no management agreements in place for the 4 new apartments: the application is premature.
- The removal of the hotel terrace will not be of any benefit to residents of apartments.
- Beacon One Management has not agreed to share the services of apartments – mechanical/electrical. This permission cannot be implemented.
- Exit via the staircase in the hospital, would result in residents having to share the corridor with hospital patients, who may be very ill. Something like the COVID pandemic would make such an arrangement unacceptable.
- Internal apartment walls are part of the same building which is to be demolished. The Construction Environmental Management Plan and the

Construction & Demolition Waste Management Plan are lacking in detail; and they do nothing to reassure residents in relation to noise, dust, vibration and structural stability. All detail is 'outline' only. The applicant claims that the appointed contractor will deal with these issues in due course. This amounts to self-regulation; and is of no comfort to the 70 apartment owners/occupiers. There is no reason why this level of detail cannot be provided. Occupants living immediately adjacent to the demolition may need to be moved out. A condition could require the applicant and Beacon One Management to agree to an independent technical supervisor during the demolition and construction phases – at the expense of the applicant. The standard liaison officer approach will not work in this instance. Baseline noise and vibration levels need to be determined, prior to commencement of development.

- The development would result in a devaluation of Beacon One Apartments.
- There is a need to ensure that redevelopment proposals represent a fair balance between the right of existing owners of the Beacon One Apartments complex and the hotel site owners. The current proposals do not achieve this and; nor do they benefit the area. The applicant has steadfastly refused to expand the red-line boundary of the site, such that landscaping can be required to be carried out.
- Apartment 710 (addressing Drummartin Link Road) is located on the top floor of the Beacon One Apartments complex, immediately adjacent to the new stair-core tower structure on the northwest corner of the of the block. This extension will project forward of the existing building line by 3.8m and will result in light to the balcony, and to the apartment, being blocked. The extension will be out of scale and will appear overbearing from the apartment. The new stair-core will block views to the north from the balcony of the apartment.
- It is not clear how services such as electricity, gas, broadband and water to the apartments will be protected during the demolition and construction phases. It is acknowledged that electricity services are shared back to the electricity sub-station.

- Vibration, noise and dust will be intolerable during the demolition and construction phases – particularly for those apartments which immediately abut the redevelopment site.
- Having to keep windows open, as a COVID prevention measure, will not be compatible with the need to keep windows closed to prevent dust nuisance.
- Construction traffic and workers' cars will add to traffic disruption in the area.
- An additional floor will be built on top of apartment 710, where there is a plant room at present – and the owners object to this.
- The smoking area (which is not a permanent structure) in the courtyard, will be replaced by a single-storey permanent building. The new hospital entrance will be built on a common area.

6.1.3. The appeal documents contain a number of embedded, annotated photographs and drawings. Also included is a letter from a firm of solicitors in relation to leasehold interest in the hotel.

6.2. Applicant's Response

6.2.1. The response of Tom Phillips & Associates, agent on behalf of the applicant, received by the Board on 11th March 2022, deals separately with the two 3rd party appeals, and can be summarised as follows-

- Foul and surface water drainage for hotel and apartments is separated. There are no shared electrical or mechanical services.
- Construction management and noise & vibration mitigation conditions were applied to the Notification of decision to grant permission – including a requirement for continuous monitoring. There will be no demolition above apartment 710 – the development will follow the line of the existing plantroom slab (which is to be retained). The lightweight metal roof above approximately half of apartment 710, will not be altered. The contractor will be responsible for weather-proofing the area during construction.
- The Environmental Health Office of DL-RCC was satisfied with the measures in the Outline Construction & Demolition Waste Management Plan and in the

Construction Noise & Vibration Management Plan. The concerns in relation to noise, vibration and dust, were addressed at further information stage. The hotel and the apartments are separated by reinforced-concrete, load-bearing walls. These walls will be retained. The hotel will be demolished from the top down. A Public Liaison Officer will be appointed by the applicant, as required by condition 22.

- The courtyard is controlled by the Beacon Court Management Company. There will be no change to the operation of the courtyard once the hospital extension is built. The hospital emergency department is a walk-in service; and will not be served by blue-light ambulances. The only ambulances that come to the Beacon Hospital are for intra-hospital transfers, which usually take place in the evenings.
- The smoking terrace within the courtyard was in the control of the hotel, and is now in the control of the owners of the hospital.
- The new stair-core on Drummartin Link Road will improve the streetscape at this location. There will be minimal effect on the visual amenities of apartment 710. The photograph submitted by the appellant, would appear to have been taken from a height (top of door frame), rather than eye level.
- The red-line boundary of the site is two-dimensional – and so it appears that apartment 710 is within the site boundary. However, no works are proposed in relation to this apartment.
- There is no statutory requirement for the applicant to consult adjoining landowners.
- DL-RCC was satisfied that the Beacon One Apartments complex be mentioned in public notices.
- Typical Beacon One Apartments complex floors have ten units – with two stair-cores.
- Restricting emergency vehicles arriving within the courtyard would undermine the principle of a common/shared area. All users of the courtyard would be subject to the restraints of temporary set-down parking.

- Applicant intends to approach the Beacon One Apartments complex management company to allow the 4 new apartments to be taken into the complex. The original scheme had apartments in this area – subsequently changed to hotel meeting rooms.
- Landscaping or other public realm improvements can be agreed, if necessary, by other forms of agreement. It is not possible for the planning authority to require the applicant to carry out works outside of the red-line boundary, on lands which it (the applicant) does not control.
- The planning authority has accepted, in good faith, that the applicant has sufficient legal interest in the site. The applicant has submitted a letter from a firm of solicitors indicating that there is sufficient legal interest in the site. This is not a planning consideration, *per se*.
- The existing building is already a mixed-use development; so there is no question of splitting the use. The residents of the Beacon One Apartments complex did not have unrestricted access to all parts of the hotel, and neither did hotel residents have unrestricted access to Beacon One Apartments. In the new arrangement, residential corridors, stairs and lifts will be solely for the benefit of apartment occupants. Apartment owners have previously complained of hotel residents using residential corridors.
- The hotel has been closed since 2020. The expansion of a well-established hospital use represents a more appropriate and sustainable use of this site. Objective 63 of the new Development Plan acknowledges the use of this site (and Leopardstown) for medical/hospital campus.
- The planning authority was satisfied that the redevelopment would not be visually obtrusive. The proposed development is of nine storeys; and not ten. This aligns with the requirements of the Sandymount Urban Framework Plan.
- The fact that the hotel is closed, indicates the demand for hotels in the area. There is an hotel in Leopardstown.
- The overshadowing study submitted by the applicant indicates that the degree of overshadowing passes the BRE Guidelines criteria. The extension forward

of the building line on Drummartin Link Road will result in a negligible visual impact.

- There will be no change to the operation of the courtyard, once the hospital extension is constructed. Ambulances will continue to use the basement car-park access off Blackthorn Road. Traffic control within the courtyard area is a matter for the management company of Beacon Court.
- Agreement with the management company of the Beacon One Apartments complex, for incorporating the 4 new apartments, is an issue for future agreement between the parties.
- A Construction Management Plan and associated method statements will have to be submitted for the written agreement of the planning authority, prior to commencement of development. This document will deal, *inter alia*, with the issues of noise, vibration, dust and structural stability. This is normal construction industry practice, since the design of the new building must be fully detailed to tender/construction stage, before the contractor can finalise the demolition and construction proposals. A condition survey would be required for both the protection of adjacent property owners and the protection of the contractor. Construction management and noise & vibration mitigation conditions were applied to the Notification of decision to grant planning permission – including a requirement for continuous monitoring.
- As no element of the development has been flagged by the planning authority as being seriously injurious to the amenities of adjoining property, the applicant refutes the notion that property in the area would be devalued by this development. The applicant makes this claim, with no cited evidence to prove the contention.

6.2.2. The response submission includes embedded and annotated drawings and photographs.

6.3. Planning Authority Response

There is no response from DL-RCC to the grounds of appeal submitted.

6.4. Observations

None received.

7.0 Assessment

7.1. Development Plan/Urban Framework Plan

- 7.1.1. The proposed development complies with the 'SNI' zoning for the site. Hospital use is 'Permitted in Principle', and residential use is 'Open for Consideration'. The proposed 4 apartments will immediately abut an existing apartment complex. The application is in accordance with Specific Local Objective 63, which refers to medical/hospital campus at Beacon and nearby Leopardstown. Specific Local Objective 140, relating to urban forests is of no relevance for a change-of-use development within a red-line boundary which is almost entirely built over. The development will not encroach on lands needed for a possible Eastern By-pass Route and neither will it hinder any future proposals for junction improvements at this location. The issue of flooding is addressed elsewhere in this Inspector's Report.
- 7.1.2. Map 2 of the Sandyford Urban Framework Plan gives an indicative plot ratio of 1:3 for this site. The concept of plot ratio is somewhat redundant in considering an application of this nature. Firstly, the question arises as to how plot ratio can be calculated for a development such as this one – particularly where the hotel use forms part of the wider Beacon Court development; where multiple ownership of different parts of the wider Beacon Court development may obtain; where hotel floors over-sail other uses, or are in turn over-sailed by other uses; where basement areas are shared with other users, and where increased floor area proposed is within and without what might be defined as the footprint of the hotel – before ever assuming that the ground-floor footprint is the relevant one for calculation purposes.
- 7.1.3. The application was accompanied by a Visual Report, which included photographs of the existing hotel building and photomontages of the proposed new hospital extension. The development will be most visible when travelling in a northeasterly direction along Blackthorn Drive and when travelling in a southwesterly direction along Drummartin Link Road. In the context of the width and extent of the existing road junction, the proposed development will not appear to be overbearing.

7.1.4. Appendix 5 of the Development Plan contains a Building Height Strategy for the county – which refers, *inter alia*, to the Sandyford Urban Framework Plan. Map 3 of the Sandyford Urban Framework Plan gives a building height limit of 4-9 storeys for this part the Plan area. The Plan does not give any indication as to what height is constituted by a single storey. The Apartment Guidelines do give an indication of what floor-to-ceiling heights should be for ground floors and remaining floors within apartment blocks. However, there is no such guidance in the Sandyford Plan; and this development is largely concerned with non-residential floor area. The proposed development will result in seven hospital floors being inserted into a void, where once there were eight hotel floors. This has been justified by the need for greater floor-to-ceiling heights in an hospital; which meant that the hotel could not be re-purposed for hospital use, and had to be largely demolished. I would also note that the existing hotel floorplates do not align with those of the adjoining Beacon Hospital – and would have required an extensive ramp/stair/lift network within either the hotel or the hospital, to marry the two. As it is, the proposed new hospital extension floors will align with the existing floors of the adjoining Beacon Hospital – where each floor above second-floor level is to be linked. The proposal provides for an additional hospital floor on top of the existing building – with plant rooms and a stair-core on the roof, providing a partial ninth floor. Objectors have argued that the additional height is too great and will be out-of-character with other buildings in the area. The site is located at a wide intersection of two busy roadways – particularly where buildings have been set back on the Drummartin Link Road, to allow for insertion of a future grade-separated junction. The area between the building and Drummartin Link Road has a row of 8 semi-mature trees within an untended area (behind a palisade fence). I would not consider that the additional height of the hospital extension will have any significant impact on the visual amenities of the area – particularly where the new height conforms with the guidance set down in the Sandyford Urban Framework Plan – however loosely that height guidance is framed.

7.2. Design & Layout

7.2.1. Demolition

The demolition of the existing hotel (constructed in 2005) is required, as it will not be possible to re-purpose it for hospital use – regard being had to the requirement for

increased floor-to-ceiling heights (for services at ceiling level). The finished floor levels within the hotel and the adjoining hospital differ, and it would require extensive intervention to join them up. The floor levels of the new hospital extension will match the floor levels in the adjoining hospital. Even retention of façades would not be possible, because of fenestration complications. The demolition may have implications for the structural stability of adjoining uses and for the basement areas beneath. The ground floor transfer slab is to be retained, as are the two basement levels beneath. The roof will have to be removed – being a metal frame structure. The rooftop plant slab above part of apartment 710 is to be retained. The application was accompanied by a Construction Material Sourcing and Management Plan, a Construction Environmental Management Plan and an Outline Construction and Demolition Waste Management Plan. These documents, taken together, indicate how the demolition and construction process can be facilitated, whilst at the same time indicating how the structural stability of adjoining floor areas can be safeguarded, and how inevitable nuisance caused, can be dealt with and abated.

The estimated project time is 18 months. The disruption caused to surrounding occupants and users will, therefore, be of limited duration. The Construction Material Sourcing & Management Plan, included in the additional information submission, indicates that the new building will have a design life of 60 years. The application was accompanied by a 'Planning Stage Energy Statement'. The new building will have a 50% improved thermal performance on the old one.

Condition 11 of the Notification of decision to grant planning permission required that prior to commencement of development, the applicant submit, for the written agreement of the planning authority, a detailed Construction Environment Management Plan, in order to minimise nuisance from noise, vibration and dust, at adjoining properties. The Board's standard condition in relation to submission of a Construction Management Plan, for the written agreement of the planning authority, prior to commencement of development, should be attached to any grant of permission, to minimise nuisance caused to neighbours by noise, vibration and dust.

7.2.2. External Materials

The external materials chosen, will result in the proposed new infill building being sympathetic to the adjoining remaining parts of the block. The stair-core feature on

Drummartin Link Road, with its rising diagonal emphasis, will serve to define this busy traffic interchange, and act as a way-finding marker within the wider Sandyford area. The materials used include insulated render/stone cladding/composite architectural cladding, colour-coated aluminium framed glazing, and metal louvre screening for plant at roof level. The curtain glazing will allow for maximum light penetration. I would not agree with the contention of the appellants that the new insertion would detract from the adjoining façades. Drawings and photomontages submitted show a new building which would be in keeping with and compliment the external finishes of adjoining Beacon Hospital and Beacon One Apartments' façades. The palette of materials selected was acceptable to DL-RCC. A condition should be attached to any grant of permission requiring the written agreement of the planning authority, to all external finishes, prior to commencement of development.

7.2.3. Apartment Design Standards

The 4 apartments meet with all of the standards set down in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' – issued by the Department of Housing, Local Government and Heritage in December 2022. For building refurbishment schemes such as this one, it is not necessary to comply with the standard for dual-aspect units. I note that 2 units face southwest and 2 face northeast. Some 62 of the 70 units within the Beacon One Apartment complex, are stated by the applicant, to face one direction only. The requirement for communal amenity space can be relaxed in refurbishment schemes such as this one. Bicycle-parking and car-parking facilities are provided at lower basement level. The Planner's Report notes that this area of the block was originally permitted for apartment use (Ref. D03A/0228), but that it was changed to hotel meeting rooms (Ref. D04A/1214). The presence of balconies within three of the four meeting rooms, would seem to bear out this observation. This has resulted in the planning authority not seeking public open space for these apartments, and this would appear to be reasonable. A new balcony is to be constructed for the fourth apartment (addressing Drummartin Link Road).

7.2.4. Landscaping

Original landscaping proposals within the courtyard area were omitted, by way of additional information submission, as the courtyard area was not in the control of the

applicant. The planning authority requested the applicant to provide landscaping details for the space between the building and Drummartin Link Road. This land is currently vacant – and bounded by a 2.4m high palisade fence (painted green). It is proposed for use as the site compound (with the consent of the owner – DL-RCC). There is a row of 8 semi-mature deciduous trees planted within this area – in front of the Beacon One Apartments complex. It is the understanding of the applicant that these lands are in the ownership of the local authority. The applicant would be happy to accept a condition requiring landscaping of this area (to match what has recently been carried out on the opposite side of Blackthorn Drive. Drg. 1869_PL_P_01 Revision B, submitted by way of additional information, has a note in relation to this piece of land, which reads – ‘Approximate area for potential additional landscape screening treatment (area within DLRCC control). To further detailed design stage and in accordance with potential future pre-commencement agreement with DLR Co. Co. Any future landscape treatment to mirror existing treatment to landscape area to north as completed by DLRCC (see images below)’. No condition relating to this matter was attached to the Notification of decision to grant permission. As the lands are outside of the red line boundary of the site, and are stated to be outside of the control of the applicant, it would not be possible to attach a condition to any grant of permission, requiring their landscaping. The applicant points out that it would be possible to agree landscaping details, within this area, as part of an agreement outside of the planning process. This would appear to be reasonable – particularly as the applicant may need the consent of the local authority to use these lands for site compound purposes; and restoration could be part of the agreement. In any event, landscaping of this area is not a necessary part of the hotel redevelopment, which in no way relies upon or should be contingent upon such landscaping.

Landscaping on the Blackthorn Drive frontage is limited to shrubs, as there is insufficient space for trees within the narrow margin between the building and the edge of the footpath. The existing ground- and first-floor of the hotel are partly set-back from the edge of the pavement – allowing for raised planter beds at present. This arrangement will be changed with the new hospital extension, with the ground level of the new building extending further towards the public footpath, than is currently the case.

7.2.5. Access to the Beacon One Apartments complex

Objectors complain that the new development will alter existing access arrangements to the apartment complex. At present, the principal access to the apartment complex is at the southeastern end of the block. This arrangement will not change. There is emergency egress for apartment occupants by way of a shared stair-core within the hotel. Whilst the hotel was operational, Beacon One Apartments complex residents also had access to the lifts at this stair-core. When the hotel was closed in 2020, this access to the lifts was closed-off; although access to the stair-core remains for fire escape purposes only from all upper levels of apartments. Drawings submitted with the application show the original and the existing arrangements. It would appear that the access to the stair-core and lift-core within the hotel has resulted in legal proceedings in the past – and that the current arrangement is the result of those proceedings. Whatever the standing of access arrangements at present, this is a matter between private property owners, and is not a relevant planning concern. If the applicant has illegally cut-off access to the lift-core then it may be that any permission granted by the Board would not be capable of being carried out or, would have to be amended. Hotel meeting rooms and apartments at first-floor level, currently share a corridor. The proposed development maintains the stair-core (as an emergency escape) for Beacon One Apartments complex residents and for the future occupants of the 4 proposed apartments. This stair-core currently debouches, at ground-floor level, to an open-ended passageway within the existing hotel. The proposed new arrangement will result in this passageway being incorporated into the new hospital extension entrance – with ultimate fire escape via this new entrance arrangement. I note that an egress stair-core, which would have been shared by hotel patrons and staff, will now be solely for the use of occupants of the Beacon One Apartments complex. The lift-core will continue to connect the hospital extension to basement levels. Appellants have, on the one hand, argued that sharing a fire escape egress point with occupants of the hospital would constitute a health hazard, whilst on the other hand arguing that access should be provided for occupants of the apartments to the new feature stair-core in the western corner of the redevelopment. I do not see that sharing an escape doorway with hospital patients represents any public health hazard –

particularly in the context of the wider Beacon Court hospital and clinics development, which is being attended on a regular basis by ill people.

7.2.6. Courtyard Area

The courtyard is stated to be open space serving all occupants/visitors to Beacon Court. There is pedestrian access from the courtyard to Beacon One Apartments, the Beacon Hotel (currently closed), the Beacon Hospital, and from the concourse/malls within Beacon Court. There is vehicular access from Blackthorn Drive for deliveries and servicing – with a 15-minute parking limit. There is a barrier-controlled vehicular access point beside the entrance to Beacon One Apartments – which would appear to be for service/emergency vehicles only. A small, covered smoking area has been erected opposite the entrance to Beacon One Apartments. There is currently a smoking area for the former hotel (support frame in place but without canopy) immediately outside the hotel restaurant. This area appears to be in use for hospital staff on breaks. The area remains screened-off from the remainder of the courtyard. There are two sets of double doors to the hotel foyer and a series of doors to the hotel restaurant from the courtyard area. These will be replaced with a new hospital entry, set within a new single-storey extension building with green roof. An existing external fire escape/service staircase which links the courtyard with the first floor of the hotel will be removed. Appellants have argued that the removal of this external staircase prejudices occupants of the apartments, who would have had access to it for fire escape purposes. This cannot have been the case – as the stair-core which is in use for fire escape purposes at present, is the closest means of escape for apartment occupants at the northwestern end of each corridor within Beacon One Apartments.

There are gates on the vehicular access from Blackthorn Drive – open on the dates of site inspection by this Inspector. There were cars, taxis and vans using this courtyard on the dates of site inspection by this Inspector.

It is the contention of appellants that the applicant is taking over communal area within the courtyard. This is a matter for resolution by the management company of Beacon Court. I would see no problem with the incorporation of this corner of the courtyard into a single-storey, new entrance to the hospital extension. The development will not impact in any significant way on occupants of ground-floor units

within the Beacon One Apartments complex, which address the courtyard. The new single-storey extension, in place of the smoking area, will have a green-roof. Two of the four proposed new apartments will look out directly onto this grass roof area. The proposed new single-storey extension will not block or obstruct access through the courtyard. The appellants have argued that smokers will congregate outside the new hospital entrance. This was not the case in relation to the two entrances to the Beacon Hospital on the dates of site inspection by this Inspector. I note the existence of a smoking shelter elsewhere within the courtyard.

7.2.7. Active Street Frontage

Only the Blackthorn Drive frontage of this site can be considered to be active street frontage. The hotel entrance is located on this frontage – raised by approximately 1m above the level of the adjoining footpath. The hotel being currently closed, the active frontage is obviously limited. The proposed development will see the removal of the street access to the hospital extension, in favour of a new ground floor access from the internal courtyard. However, I note that floor-to-ceiling, clear-glazing windows are proposed for 20m of the 35m length of the ground floor frontage at this location. A condition requiring that glazing at this location be clear, and not opaque, should be attached to any grant of permission. These windows will provide some degree of active street frontage and passive surveillance of the adjoining footpath, but only if the glazing remains clear. The building will present very limited active frontage to the Drummartin Link Road area for future landscaping – the two first floor apartments being the principal part, with some glazing in the new stair-core element, from the first floor upwards.

7.2.8. Height

The floor-to-ceiling heights within the demolished block will be equal to those of the adjoining hospital to the northeast – thereby enabling the buildings to be joined without the necessity of complicated and extensive ramps/lifts/stairs. The change in floor-to-ceiling heights will result in variance between Beacon One Apartment floor levels and the new hospital extension floor levels (with the exception of the ground and first floors) – where at present the hotel and the apartments have the same floor levels throughout. A total of eight floors of hotel development will be demolished and effectively replaced with seven floors of hospital use. An eighth floor of hospital

accommodation will be built on top – extending partly over the existing hospital and partly over the Beacon One Apartments complex. On the roof there will be two plant buildings (together with external plant). If the plant buildings are considered to be a separate floor – then the new hospital extension will be of nine storeys. This is the maximum height permitted by the Sandyford Urban Framework Plan (4-9 storeys). The appellants argue that the new building will be of 10 storeys – based on the appearance of it being two floors above the height of Beacon One Apartments (particularly unit 710). Whilst this is true, when viewing this small part of the overall building (and assuming that rooftop plant rooms constitute a separate storey), the majority of the site footprint is 9 storeys. I note that there is a ten-storey hospital/apartment block (Beacon Renal occupying the ground floor), further to the northeast on the same side of Blackthorn Drive. Further, this block has lift over-rides on the roof – which partly appear as an additional storey.

7.2.9. Sunlight & Daylight

The application was accompanied by a Sunlight & Daylight Access Analysis. Because of its location, most of the impact of the increased building height will fall on the junction of Drummartin Link Road/Blackthorn Drive and warehousing units within Blackthorn Close – on the other side of Blackthorn Drive (to the north of the site). The uses within these lands to the north cannot be considered to be sensitive, and the sunlight loss in autumn, winter and spring will not be significant. The proposed ground-floor extension within the courtyard will not have any impact on surrounding properties. The new stair-core on the Drummartin Link Road frontage will project forward of the building line by approximately 3m. This will have an impact on windows within the 6 units of the Beacon One Apartments complex immediately adjacent (amongst which is unit 710). The windows of these southwest-facing apartments are indicated by no.s 2, 4, 6, 8, 10 & 12 on Figure 2.2 of the Analysis document. The likely impact will be late evening time in late spring, summer and early autumn months. Table 2.1 indicates that for these windows there is a reduction from 37% to 32% in Annual Probable Sunlight Hours (APSH) – all of it accounted for during summer months (when the sun sets further to the northwest). There is no impact on winter sunshine hours. Window 12 (for apartment 710) will experience an APSH reduction from 42% to 37% due to its windows being located on a terrace, with no overhanging balcony above (as is the case with all units beneath it – where

windows are recessed behind balconies). Again, all of the reduction is confined to summer months. As the reduction is less than 20%, the BRE Guidelines in relation to sunlight does not consider this to be an adverse effect. There will be a loss in sunlight hours, but the loss is not considered to be significant. Sample windows of apartments facing into the courtyard include no.s 9, 10, 16, 17, 23, 24, 25 & 26 on Figure 2.3. These are the windows closest to the internal angle of the hotel (just above the proposed new single-storey entrance extension). The addition of a further storey (5m to parapet level) on top of the existing hotel will not have an impact on these units in terms of sunlight – due to their orientation east-northeast. Roof plant has been set back 3m from the edge of the roof and behind the parapet, so as to lessen its visual appearance and impact in terms of overshadowing. It will extend to a height just 1.5m above the height of the parapet at this location.

In terms of daylight access, the same window numbers apply as in the case of the sunlight analysis. Vertical Sky Component (VSC) is the measurement used – “Ratio of that part of illuminance, at a point on a given vertical plane, that is received directly from a CIE standard overcast sky, to illuminance on a horizontal plane due to an unobstructed hemisphere of this sky. Usually the ‘given vertical plane’ is outside of a window wall. The VSC does not include reflected light, either from ground or from other buildings”. Diffuse daylighting of an existing building may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. For windows 2, 4, 6, 8, 10 & 12, all are already below 27%, but only in the case of window 12 (apartment 710), is the post-development position less than 0.8 times its former value at 0.78. I would consider that this reduction in VSC is so marginally outside values at which a reduction would be noticed, that it can be discounted. For Beacon One Apartments windows addressing the courtyard, only windows within upper floors will experience a very slight reduction in VSC – arising from the additional storey constructed on the roof. However none of the Beacon One Apartments windows addressing the courtyard will experience a VSC change resulting in it being less than 0.8 times its former value (Table 3.1).

Sunlight and daylight access to the four new apartments will not differ greatly to existing adjoining apartments. The bedsit unit will have the poorest lighting levels – arising from its proximity to the perpendicular façade of the existing hotel building.

Its levels of daylight and sunlight will not differ greatly to the apartment immediately above it. It will, however, benefit from a new outlook onto the green roof of the new single-storey entrance to the hospital extension, as will the adjoining apartment facing into the courtyard. The Average Daylight Factor (ADF) suggests 5% for a well-lit space. The bedsit apartment measures in a 4.41%, with all other apartments exceeding the 5% recommendation. A 2% minimum recommendation is made for living areas; and all 4 apartments exceed this.

7.2.10. Impact on Apartment 710

This apartment is located on the top floor of the Beacon One Apartments complex – immediately adjacent to Room 701 within the hotel. All units at this level share a conjoined terrace – with privacy ensured by a 2.2m high screen between the different units. These screens limit visibility to left and right from inside the apartments/hotel room, and to a lesser extent from the balconies themselves. Only on this floor does the hotel room, facing Drummartin Link Road, have a balcony: all others below it have bedroom windows flush with the façade. Balconies for Beacon One Apartments, below 7th floor level, are recessed within the block. There is a set-back roof-top plantroom extending over approximately half of the floor area of apartment 710. This will be replaced with an additional hospital floor, with plantroom above this again. There will be no view from windows of the eighth floor of the hospital extension down into the balcony area of apartment 710. The apartment faces southwest only, so the additional hospital floor and plantroom will not have any impact on sunshine or daylight on this terrace. The proposed stair-core will project forward of the existing building line on Drummartin Link Road by approximately 3m or 4m from the set-back 7th floor level of apartments. The projection has been pulled back approximately 0.5m from the current hotel/apartment boundary. The new stair-core, being located north-northwest of apartment 710, will have marginal impact on daylight and sunlight levels to the apartment. The screens on either side of the balcony of this apartment already restrict views on either side. The resulting change to views to the north-northwest from the balcony of the apartment will be minimal. I note that there are no rights to views within the Development Plan, at this location. The roof slab above apartment 710 will not be removed. The developer must maintain the habitability of all adjoining Beacon One Apartments during the demolition and construction phases; unless some alternative arrangement is arrived

at with all the concerned parties. The issue of noise and vibration during the demolition and construction phase, is dealt with elsewhere in this Inspector's Report.

7.3. Access & Parking

7.3.1. Roads Objectives

Within the County Development Plan, the Drummartin Link Road (Regional Road R133) is indicated as a Strategic Road Reservation – the line of which abuts the site – The Dublin Eastern Bypass Route Reservation (NRA Corridor Protection Study January 2011). The junction of Drummartin Link Road and Blackthorn Drive is indicated as having 'Long Term Road Objectives/Traffic Management/Active Travel Upgrades – to provide a grade-separated junction. The proposed development will not have any impact on the achievement of these long-term roads' objectives.

7.3.2. Access

The Traffic & Transportation Assessment submitted by way of additional information, indicates that the development will result in a 1.7% increase in morning peak and 2.2% increase in evening peak traffic at the Blackthorn Road/Blackthorn Drive junction and Blackthorn Drive/Drummartin Link Road junction. Peak hours at the junction of Blackthorn Drive/Blackthorn Road were calculated to be between 08.00-09.00, 12.45-13.45 and 16.00-17.00. Peak hours at the junction of Blackthorn Drive/Drummartin Link Road were calculated to be between 07.45-08.45, and 15.45-16.45. A number of hospital shift hours (start/finish), coincide with peak hours. Notwithstanding this, the predicted increase in traffic volumes at the junctions are considered to be negligible. The increase in traffic volumes is below the threshold set by Transport Infrastructure Ireland which would require a Traffic & Transport Assessment – the relevant standard being where traffic to and from the development exceeds 5% of the traffic flow on the adjoining road, where congestion exists.

There will be no change to access arrangements to the courtyard (although there will be temporary restriction during the demolition and construction phases). This area is managed by Beacon Court Management. There is on-site security and camera monitoring of this space – to ensure compliance with the 15-minute delivery/collection parking regime. The courtyard is currently used by taxis for set-down. Taxis can also use the main basement car-parking and hospital vehicular

entrance without charge. All patients attending the Beacon Hospital will be directed to the basement car-parking, off Blackthorn Road. Existing ambulance bays within the upper basement (off Blackthorn Road), will remain in operation once the new Emergency Department is built. The existing ambulance bays are stated to serve all of the hospital transfers – including the new extension. There was one ambulance using the ambulance bays on the second date of site inspection by this Inspector. Beacon Hospital Emergency Department visits are stated to be by appointment only: and are not the same as a public hospital. The level of ambulance traffic to the main ambulance bays will be 5-8 inwards and 8-12 outwards in any week. The new 9-bay emergency department will replace the existing 6-bay emergency department within the existing hospital.

The successful contractor will have to undertake a traffic management plan for the duration of the works – to be agreed with the planning authority. This will have to include proposed work travel arrangements for site workers. The additional traffic volumes can be managed, and will be of limited duration. This matter was addressed in Conditions 4 & 5 of the Notification of decision to grant permission. The issue of demolition and construction traffic is addressed elsewhere within this Inspector's Report.

7.3.3. Parking

There is a double-basement beneath the hotel part of this block – which provides car-parking for uses within Beacon Court. The principal vehicular access to the basement is from Blackthorn Road; with a secondary access, to the upper basement level only, from Bracken Road to the southeast. There are a number of stair- and lift-cores linking the basement levels with upper levels within the block. The Beacon Hotel is stated to have the use of 54 spaces at lower basement level (currently marked as hospital parking spaces). Of these spaces, 4 will be allocated to apartment occupants (one for each); 3 will be taken up for new bicycle parking (total 25 bicycles); and 1 will be taken for new motorcycle parking (3 motorcycles). The remainder of spaces will be used for staff and visitor parking. Some 5 spaces will be provided with electric-charging points for vehicles. Drying rooms, for staff cycling to work, will be provided at lower and upper basement levels. Staff changing facilities are provided at first-floor level. These arrangements were acceptable to the Transportation Planning section of DL-RCC. I would see no difficulty with the

alterations proposed – as they will favour cycling over driving, and will provide for charging for EVs.

7.3.4. Mobility Management

The additional information submission included a Mobility Management Plan – aimed at reducing car-dependency and promoting more sustainable transport initiatives – particularly amongst workers. The estimated staff complement is 200 – with 141 on-site on any given day (the hospital operating 7 days a week and parts of it 24-hours a day). There are different shift patterns for clinical and non-clinical staff. The hotel would have had 60-65 staff. A tenant-specific Workplace Travel Plan will be submitted to the planning authority, once the facility is up and running – and workers travel patterns and needs are known (following survey). A mobility-management co-ordinator will be appointed. This document outlines the array of public transport available at this location. The site is within 0.8km walking distance of Kilmacud Luas stop. In addition, Blackhorn Road and Blackthorn Drive are served by a number of Dublin Bus routes – the most regular of which is Route 11; Route 114 on an hourly basis; Route 75A at peak hours only; Route 116 once a day. There is a frequent Aircoach service to Dublin Airport from nearby Sandyford Luas stop. There are bicycle lanes on both Drummartin Link Road and Blackthorn Drive. The public footpath network in the area is extensive. The Dublin City & Suburbs current modal split for travel to work is almost 50% by private car or motor-bicycle. Section 4 contains an action plan to reduce this fraction. Included will be car-sharing amongst staff, prioritising pedestrian and cycling facilities, encouraging use of public transport and development of a mobility-management plan – to be regularly updated. The measures put forward were acceptable to the planning authority, and were reflected in conditions 2 & 3 of the Notification of decision to grant permission. I would agree with the conclusions of the planning authority in relation to the acceptability of the measures contained in the Mobility Management Plan.

7.4. Water Supply, Drainage & Flooding

7.4.1. Water Supply

The hotel supply is currently from an existing 6” diameter pipe through the Beacon Court development from Bracken Road. There is no proposal to change this

arrangement. Water supply to the hospital is from an existing 150mm diameter public watermain on Blackthorn Drive. Section 4.3 of the Engineering Planning Report (submitted with the original application) indicates modelled average demand usage for the hospital extension/apartments of 0.665 litres/second; and from the hotel of 0.688 litres/second; a marginal decrease in demand. There is no response on file from Uisce Éireann. It is stated that a Pre-Connection Enquiry was made by the applicant.

7.4.2. Foul Drainage

The hotel on site currently drains via a 225mm diameter, ductile iron, dedicated sewer at basement level, to connect to the public mains in Blackthorn Road at the entrance to the basement car-park to Beacon Court. There is no alteration proposed to this arrangement. Section 3.3 of the Engineering Planning Report (submitted with the original application) indicates loading from hotel use and hospital extension/apartments use – where daily flows are almost equal at 0.532 litres/second for the hospital/apartment development and 0.550 litres/second for hotel use; a marginal decrease in discharge. There is no response on file from Uisce Éireann. It is stated that a Pre-Connection Enquiry was made by the applicant. I would be satisfied that the proposed change-of-use will not be prejudicial to public health.

7.4.3. Surface Water

Green roofs are proposed as part of the SuDS measures for this site – where none presently exist for the hotel use. The total area extends to 1,048sq.m – stated to be 60% of the total roof area – just matching the planning authority requirements for new green roofs. Steel access ladders will be provided for the two rooftop plant buildings. Ultimate discharge is to a 1,350mm diameter public surface water sewer which runs along the Drummartin Link Road frontage of the building. There is a separate 300mm diameter surface water sewer on the opposite side of Blackthorn Drive. Original documentation referred to a surface water attenuation tank – reference to which was removed by way of additional information submission. The footprint of the building will be only marginally increased with the new stair-core on the Drummartin Link Road frontage. The Municipal Services Department – Drainage Division of DL-RCC, had no objection to the arrangements proposed; and I would

concur with that assessment. The introduction of green roofs to 60% of roof area which does not currently have any storage capacity, will result in a reduction in the volume of surface water being discharged to the public surface water sewer network – particularly in times of heavy rainfall and potential flooding. Section 2.3 of the Consulting Engineer's response to the additional information request estimates that the reduction in discharge will be 19% for a 5-year critical storm event (allowing for 20% climate change increase) and 39% for a 100-year critical storm event (allowing for 20% climate change increase). This will represent a net gain in public health terms.

7.4.4. Flooding

A Site-Specific Flood Risk Assessment was included in the original application documentation – supplemented by a slightly modified version by way of additional information submission of 15th December 2021. CFRAMS mapping for the area indicates that the site, and much of Beacon South Quarter is shown as being partially located in fluvial Flood Zone B (1 in 1,000-year flood zone). This flooding results from surcharging at a node identified as MH6 which is on the culverted Carysfort-Maretimo Stream – some 300m to the south (and uphill) of the appeal site. This surcharging is caused by a restriction in the capacity of the culvert to 900mm diameter immediately downstream of MH6. Flood depths are shown as 0.5m-1.0m within the lower basement and up to 0.25m along adjoining roads. The footprint of the building is marginally increased in a new stair-core at the road junction. An hydraulic model, developed for this area, as part of the Site-Specific Flood Risk Assessment carried out by the applicant, differs from the CFRAMS maps, in that it assumes that flood storage is no longer available in parts of Sandyford which are to be developed. Existing surface water drains in the area are assumed to have no capacity during flood events. The model indicated that flood routes across the site were not likely, with flows restricted to the roads – Drummartin Link Road and Blackthorn Drive. Velocities were estimated at 0.6 metres per second. The report concluded that the site itself was not likely to be subject to fluvial flooding in the 1 in 100-year, or the 1 in 1,000-year scenario. The footpath levels on Drummartin Link Road and Blackthorn Drive will provide sufficient flood defence against ingress of flood waters to the basement levels beneath the building. Finished floor level for the ground-floor or basement levels will not change by way of this development.

Shallow flooding and low-velocity flow rates will not prevent access by emergency vehicles. The site does not require a Justification Test. It is understood that the local authority has plans to upgrade the Carysfort-Maretimo Stream culvert to resolve the capacity issues. The Municipal Services Department – Drainage Division of DL-RCC, had no objection to the conclusions reached. The proposed development will not result in any exacerbation of flooding in the wider area or result in flooding of the proposed development itself.

7.5. Other Issues

7.5.1. Condition 1 of Notification of Decision to Grant Planning Permission

Condition 1 of the Notification of decision to grant planning permission, refers to additional information submission received by the planning authority on 23rd December 2021. This is clearly an error; and should read 15th December 2021. This error should be corrected in any grant of permission issued by the Board.

7.5.2. Part V Social & Affordable Housing

The proposed development makes provision for 4 new apartments. The application was accompanied by a Part V Exemption Certificate application. There is an Exemption Certificate on the file from DL-RCC (dated 10th September 2021). Notwithstanding this, condition 9 of the Notification of decision to grant permission, required compliance with Part V – unless the applicant had applied for, and been granted, an Exemption Certificate under section 97 of the Act. In the interest of certainty, the Board should attach a similarly-worded condition to any grant of permission.

7.5.3. Public Notices

Appellants have argued that the Beacon One Apartments complex should not have been mentioned in public notices. The planning authority was satisfied with the wording of the original public notices. Revised public notices were included in the additional information submission, which also referred to the Beacon One Apartments complex. This is entirely reasonable. The purpose of the public notices is to alert those in the area to the making of a planning application. The public notices do not establish any legal boundaries or ownership/rights to any part of a site. The proposed development has implications for a shared corridor at first-floor

level, where change-of-use has been sought, for hotel meeting rooms to be converted to 4 apartments – whether or not the apartments are ultimately to form part of the Beacon One Apartments complex. The demolition of the hotel will have impacts on shared walls between the apartments and the hotel. The proposed development will involve the construction of new hospital floor space directly above some seventh-floor units within the Beacon One Apartments complex – particularly above unit 710. It is, therefore, entirely appropriate to include the Beacon One Apartments complex in the description of the development.

7.5.4. Signage

New signage of 20sq.m is proposed on each of the two road elevations – just below roof parapet level. These signs will not be readily visible from ground level – but will be visible on approach roads to the site. They are to be illuminated. The Beacon Hotel already has high-level signage on both façades. This is the case for the Beacon Hospital also – addressing Blackthorn Drive. DL-RCC had no objection to this signage – and it is not specifically mentioned in any of the conditions attached to the Notification of decision to grant planning permission. I would see no difficulty with the arrangement proposed. The signage will assist as a way-marker for those navigating the area on foot, by bicycle, by car or on public transport.

7.5.5. Construction Phase Considerations

The site compound will be located on disused land beside Drummartin Link Road (with the permission of DL-RCC). Access to this compound will be from the Drummartin Link Road on a left-in/left-out basis only. Peak construction will see approximately 150 personnel on the site. Working hours are stated to be 07.00-19.00 Monday to Friday and 08.00-16.30 hours on Saturdays. HGV movements will be scheduled for outside of peak hours. Condition 10 of the Notification of decision to grant planning permission imposed slightly more restrictive hours – a starting time of 08.00 hours and a Saturday finishing time of 14.00 hours. The Board imposes standard working hours conditions of 07.00-19.00 Monday to Friday and 08.00-14.00 on Saturdays. I recommend the attaching of the Board's construction hours condition.

The additional information submission to the planning authority contained a Construction Environmental Management Plan (CEMP). The construction period is

estimated to last 18 months. A hoarding will have to be erected along Blackthorn Drive – with access and egress for small delivery vehicles. The erection of this hoarding will require the temporary removal of the bicycle lane on Blackthorn Drive. A sliding gate within this hoarding will provide vehicular access to the courtyard area – part of which is to be surrounded with a hoarding for building purposes. This will necessitate closing off this access to the public. As referenced elsewhere in this Inspector's Report, this vehicular access is gated (although open on the dates of site inspection). It is a matter for the management company of Beacon Court as to who has access from Blackthorn Drive. A tower crane with 50m jib will be located within the courtyard. Parking for workers will be provided within the site compound on Drummartin Link Road. Offices and staff facilities will be located within the site compound.

Section 9.3.2 of the CEMP outlines the method of demolition. The hotel is to be demolished from the top floor down. The hotel is built using pre-cast concrete floor slabs supported on mass concrete or reinforced concrete load-bearing walls or reinforced concrete beams supported on columns and/or walls. The top storey is a steel-framed structure. The façade consists of pre-cast concrete cladding or glazing. The hotel and Beacon One Apartments are separated by reinforced concrete, load-bearing walls (215mm diameter): which walls will be retained. The existing concrete floor slabs (adjacent to Beacon One Apartments) will be propped to podium level prior to demolition, and the entire structure temporarily braced to resist lateral wind loads. The slabs will then be saw-cut adjacent to the load-bearing walls of the apartments (starting from the top floor down), prior to commencement of demolition – in order to isolate Beacon One Apartments from the hotel structure. This will help to reduce structure-borne vibration and noise for residents of the Beacon One Apartments complex.

A new lift core will be constructed from lower basement level to roof level. Drawings and plans submitted are somewhat at variance on the issue of this new lift core – some indicating connection to upper basement level only, and others showing to lower basement level. Drawings show lift over-rides only to roof level. Whichever the arrangement, it will not impact in any way on anybody, other than hospital users.

A new steel frame superstructure will be erected from ground floor concrete slab up to roof level. This will be followed by installation of composite metal deck floors

followed by placing of *in situ* concrete fill on a floor-by-floor basis, from low-level to high-level. The façade will be installed from the scaffolding outside the building.

7.5.6. Dust Minimisation

Demolition is likely to result in dust nuisance. Mitigation measures will include-

- Wheel wash for trucks within the site compound.
- Cleaning of adjoining roads, if necessary.
- Water-misting/spraying of stockpiles during dry periods.

No mention is made of dust nuisance arising from concrete-cutting within the building. But, as the concrete cutting adjacent to Beacon One Apartments is to be carried out inside the hotel building, it is likely that the structure itself will serve to contain dust. Scaffolding around the building will be sheathed to prevent fugitive dust emissions. Condition 14 of the Notification of decision to grant planning permission requires dust monitoring at site boundaries – using either soluble or insoluble dust deposition thresholds. The Board's standard condition in relation to submission of a Construction Management Plan, for the written agreement of the planning authority, prior to commencement of development, should be attached to any grant of permission, in order to minimise the nuisance caused to neighbours by the escape of fugitive dust.

7.5.7. Noise & Vibration

The application was accompanied by a Noise & Vibration Management Plan. Noise levels across the site are dominated by road traffic – particularly on Drummartin Link Road. Noise levels vary from 53-67 dB_{Lday}. The site is a sensitive one, because it immediately abuts wards in the Beacon Hospital and units within the Beacon One Apartments complex. The hospital wards and the hotel are understood to have independent wall structures separating them (floor slabs are not connected), which would lessen the noise and vibration impacts of the development. Demolition will result in the most significant noise and vibration levels. Both the adjoining hospital and apartments will continue to operate during the demolition and construction phase. Transport Infrastructure Ireland recommends maximum allowable levels of vibration – measured as peak particle velocity (PPV) at sensitive properties, of 8mm/second at frequency less than 10Hz; 12.5mm/second at 10-15Hz; and

20mm/second at greater than 50Hz. The ground floor slab is to be retained, which will not allow for isolation of the development from this level of apartments in relation to noise and vibration. Floor slabs and structural walls are to be cut at upper levels, which will help to reduce the transfer of vibration and noise. No piling will be required for this development.

Mitigation measures for both noise and vibration will include the following-

- Best Available Techniques (BAT) will be utilised in this development.
- 2.4m hoarding surrounding the site.
- Use of mobile acoustic screens.
- Optimum siting of plant.
- Limitations on hours of working.
- Cutting of floor slabs and structural walls adjacent to Beacon One Apartments, prior to demolition.
- Noise monitoring during demolition and construction – one unattended noise monitor within the courtyard, and one noise meter on either the northern or western hoarding. Attended noise monitoring recommended in advance of any significant activity.
- Vibration meters within adjoining properties (with agreement of owners).
- Exceedance levels set and records of breaches kept. Complaints from adjoining properties to trigger immediate review of noise and/or vibration.
- Monthly noise audits to be conducted.
- Appointment of a liaison officer to deal with complaints.

Condition 12 of the Notification of decision to grant permission required that noise/vibration monitoring reports be submitted to the Environmental Health Office of DL-RCC, on request. Condition 13 required noise mitigation measures to be implemented as per the Noise & Vibration Management Plan submitted with the application. Condition 17 required continuous monitoring stations for noise, vibration and dust for the duration of the demolition/construction period. Compliance with BS 5228, for noise monitoring at weekly intervals, was required. The Board's standard

condition in relation to submission of a Construction Management Plan, for the written agreement of the planning authority, prior to commencement of development, should be attached to any grant of permission, in order to minimise the nuisance caused to neighbours by noise and vibration.

Condition 19 of the Notification of decision to grant permission requires the applicant to produce an operational noise plan. This would seem to be unduly onerous; regard being had to the change-of-use from hotel to hospital. The uses are similar in nature and the new use is not likely to result in significantly increased noise levels – particularly as the new building will be permanently occupied by staff and patients, who would be just as susceptible to noise as occupants of adjoining apartments. Plant is located either at roof level (within plant rooms or behind screens) or within the basement levels. These locations will serve to lessen the potential for nuisance.

Condition 22 of the Notification of decision to grant permission relates to appointment of a liaison officer, to deal with complaints during the demolition & construction phase. Having regard to the extent of the demolition required and to the length of the demolition & construction phase (18 months), this would seem to be reasonable. Appellants have argued that a condition should be attached to any permission requiring the applicant and the management company to agree to an independent technical supervisor during the demolition and construction phases – at the expense of the applicant; considering that the standard liaison officer approach would not work in this instance. I would consider that such a condition could lead to an effective veto on development, and would not be an appropriate means of ensuring that residents of Beacon One Apartments are not subject to undue levels of nuisance during the demolition and construction phase. The appointment of a liaison officer should form part of any Construction Management Plan submitted to the planning authority by way of condition attached to any permission to issue from the Board.

7.5.8. Construction & Demolition Waste

The application was accompanied by an Outline Construction & Demolition Waste Management Plan – modified by way of additional information submission. A detailed Construction & Demolition Waste Management Plan will be produced once a contractor is appointed. Input to the Outline plan was provided by the firm of

engineers which had been involved in the construction of the original hotel building on this site. The ground floor transfer slab is to be retained – as are the two levels of basement beneath the hotel building (with minor interventions). Wastewater will be pumped to settlement tanks – with final discharge to the public surface-water system. Different wastes will be disposed of within skips – wood, metal, brick/rubble, canteen waste, plasterboard, paper & cardboard, general waste, hazardous waste. Estimated arisings for demolition/construction phase (Section 2.9 of the Report) are-

- Concrete – 5,000 tonnes.
- Metal – 350 tonnes.
- Soil/stones – 350 tonnes.
- Residual waste – 50 tonnes.
- Wood – 20 tonnes.
- Mixed waste – 20 tonnes.
- Bricks/gypsum – 10 tonnes.
- Plastic – 2 tonnes.
- Paper/cardboard – 2 tonnes.

The estimated total arisings are stated to be 474 tonnes – clearly an error; which should read 5,804 tonnes. The figure for soil/stones appears to be unduly high – but it may take account of clearance for the site compound. Approximately 50% of concrete waste can be recycled. Residues and mixed-waste will be partly recycled. All other waste streams can be fully recycled. Specialist waste contractors, with the necessary authorisations, will collect and dispose of the waste generated.

Double-skinned fuel tanks on site will provide fuel for items of plant – each provided with sandpits and emergency spill kits.

7.5.9. Operational Waste

The application was accompanied by an Operational Waste Management Plan (part of the additional information submission). The hospital extension is to be connected to the existing hospital from second floor upwards – above the vehicular entrance to the courtyard from Blackthorn Drive. The hospital has a waste management system

in place – connected to a dedicated delivery and waste management area for the Beacon Court Complex – at a level below the lower basement level – where compactors and storage bins are located. Waste from the extension will be incorporated into the existing hospital waste management system. Systems are in place for handling, storage, collection and disposal of clinical and hazardous waste arisings. Waste from the 4 apartments will be collected separately, within the Beacon One Apartments complex facilities at upper basement level; with the agreement of the management company of the complex. Condition 16 of the Notification of decision to grant permission required submission of a detailed Waste Management Plan for agreement of the planning authority; whilst condition 20 relates to a Clinical Waste Management Plan. Having regard to the fact that the hospital extension will utilise the basement waste facilities of the existing hospital, I would consider that such conditions are unnecessary.

7.5.10. Development Contributions

Conditions 23-25 of the Notification of decision to grant permission, required payment of development contributions for surface-water, roads and community & parks infrastructure. In addition, conditions 26 & 27 required payment of additional development contributions for roads and community & parks infrastructure within the Sandyford Urban Framework Plan area. These latter two contributions would seem to be in the nature of Special Development Contributions – although not specifically stating this. The developer has not appealed the application of any of these development contribution conditions. A condition requiring payment of a development contribution(s) should be attached to any grant of permission to issue from the Board. The Planner's Report, of 20th January 2022, makes reference to liability for a Supplementary Development Contribution for Luas Line B1. Notwithstanding this, no such condition seems to have been attached to the Notification of decision to grant permission. The Board may wish to consider whether such a condition should be attached – something which would be a new issue in the appeal – having been mentioned by neither appellants nor the applicant.

7.5.11. Matters Outside of Planning Remit

Appellants have raised issues connected to covenants and lease agreements, pertaining to internal circulation, right-of-way and fire safety. The applicant claims

that apartments will be accessed via the Beacon One Apartments complex, and will have use of facilities within the complex. The management company for Beacon One Apartments states that no agreement has been reached with the developer. These matters are outside of the planning remit. Similarly, it has been claimed that the applicant does not have sufficient legal interest in all of the site to make the planning application. The applicant has asserted that it does have sufficient legal interest in the site, and submitted a solicitor's letter to this effect, by way of additional information. This letter acknowledges that there are outstanding mapping issues relating to lease maps within the entire Beacon Court Estate – and work is ongoing to sort out these difficulties. This may be a matter for resolution between private property owners. Section 34(13) of the Planning and Development Act, 2000 (as amended), states that a person shall not be entitled solely by reason of a permission under this section to carry out any development. DL-RCC was satisfied that the applicant had sufficient legal interest to make the application.

7.5.12. Apartment Management

It is stated that the four apartments will become part of the Beacon One Apartments complex for management purposes. Appellants argue that there has been no agreement reached with the Management Company. Additional information was sought on this issue. The applicant states that the management company will be approached to add the apartments to the complex – particularly where there were originally apartments proposed in this area (later changed to hotel meeting rooms). The construction of the apartments will result in this first-floor corridor no longer being shared with hotel patrons. The applicant states that the removal of the external hotel bar terrace and smoking area will further enhance the amenity of apartment dwellers, although appellants contend that it will make no difference. In the event that the management company refuses to accept management of the 4 apartments, it may be that the units will not be capable of occupation. This is a matter for the developer to sort out – if necessary, by way of a further planning application to deal with this part of the development.

7.5.13. Bats & Breeding Birds

No structures/features, considered to have the potential to support roosting bats, were identified in site surveys. However, if bats are encountered during demolition

works; works will be suspended, and the National Parks & Wildlife Service contacted and consulted. A suitably-qualified ecologist will be engaged for the purposes of determining the presence of breeding birds prior to site clearance. Where possible, demolition works will be carried out outside the breeding season – February to September. These are reasonable precautions where demolition of an established building is contemplated.

7.5.14. Shared Services

A component of the additional information submission to DL-RCC comprised a letter from Consulting Engineers relating to electrical services – stating that the hotel and the apartments did not share a service. Both are, however, connected to the electricity sub-station at ground level – which is to be retained. Appellants have expressed concern in relation to other shared services such as gas and broadband. The applicant has stated that the hotel and apartments are on different service networks. It will be the responsibility of the developer to ensure supply of services to adjoining uses, both during and after construction.

7.5.15. Devaluation of Beacon One Apartments Complex

The first 3rd party appellant has claimed that the development would devalue apartments within the Beacon One Apartments complex. No evidence has been supplied to support this contention. There will be some disruption caused to residents during the demolition and construction phases. This does not amount to a devaluation of property *per se*. The Beacon Court complex contains a substantial hospital and clinical element already. There is no reason why an extension to the hospital should result in devaluation of property in the vicinity.

7.5.16. Odour Nuisance

The report of the Environment Section – Planning (dated 24th September 2021, briefly referred to odour issues. There is a first-floor café within the proposed hospital extension, and it would be appropriate to attach a condition to any grant of permission to ensure that extract air from cooking areas be vented to air-handling units at either basement or roof level.

8.0 Recommendation

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

9.0 Reasons and Considerations

Having regard to the zoning of the site and height guidelines contained in the current development plan and the urban framework plan for the area; the specific local objective to develop this area for medical/hospital campus; the necessity to demolish the hotel to achieve the necessary floor-to-ceiling heights for the hospital extension; the limited extended floor area; the pattern of development in the vicinity; public transport connections within the area; and availability of a cycle network in the area: it is considered that, subject to compliance with the attached Conditions, the proposed development would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th day of December 2021, except as may otherwise be required, in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of the visual amenities of the area.

3. All of the floor-to-ceiling glazing within the ground-floor waiting/seating area (addressing Blackthorn Drive) shall be in permanent clear glazing only.

Reason: To ensure the development contributes to active street frontage at this location, in the interest of visual amenity and safety.

4. All air-handling for any cooking areas within the first-floor café unit, shall be ducted within the building, to either basement or roof-level extractors.

Reason: To ensure that fumes from food preparation/cooking do not cause nuisance to residents of adjoining apartments.

5. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

6. Any alterations to the public road shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the applicant's expense.

Reason: In the interests of clarity, public safety and amenity.

7. Prior to the occupation of the development, a Mobility Management Plan/ Residential Travel Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The plan shall be prepared and implemented by the management company for all uses within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists.

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

Reason: In the interest of public health.

9. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This plan shall provide details of intended demolition and

construction practice for the development, including noise/dust/vibration management measures.

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

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

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

12. No additional development, including lift-motor enclosures, air-handling equipment, storage tanks, ducts, solar arrays or other external plant, telecommunication aerials, antennae or equipment, shall take place outside of the identified roof plant areas on Drawing No. 1945-2209 Revision *, received with the application on 20th August 2021, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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

locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the provision and satisfactory completion of footpaths and drains, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory completion or maintenance of any works on Drummartin Link Road or Blackthorn Drive. The form and

the amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of works on the public road network, in the interest of traffic and pedestrian safety.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

**Michael Dillon,
Planning Inspectorate**

22nd May 2023.